

# **Ministerial Order on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Business Operators for the Business Registration Organization and the Certifying Organization Provided Respectively in Article 33-15, Paragraph (1) and Article 33-26, Paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora**

(Ministry of Economy, Trade and Industry and Ministry of the Environment  
Order No. 3 of March 29, 2005)

Pursuant to the provisions of Article 3, paragraph (1), Article 4, paragraph (1), Article 5, paragraph (1), and Article 6, paragraph (1) of the Act on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Business Operators (Act No. 149 of 2004) and Article 2, paragraph (1) of the Order for Enforcement of the Act on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Business Operators (Cabinet Order No. 8 of 2005), the ministerial order on the utilization of telecommunications technology in document preservation, etc. conducted by private business operators, etc. for the certifying organization provided in Article 33-8, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora is issued as follows.

(Intent)

Article 1 Preservation, etc. conducted by private business operators, etc. using electronic or magnetic records for the business registration organization and the certifying organization provided respectively in Article 33-15, paragraph (1) and Article 33-26, paragraph (1) of the Act on Conservation of Endangered Species of Wild Fauna and Flora (Act No. 75 of 1992) are governed by the provisions of this Ministerial Order, except as otherwise provided by other laws or by other orders (including notices) issued under law.

(Definitions)

Article 2 Terms used in this Ministerial Order have the same meanings as those used in the Act on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Business Operators (hereinafter referred to as the "Act"), except as otherwise provided.

(Preservation Specified by Order of the Competent Ministry Referred to in Article 3, Paragraph (1) of the Act)

Article 3 The preservation specified by order of the competent ministry referred to in Article 3, paragraph (1) of the Act is the preservation of documents pursuant to the provisions of Article 33-16, paragraphs (6) and (8) and Article 33-27, paragraphs (6) and (8) of the Act on Conservation of Endangered Species of Wild Fauna and Flora.

(Preservation by Electronic or Magnetic Records)

Article 4 (1) If a private business operator, etc. conducts the preservation of electronic or magnetic records pertaining to the documents referred to in the preceding Article in place of preserving these documents under the provisions of Article 3, paragraph (1) of the Act, the preservation must be conducted by any of the following means:

- (i) by storing the created electronic or magnetic records in files prepared on computers used by the private business operator, etc. or in files created on magnetic disks, CD-ROMs, or any other material that is capable of reliably keeping a record of certain information by means equivalent to any of the above (hereinafter referred to as "magnetic disks, etc.");
  - (ii) by storing electronic or magnetic records created by reading information contained in documents by a scanner (including any image reading device equivalent thereto) in files prepared on computers used by the private business operator, etc. or in files created on magnetic disks, etc.
- (2) If a private business operator, etc. conducts the preservation of electronic or magnetic records under the provisions of the preceding paragraph, the private business operator, etc. must be able to immediately display on computers or other devices used by the private business operator, etc. and create documents in a clear and in orderly form by outputting the information contained in the electronic or magnetic records as needed.
- (3) If a private business operator, etc. conducts the preservation of electronic or magnetic records under the provisions of paragraph (1) and if the private business operator, etc. do so in place of preserving documents under the provisions of Article 33-16, paragraph (8) and Article 33-27, paragraph (8) of the Act on Conservation of Endangered Species of Wild Fauna and Flora, then the private business operator, etc. must strive to secure the standards specified by the competent minister.

(Creation Specified by Order of the Competent Ministry Referred to in Article 4, Paragraph (1) of the Act)

Article 5 The creation specified by order of the competent ministry referred to in

Article 4, paragraph (1) of the Act is the creation of documents pursuant to the provisions of Article 33-16, paragraph (8) and Article 33-27, paragraph (8) of the Act on Conservation of Endangered Species of Wild Fauna and Flora.

(Creation by Electronic or Magnetic Records)

Article 6 If, under the provisions of Article 4, paragraph (1) of the Act, in place of creating the documents prescribed in the preceding article, a private business operator, etc. creates electronic or magnetic records pertaining to the documents, the private business operator, etc. must create those records by means of recording them in files prepared on computers used by the private business operator, etc. or by means of preparing those records using magnetic disks, etc.

(Public Inspection Specified by Order of the Competent Ministry Referred to in Article 5, Paragraph (1) of the Act)

Article 7 The public inspection, etc. specified by order of the competent ministry referred to in Article 5, paragraph (1) of the Act are the public inspection, etc. of documents pursuant to the provisions of Article 33-16, paragraph (7), item (i) and Article 33-27, paragraph (7), item (i) of the Act on Conservation of Endangered Species of Wild Fauna and Flora.

(Public Inspection by Electronic or Magnetic Records)

Article 8 If, under the provisions of Article 5, paragraph (1) of the Act, a private business operator, etc. makes available for public inspection, etc. the information contained in electronic or magnetic records pertaining to the documents referred to in the preceding Article in place of making these documents available for public inspection, etc., the private business operator, etc. must make that information available for public inspection, etc. by either displaying the information on the screens of computers installed at the offices of the private business operator, etc. or through documents containing the information.

(Delivery Specified by Order of the Competent Ministry Referred to in Article 6, Paragraph (1) of the Act)

Article 9 The delivery, etc. specified by order of the competent ministry referred to in Article 6, paragraph (1) of the Act are the delivery, etc. of documents pursuant to the provisions of Article 33-16, paragraph (7), item (ii) and Article 33-27, paragraph (7), item (ii) of the Act on Conservation of Endangered Species of Wild Fauna and Flora.

(Delivery by Electronic or Magnetic Records)

- Article 10 (1) If, under the provisions of Article 6, paragraph (1) of the Act, a private business operator, etc. conducts the delivery, etc. of the information contained in electronic or magnetic records pertaining to the documents referred to in the preceding Article in place of the delivery, etc. of these documents, the delivery, etc. must be conducted by any of the following means:
- (i) by the means set forth in (a) or (b) below, using an electronic information processing organization in each case:
    - (a) by means of sending the information through telecommunication lines connecting a computer used by the private business operator, etc. with a computer used by the recipient of the delivery, etc. and of recording the information in files prepared on the computer used by the recipient;
    - (b) by means of making the information which is required to be contained in the documents and which is recorded in files prepared on computers used by the private business operator, etc. available for inspection by the recipient of the delivery, etc., through telecommunication lines, and then having the information recorded in files prepared on the computer used by the recipient (or, in cases where the recipient gives its consent to receive delivery, etc. or notifies its intention not to receive delivery, etc. by the means set forth in Article 6, paragraph (1) of the Act, by means of recording the consent or notification in a file prepared on computers used by the private business operator, etc.).
  - (ii) by means of delivering files which are prepared using magnetic disks, etc. and which contain the information required to be contained in the relevant documents.
- (2) The means set forth in the items of the preceding paragraph must be those that allow the recipient of the delivery, etc. to produce documents by reading out the records in the file.

(Consent by Electronic or Magnetic Means)

Article 11 The type and details of the means required to be notified under the provisions of Article 2, paragraph (1) of the Order for Enforcement of the Act on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Business Operators are the following:

- (i) of the means set forth in the items of paragraph (1) of the preceding Article, those used by the private business operator, etc.;
- (ii) mode of recording to files.

**Supplementary Provisions**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of April 1, 2005.

(Transitional Measures for Penal Provisions)

Article 2 Prior laws continue to govern the applicability of penal provisions to conduct engaged in before this Ministerial Order comes into effect.

**Supplementary Provisions [April 3, 2018, Ministry of Economy, Trade and Industry, Ministry of the Environment, Order No. 4]**

This Ministerial Order comes into effect as of the date on which the Act Partially Amending the Act on Conservation of Endangered Species of Wild Fauna and Flora comes into effect (June 1, 2018).