

Act on Electronic Signatures and Certification Business

(Act No. 102 of May 31, 2000)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the distribution of information by electronic or magnetic forms and information processing through ensuring the smooth utilization of electronic signatures, and thereby to contribute to the improvement of the citizens' quality of life and the sound development of the national economy, by providing the presumption of authentic establishment of electronic or magnetic records, the accreditation system for designated certification businesses and other necessary matters, with respect to electronic signatures.

(Definitions)

Article 2 (1) The term "electronic signature" as used in this Act means a measure taken with respect to information that can be recorded in an electronic or magnetic record (a record that is prepared by an electronic form, a magnetic form or any other form not perceivable by human senses and that is used for information processing by computers; hereinafter the same applies in this Act), and which falls under both of the following requirements:

- (i) a measure to indicate that the relevant information was created by the person who has taken that measure; and
- (ii) a measure to confirm whether the relevant information has been altered.

(2) The term "certification business" as used in this Act means a service that, in response to either the request of any person who uses the business (hereinafter referred to as the "user") with respect to the electronic signature that the persons themselves performs or the request of another person, certifies that an item used to confirm that the relevant user performed the electronic signature pertains to the relevant user.

(3) The term "specified certification business" as used in this Act means a certification business that, among electronic signatures, is performed with respect to an electronic signature that conforms to the criteria prescribed by order of the competent ministry as an electronic signature that can be performed by that person in response to the method thereof.

Chapter II Presumption of Authentic Establishment of Electronic or

Magnetic Record

Article 3 Any electronic or magnetic record that is made in order to express information (except for that prepared by a public employee in the course of duties) is presumed to be established authentically if the electronic signature (limited to that which can be performed by the principal through appropriate management of codes and objects necessary to perform this) is performed by the principal with respect to information recorded in the relevant electronic or magnetic record.

Chapter III Accreditation, etc. of Specified Certification Business

Section 1 Accreditation of Specified Certification Business

(Accreditation)

- Article 4 (1) Any person who intends to perform the specified certification business may obtain accreditation from competent minister.
- (2) Any person who seeks the accreditation set forth in the preceding paragraph must submit to the competent minister an application stipulating the matters listed below and other documents as provided by order of the competent ministry, pursuant to the provisions of order of the competent ministry:
- (i) the name or corporate names, and the address, and if a juridical person, the name of its representative;
 - (ii) the overview of facilities provided for use of the business pertaining to the application; and
 - (iii) the method of implementing the business pertaining to the application.
- (3) The competent minister must, when the minister grants the accreditation set forth in paragraph 1, publicly notify the fact.

(Disqualification Provisions)

- Article 5 Any person who falls under any of the following items may not obtain the accreditation set forth in paragraph 1 of the preceding Article:
- (i) a person who has been sentenced to imprisonment without work or a more severe penalty (including an equivalent penalty pursuant to foreign law), or who has been punished by a penalty pursuant to this Act, and for whom less than two (2) years have passed since the day when either the execution of penalty finished or the penalty came to be no longer executed;
 - (ii) a person whose accreditation has been rescinded pursuant to the provisions of paragraph 1 of Article 14 or paragraph 1 of Article 16, and for whom less than two years have passed since the day of rescission ; or
 - (iii) a juridical person whose executive director or officer falls under either of the preceding two items.

(Criteria for Accreditation)

Article 6 (1) The competent minister must, only when the minister finds that an application for the accreditation conforms to all of the following items, grant the accreditation set forth in paragraph 1 of Article 4:

- (i) the facilities provided for use of the business pertaining to the application conform to the criteria, as provided by order of the competent ministry;
- (ii) the confirmation of identity of the user in the business pertaining to the application is implemented by a method, as provided by order of the competent ministry; and
- (iii) beyond what is set forth in the preceding item, business pertaining to the application is performed by a method that conforms to the criteria, as provided by order of the competent ministry.

(2) In performing an examination for the accreditation set forth in paragraph 1 of Article 4, the competent minister is to perform an on-site investigation of the business system pertaining to the application, pursuant to the provisions of order of the competent ministry.

(Renewal of Accreditation)

Article 7 (1) Unless the accreditation set forth in paragraph 1 of Article 4 is renewed for each period of less than one (1) year provided by Cabinet Order, the accreditation ceases to be effective upon the passing of the period.

(2) The provisions of paragraph 2 of Article 4 and the preceding two Articles apply mutatis mutandis to the renewal of accreditation set forth in the preceding paragraph.

(Succession)

Article 8 If any person who has obtained the accreditation set forth in paragraph 1 of Article 4 (hereinafter referred to as the "accredited certification business operator") transfers the whole of the business pertaining to the accreditation, or a succession, merger or division (limited to what under which the whole of the business pertaining to the accreditation is succeeded) occurs with respect to the accredited certification business operator, any person who has accepted the whole of the business, or an heir (or a person in cases where there are two or more heirs, if an heir to succeed to the business is selected with the consent of all of the heirs; hereinafter the same applies in this Article), the juridical person surviving after the merger or established by the merger succeeds to the position of the accredited certification business operator; provided, however, that this does not apply to cases where the person who has accepted the whole of the business, the heir, or the juridical person that survives after the merger, is established by the merger, or succeeds to the whole of the business by

division falls under any of the items of Article 5.

(Accreditation of Modification)

Article 9 (1) If the accredited certification business operator intends to modify matters set forth in item 2 or item 3 of paragraph 2 of Article 4, it must obtain the accreditation from the competent minister; provided, however, that this does not apply to minor modifications as provided by order of the competent ministry.

(2) Any person who seeks the accreditation of modification set forth in the preceding paragraph must, submit to the competent minister an application stipulating matters pertaining to the modification and other documents as provided by order of the competent ministry, pursuant to the provisions of order of the competent ministry.

(3) The provisions of paragraph 3 of Article 4 and Article 6 apply mutatis mutandis to the accreditation of modification set forth in paragraph 1.

(4) If any modification has occurred to matters set forth in item 1 of paragraph 2 of Article 4, the accredited certification business operator must, without delay, notify the competent minister of the fact.

(Notification of Abolition)

Article 10 (1) If the accredited certification business operator intends to abolish the business pertaining to the accreditation, it must, in advance, notify the competent minister of the intention, pursuant to the provisions of order of the competent ministry.

(2) The competent minister must, when the minister receives the notification set forth in the provisions of the preceding paragraph, publicly notify the fact.

(Books and Documents Relating to Service)

Article 11 The accredited certification business operator must prepare and preserve books and documents relating to the business pertaining to the accreditation, pursuant to the provisions of order of the competent ministry.

(Proper Use of Information Relating to the Confirmation of the Identity of the User)

Article 12 The accredited certification business operator must not use information to which it becomes privy in confirming the identity of users of the business pertaining to the accreditation, for purposes other than the purpose of provision for use of the business pertaining to the accreditation.

(Mark)

Article 13 (1) The accredited certification business operator may place on an

electronic certificate, etc. (which means an electronic or magnetic record prepared for certifying that matters used to confirm that the user has performed the electronic signature are pertaining to the relevant user, and others provided by order of the competent ministry; the same applies in the following paragraph), a mark to the effect that the relevant business has obtained the accreditation, pursuant to the provisions of order of the competent ministry.

- (2) Except for cases prescribed in the preceding paragraph, no person must place the mark set forth in the preceding paragraph or any mark that can be confused with this mark, on any electronic certificate, etc.

(Rescission of Accreditation)

Article 14 (1) If the accredited certification business operator falls under any of the following items, the competent minister may rescind the accreditation:

- (i) if it falls under either item 1 or item 3 of Article 5;
 - (ii) if it fails to conform with any of the items of paragraph 1 of Article 6;
 - (iii) if it violates the provisions of paragraph 1 of Article 9, Article 11, Article 12 or paragraph 2 of the preceding Article; or
 - (iv) if it obtains the accreditation set forth in paragraph 1 of Article 4 or the accreditation of modification set forth in paragraph 1 or Article 9, by wrongful means.
- (2) The competent minister must, when the minister rescinds the accreditation pursuant to the provisions of the preceding paragraph, publicly notify the fact.

Section 2 Accreditation of Specified Certification Business in a Foreign Country

(Accreditation)

Article 15 (1) Any person who intends to perform the specified certification business through an office located in a foreign country may obtain the accreditation from the competent minister.

- (2) The provisions of paragraph 2 and paragraph 3 of Article 4 and Article 5 to Article 7 apply mutatis mutandis to the accreditation set forth in the preceding paragraph, and the provisions of Article 8 to Article 13 apply mutatis mutandis to a person who has obtained the accreditation set forth in the preceding paragraph (hereinafter referred to as the "accredited foreign certification business operator"). In this case, the term "no person" in paragraph 2 of Article 13 is to be deemed to be replaced with "no accredited foreign certification business operator."
- (3) In cases where a person who seeks the accreditation set forth in paragraph 1 or its renewal, or the accreditation of modification set forth in paragraph 1 of

Article 9 applied mutatis mutandis pursuant to the preceding paragraph performs the certification business through an office located in a foreign country based on a system relating to the certification business under the laws and regulations of the relevant foreign country, and is similar to the system for the accreditation set forth in paragraph 1 of Article 4, the competent minister may, when the minister finds it necessary in order for the Japanese government to faithfully perform a treaty entered into with the relevant foreign country and other international agreements, cause those persons to submit documents stipulating matters provided by order of the competent ministry, in lieu of the investigation pursuant to the provisions of paragraph 2 of Article 6 applied mutatis mutandis pursuant to the preceding paragraph (including as applied mutatis mutandis pursuant to paragraph 2 of Article 7 applied mutatis mutandis pursuant to the preceding paragraph, and it is applied mutatis mutandis pursuant to paragraph 3 of Article 9).

- (4) In the case referred to in the preceding paragraph, if the relevant documents are submitted from these persons, the competent minister must perform the examination for the accreditation set forth in paragraph 1 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied mutatis mutandis pursuant to paragraph 2, in consideration of the relevant documents.

(Rescission of Accreditation)

Article 16 (1) If the accredited foreign certification business operator falls under any of the following items, the competent minister may rescind the accreditation:

- (i) if it falls under either item 1 or item 3 of Article 5 applied mutatis mutandis pursuant to paragraph 2 of the preceding Article;
- (ii) if it fails to conform to any of the items of paragraph 1 of Article 6 applied mutatis mutandis pursuant to paragraph 2 of the preceding Article;
- (iii) if it violates the provisions of paragraph 1 or paragraph 4 of Article 9, Article 11, Article 12, or paragraph 2 of Article 13 applied mutatis mutandis pursuant to paragraph 2 of the preceding Article;
- (iv) if it obtains the accreditation set forth in paragraph 1 of the preceding article, or the accreditation of modification set forth in paragraph 1 of Article 9 applied mutatis mutandis pursuant to paragraph 2 of the preceding Article, by wrongful means;
- (v) if, in a case where the competent minister makes the accredited foreign certification business operator report pursuant to the provisions of paragraph 1 of Article 35 applied mutatis mutandis pursuant to paragraph 3 of Article 35, it does not make the report or makes a false report; or
- (vi) if, in a case where the competent minister makes the ministry official

perform an inspection at a business office, office or other workplaces of the accredited foreign certification business operator pursuant to the provisions of paragraph 1 of Article 35 applied mutatis mutandis pursuant to paragraph 3 of Article 35, it refuses, precludes or avoids the inspection, or does not answer a question pursuant to the provisions of paragraph 1 of Article 35, or gives a false answer.

- (2) The competent minister must, when the minister rescinds the accreditation pursuant to the provisions of the preceding paragraph, publicly notify the fact.

Chapter IV Designated Investigative Organization, etc.

Section 1 Designated Investigative Organization

(Investigation by Designated Investigative Organization)

Article 17 (1) The competent minister may have a person who the minister has designated (the "designated investigative organization") perform an investigation (hereinafter referred to as the "investigation"; except for in the following section), in whole or in part, which is set forth in the provisions of paragraph 2 of Article 6 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 7 [including as applied mutatis mutandis pursuant to paragraph 2 of Article 15], paragraph 3 of Article 9 [including as applied mutatis mutandis pursuant to paragraph 2 of Article 15], and paragraph 2 of Article 15).

- (2) If the competent minister makes the designated investigative organization perform the Investigation, in whole or in part, pursuant to the provisions of the preceding paragraph, they are not to perform the investigation, in whole or in part. In this case, the competent minister must perform an examination for the accreditation set forth in paragraph 1 of Article 4 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15), or the accreditation set forth in paragraph 1 of Article 15 or its renewal, in consideration of the results of the Investigation notified by the designated investigative organization pursuant to the provisions of paragraph 4.
- (3) If the competent minister makes the designated investigative organization perform the Investigation, in whole or in part, pursuant to the provisions of paragraph 1, with respect to the Investigation performed by the designated investigative organization, any person who seeks the accreditation set forth in paragraph 1 of Article 4 or its renewal, the accreditation of modification set forth in paragraph 1 of Article 9 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15), or the accreditation set forth in paragraph 1 of Article 15 or its renewal must make an application to the designated investigative organization pursuant to the provisions of order of the

competent ministry, notwithstanding the provisions of paragraph 2 of Article 4 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 7 [including as applied mutatis mutandis pursuant to paragraph 2 of Article 15], and paragraph 2 of Article 15), and paragraph 2 of Article 9 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15).

- (4) If the designated investigative organization performs the Investigation pertaining to the application set forth in the preceding paragraph, it must, without delay, notify the competent minister of the results of the relevant Investigation, pursuant to the provisions of order of the competent ministry.

(Designation)

Article 18 The designation set forth in the provisions of paragraph 1 of the preceding Article (hereinafter referred to as the "designation") is made pursuant to the provisions of order of the competent ministry, in accordance with the application made by a person who intends to perform the Investigation (except for a person who intends to perform it through an office located in a foreign country).

(Disqualification Provisions)

Article 19 Any person who falls under any of the following items may not receive the designation:

- (i) a person who has been sentenced to imprisonment without work or a more severe penalty or who has been punished by a penalty pursuant to this Act, and for whom less than two (2) years have passed since the day when either the execution of the penalty finished or the penalty came to be no longer executed;
- (ii) a person whose designation has been rescinded pursuant to the provisions of paragraph 1 of Article 29 or whose approval has been rescinded pursuant to the provisions of paragraph 1 of Article 32, and for whom less than two (2) years have passed since the day of the rescission; or
- (iii) a juridical person whose executive director or officer falls under either of the preceding two items.

(Criteria for Designation)

Article 20 The competent minister must, only when the minister finds that the application for designation conforms to all of the following items, make the designation:

- (i) it possesses the accounting basis and technical capability sufficient for proper and precise, and smooth implementation of the investigation business;
- (ii) if a juridical person, there is no risk that its director or officer, or

- constitution of members prescribed by order of the competent ministry in proportion to the category of the juridical person interferes with the fair implementation of the investigation;
- (iii) in a case where it implements businesses other than the investigation business, there is no risk that the investigation comes to be unfair by performing the businesses; and
 - (iv) making the designation does not impede the proper and precise, and smooth implementation of the investigation pertaining to the application.

(Public Notice of Designation)

- Article 21 (1) The competent minister must, when the minister makes the designation, publicly notify the corporate name and address of the designated investigative organization, and the location of the office performing the investigation business.
- (2) The designated investigative organization must, when it intends to modify its corporate name or address, or the location of the office performing the investigation business, notify the competent minister of the fact at least two (2) weeks prior to the day of the modification.
 - (3) The competent minister must, when the minister receives the notification set forth in the provisions of the preceding paragraph, publicly notify the fact.

(Renewal of Designation)

- Article 22 (1) Unless the designation is renewed for each period of five (5) years to ten (10) years provided by Cabinet Order, the designation ceases to be effective upon the passing of the period.
- (2) Provisions of Article 18 to Article 20 apply mutatis mutandis to the renewal of designation set forth in the preceding paragraph.

(Confidentiality)

- Article 23 (1) Any director or officer of the designated investigative organization (or any individual who has received that designation, if the designated investigative organization is not a juridical person; the same applies in the following paragraph, and Article 43 and Article 45), or any employee or person who has assumed these positions must not divulge any secret relating to the investigation business to which they become privy.
- (2) Any director or officer, or employee of the designated investigative organization who is engaged in the investigation business is deemed to be an employee engaged in public service pursuant to the laws and regulations, with respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

(Obligation of Investigation)

Article 24 If the designated investigative organization is requested to perform the investigation, it must, without delay, perform the investigation except for cases where it has any reasonable grounds.

(Investigation Business Rules)

Article 25 (1) The designated investigative organization must provide rules for the investigation business (hereinafter referred to as the "investigation business rules"), and receive the approval of the competent minister. The same applies to any modification of the investigation business rules.

(2) Matters to be provided in the investigation business rules are provided by order of the competent ministry.

(3) The competent minister may, when the minister finds that the investigation business rules approved in paragraph 1 become inappropriate in the fair implementation of the investigation, order modification of the investigation service rules.

(Entry in Books)

Article 26 The designated investigative organization must, pursuant to the provisions of order of the competent ministry, prepare and preserve the books upon entering matters as provided by order of the competent ministry, with respect to the investigation business.

(Order to Comply)

Article 27 The competent minister may, when the minister finds that the designated investigative organization fails to conform to item 1 through item 3 of Article 20, order the designated investigative organization to take necessary measures to conform to these provisions.

(Discontinuance and Abolition of Service)

Article 28 (1) The designated investigative organization must not discontinue or abolish the investigation business, in whole or in part, without the permission of the competent minister.

(2) The competent minister must, when the minister grants the permission set forth in the preceding paragraph, publicly notify the fact.

(Rescission of Designation)

Article 29 (1) If the designated investigative organization falls under any of the following items, the competent minister may rescind the designation, or order suspension of the investigation business, in whole or in part, within a prescribed period of time:

- (i) if it violates the provisions of this Section;
 - (ii) if it falls under item 1 or item 3 of Article 19;
 - (iii) if it fails to perform the investigation business in compliance with the approved investigation business rules set forth in paragraph 1 of Article 25;
 - (iv) if it violates orders pursuant to the provisions of paragraph 3 of Article 25 or Article 27; or
 - (v) if it receives the designation by wrongful means.
- (2) The competent minister must, when the minister rescinds the designation or orders to suspend the investigation business, in whole or in part, pursuant to the provisions of the preceding paragraph, publicly notify the fact.

(Implementation of Investigation Business by the Competent Minister)

- Article 30 (1) If the designated investigative organization suspends the investigation business, in whole or in part, pursuant to the provisions of paragraph 1 of Article 28, the competent minister orders the designated investigative organization to discontinue the investigation business, in whole or in part, pursuant to the provisions of paragraph 1 of the preceding Article, or the designated investigative organization falls into a difficult state to implement the investigation business, in whole or in part, due to natural disasters or other reasons, the competent ministry themselves is to, when the minister finds necessary, perform the investigation business, in whole or in part, notwithstanding the provisions of paragraph 2 of Article 17.
- (2) The competent minister is to perform the investigation business pursuant to the provisions of the preceding paragraph, or if the minister decides not to perform the investigation business performed pursuant to the provisions of the preceding paragraph, the competent minister must publicly notify the fact, in advance.
- (3) In cases where the competent minister performs the investigation business pursuant to the provisions of paragraph 1, and permits abolition of the investigation business pursuant to the provisions of paragraph 1 of Article 28, or rescinds the designation pursuant to the provisions of paragraph 1 of the preceding Article, the succession of the investigation service or other necessary matters are provided by order of the competent ministry.

Section 2 Approved Investigative Organization

(Approval of Approved Investigative Organization)

- Article 31 (1) If any person who intends to perform (limited to a person who intends to perform through an office located in a foreign country) the investigation (hereinafter referred to as the "investigation" in this Section), in whole or in part, pursuant to the provisions of paragraph 2 of Article 6 applied

mutatis mutandis pursuant to paragraph 2 of Article 15 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 7 applied mutatis mutandis pursuant to paragraph 2 of Article 15, and paragraph 3 of Article 9) makes an application, the competent minister may approve this application pursuant to the provisions of order of the competent ministry.

- (2) If the competent minister has made the approval set forth in the preceding paragraph, with respect to the investigation performed by a person who has received the approval set forth in the preceding paragraph (hereinafter referred to as the "approved investigative organization"), any person who seeks the accreditation set forth in paragraph 1 of Article 15 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied mutatis mutandis pursuant to paragraph 2 of Article 15, may make an application to the approved investigative organization, pursuant to the provisions of order of the competent ministry, notwithstanding the provisions of paragraph 2 of Article 4 applied mutatis mutandis pursuant to paragraph 2 of Article 15 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15), paragraph 2 of Article 9 applied mutatis mutandis pursuant to paragraph 2 of Article 15, and paragraph 3 of Article 17. In this case, the competent minister must perform the examination for the accreditation set forth in paragraph 1 of Article 15 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied mutatis mutandis pursuant to paragraph 2 of Article 15, in consideration of the results of the investigation notified by the approved investigative organization pursuant to the provisions of the following paragraph.
- (3) If the approved investigative organization performs the investigation pertaining to the application set forth in the preceding paragraph, it must, without delay, notify the competent minister of the results of the investigation, pursuant to the provisions of order of the competent ministry.
- (4) If the approved investigative organization discontinues or abolishes the investigation business, in whole or in part, it must, without delay, notify the competent minister of such event.
- (5) The competent minister must, when the minister receives the notification set forth in the provisions of the preceding paragraph, publicly notify the fact.
- (6) The provisions of Article 19 to Article 22 apply mutatis mutandis to the approval set forth in paragraph 1, and the provisions of Article 24 to Article 27 apply mutatis mutandis to the approved investigative organization. In this case, the term "order" in paragraph 3 of Article 25, and Article 27 is to be deemed to be replaced with "request."

(Rescission of Approval)

Article 32 (1) If the approved investigative organization falls under any of the

following items, the competent minister may rescind the approval:

- (i) if it violates the provisions of paragraph 3 or paragraph 4 of the preceding Article, paragraph 2 of Article 21 applied mutatis mutandis pursuant to paragraph 6 of the preceding Article, Article 24, paragraph 1 of Article 25, or Article 26;
 - (ii) if it falls under item 1 or item 3 of Article 19 applied mutatis mutandis pursuant to paragraph 6 of the preceding Article;
 - (iii) if it fails to perform the investigation business in compliance with the approved investigation business rules set forth in paragraph 1 of Article 25 applied mutatis mutandis pursuant to paragraph 6 of the preceding Article;
 - (iv) if it does not respond to the request set forth in paragraph 3 of Article 25 applied mutatis mutandis pursuant to paragraph 6 of the preceding Article, or Article 27;
 - (v) if it receives the approval set forth in paragraph 1 of the preceding Article, by wrongful means;
 - (vi) if, in a case where the competent minister finds that the approved investigative organization falls under any of the above items, and requests suspension of the investigation business, in whole or in part, within a prescribed period of time, it does not respond to the request;
 - (vii) if, in a case where the competent minister makes the approved investigative organization report pursuant to paragraph 2 of Article 35 applied mutatis mutandis pursuant to paragraph 3 of Article 35, it does not make the report or makes a false report, or
 - (viii) if, in a case where the competent minister makes its ministry official perform an inspection at a business office of the approved investigative organization pursuant to the provisions of paragraph 2 of Article 35 applied mutatis mutandis pursuant to paragraph 3 of Article 35, it refuses, precludes or avoids the inspection, or does not answer questions pursuant to the provisions of paragraph 2, or gives false answers.
- (2) The competent minister must, when the minister rescinds the approval pursuant to the provisions of the preceding paragraph, publicly notify the fact.

Chapter V Miscellaneous Provisions

(Assistance for Specified Certification Business)

Article 33 The competent minister must endeavor to investigate and research technical opinions pertaining to the electronic signature and certification business, and provide necessary information, advice and other assistance to the person who performs the specified certification business and its users, for the purpose of smooth implementation of the accreditation system with respect to the specified certification business.

(Measures by the National Government)

Article 34 The national government must endeavor to deepen public understanding with respect to the electronic signature and certification business, through public education activities and public information activities.

(Collection of Reports and On-Site Inspection)

Article 35 (1) The competent minister may, to the extent necessary to enforce this Act, make the accredited certification business operator report with respect to the business pertaining to its accreditation, or the ministry official enter the business office, office or other workplaces of the accredited certification business operator, and inspect the condition of the business pertaining to the accreditation or facilities, books and documents, and other objects or question the relevant person.

(2) The competent minister may, to the extent necessary to enforce this Act, make the designated investigative organization report on its business, or the ministry official enter the office of the designated investigative organization, and inspect the condition of the business or books, documents, and other objects or question the relevant person.

(3) The provisions of paragraph 1 apply mutatis mutandis to the accredited foreign certification business operator, and the provisions of the preceding paragraph apply mutatis mutandis with respect to the approved investigative organization, respectively.

(4) The ministry official who performs the on-site inspection pursuant to the provisions of paragraph 1 and paragraph 2 (including as applied mutatis mutandis pursuant to the preceding paragraph) must carry the certificate indicating their status, and present it to the relevant person.

(5) The authority of on-site inspection pursuant to the provisions of paragraph 1 and paragraph 2 (including as applied mutatis mutandis pursuant to paragraph 3, respectively) must not be construed as being granted for criminal investigations.

(Fees)

Article 36 (1) Any person listed in the following items must pay to the national government the fee provided by Cabinet Order in consideration of the actual cost.

(i) a person who seeks the accreditation set forth in paragraph 1 of Article 4 (except for cases where the competent minister makes the designated investigative organization perform the inspection, in whole, pursuant to the provisions of paragraph 1 of Article 17);

(ii) a person who seeks the renewal of accreditation set forth in paragraph 1 of

Article 7 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15);

(iii) a person who seeks the accreditation of modification set forth in paragraph 1 of Article 9 (including as applied mutatis mutandis pursuant to paragraph 2 of Article 15); and

(iv) a person who seeks the accreditation set forth in paragraph 1 of Article 15 (except for cases where the competent minister makes the designated investigative organization perform the inspection, in whole, pursuant to the provisions of paragraph 1 of Article 17).

(2) Any person who seeks the inspection performed by the designated investigative organization must pay to the relevant designated investigative organization the fee that the designated investigative organization specifies in response to the approval of the competent minister, pursuant to the provisions of the Cabinet Order.

(Relationship between the Competent Minister and the National Public Safety Commission)

Article 37 With respect to the business pertaining to the accreditation of the accredited certification business operator or the accredited foreign certification business operator, the National Public Safety Commission may, when it finds necessary to prevent an occurrence of serious damage pertaining to the certification with respect to its user, request the competent minister to take necessary measures.

(Request for Examination)

Article 38 Any person who is dissatisfied with respect to disposition or inaction of the designated investigative organization pursuant to the provisions of this Act may make an request for examination to the competent minister pursuant to the Administrative Complaint Review Act (Act No. 160 of 1962).

(Transitional Measures)

Article 39 In a case where the Cabinet Order or order of the competent ministry is established under this Act, or is amended or abolished, the Cabinet Order or order of the competent ministry may provide necessary transitional measures (including transitional measures relating to penal provisions), to the extent determined as necessary along with its establishment, or amendment or abolition.

(Competent Minister)

Article 40 (1) The competent minister as used in this Act means the Minister of Public Management, Home Affairs, Posts and Telecommunications, the

Minister of Justice, and the Minister of Economy, Trade and Industry, provided, however, that in Article 33, the competent minister means the Minister of Public Management, Home Affairs, Posts and Telecommunications and the Minister of Economy, Trade and Industry.

(2) Order of the competent minister as used in this Act means an order that is jointly issued by the Minister of Public Management, Home Affairs, Posts and Telecommunications, the Minister of Justice, and the Minister of Economy, Trade and Industry.

Chapter VI Penal Provisions

Article 41 (1) Any person who makes a false application and causes the accredited certification business operator or the accredited foreign certification business operator to perform false certification on the user, with respect to the certification business pertaining to the accreditation is punished by imprisonment for not more than three (3) years or a fine of not more than 2,000,000 yen.

(2) An attempted crime of the preceding paragraph is punished.

(3) The crimes set forth in the preceding two paragraphs are governed by Article 2 of the Penal Code.

Article 42 Any person who falls under either of the following items is punished by imprisonment with work for not more than one (1) year or a fine of not more than 1,000,000 yen:

- (i) a person who violates the provisions of paragraph 2 of Article 13; or
- (ii) a person who violates the provisions of paragraph 1 of Article 23, and divulges secrets learned in the course of their duty.

Article 43 A director or officer, or an employee of the designated investigative organization who violates the order to suspend the business set forth in the provisions of paragraph 1 of Article 29 is punished by imprisonment with work for not more than one (1) year or a fine of not more than 1,000,000 yen.

Article 44 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has modified the matters set forth in item 2 or item 3 of paragraph 2 of Article 4 in violation of the provisions of paragraph 1 of Article 9;
- (ii) a person who has not prepared or preserved books and documents set forth in the provisions of Article 11, or prepared false books and documents; or
- (iii) a person who has not made a report set forth in the provisions of

paragraph 1 of Article 35 or has made a false report, or has refused, precluded or avoided the inspection set forth in the provisions of paragraph 1 of Article 35, or has not answered a question set forth in the provisions of paragraph 1 of Article 35, or has given a false answer.

Article 45 In case of falling under any of the following items, a director or officer, or an employee of the designated investigative organization who commits the violation is punished by a fine of not more than 300,000 yen:

- (i) if the person has not made entries in books pursuant to the provisions of Article 26, has made false entries in the books, or has not preserved the books;
- (ii) if the person violates the provisions of paragraph 1 of Article 28, and abolishes the whole investigation business; or
- (iii) if the person has not made a report set forth in the provisions of paragraph 2 of Article 35 or has made a false report, or has refused, precluded or avoided the inspection set forth in the provisions of paragraph 2 of Article 35, or has not answered a question set forth in the provisions of paragraph 2 of Article 35, or has given a false answer.

Article 46 If a representative of a corporation, or an agent, employee or other workers of a corporation or an individual commits the violation set forth in item 1 of Article 42 or Article 44 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

Article 47 Any person who has not made a notification set forth in the provisions of paragraph 4 of Article 9 or paragraph 1 of Article 10, or has made a false notification is punished by civil fine of not more than 100,000 yen.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2001, provided, however, that the provisions of the following Article come into effect as of March 1, 2001, and the provisions of Article 4 of Supplementary Provisions come into effect as of the date of enforcement of the Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts Partially Amending the Commercial Code, etc. (Act No. 91 of 2000).

(Preparatory Actions)

Article 2 The designation set forth in the provisions of paragraph 1 of Article 17, procedures necessary for this, and other actions may be governed by the provisions of Article 18 to Article 20, paragraph 1 of Article 21, and paragraph 1 and paragraph 2 of Article 25, even before the enforcement of this Act.

(Review)

Article 3 If five (5) years have passed after the enforcement of this Act, the government is to review the status of enforcement of this Act and take necessary measures based on the results.

(Partial Amendment of the Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts Partially Amending the Commercial Code, etc.)

Article 4 The Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts Partially Amending the Commercial Code, etc. is amended, in part, as specified below.

The following Article are added following Article 150.

(Partial Amendment of the Act on Electronic Signatures and Certification Business)

Article 150-2 The Act on Electronic Signatures and Certification Services (Act No. 102 of 2000) is amended, in part, as specified below.

In Article 8, the phrase "or merger" is amended to "merger or division (limited to what under which the whole of the business pertaining to the accreditation is succeeded)," the phrase "or after merger" is amended to the phrase "after the merger," and the phrase "or succeeds to the whole of the business by division" is added after the phrase "established by the merger."

(Partial Amendment of the Act on Electronic Signatures and Certification Business)

Article 196 The Act on Electronic Signatures and Certification Business (Act No. 102 of 2000) is amended, in part, as specified below.

In item 1 of paragraph 1 of Article 36, the phrase "or its renewal" is deleted, and the phrase "(except for cases where the competent minister makes the designated investigative organization perform the inspection, in whole, pursuant to the provisions of paragraph 1 of Article 17)" is added after the phrase "A person who seeks the accreditation set forth in paragraph 1 of Article 4." And, in item 3 of paragraph 1, the phrase "or its renewal" is deleted, and the phrase "(except for cases where the competent minister makes the designated investigative organization perform the inspection, in whole, pursuant to the provisions of paragraph 1 of Article 17)" is added after the

phrase "A person who seeks the accreditation of modification set forth in paragraph 1 of Article 9." Furthermore, item 3 of paragraph 1 is deemed to be replaced with item 4 of paragraph 1, item 2 of paragraph 1 is deemed to be replaced with item 3 of paragraph 1, and the following item is added after item 1 of paragraph 1.

- (ii) A person who seeks the renewal of accreditation set forth in paragraph 1 of Article 7 (including as applied *mutatis mutandis* pursuant to paragraph 2 of Article 15);

Supplementary Provisions

This Act comes into effect as of April 1, 2006.