

Act on Access to Information Held by Administrative Organs (Tentative translation)

(Act No. 42 of May 14, 1999)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, in accordance with the principle of sovereignty of the people, and by providing for the right to request the disclosure of administrative documents, etc., to endeavor towards greater disclosure of information held by administrative organs thereby ensuring to achieve accountability of the Government to the citizens for its various activities, and to contribute to the promotion of a fair and democratic administration that is subject to the citizens' appropriate understanding and criticism.

(Definitions)

Article 2 (1) The term "administrative organ" as used in this Act means the following organs.

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

8-3 of the same Act that are designated by Cabinet Order.

(vi) the Board of Audit

(2) The term "administrative document" as used in this Act means a document, picture, and electronic or magnetic record (a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses; the same applies hereinafter) that, having been prepared or obtained by an employee of an administrative organ in the course of their duties, is held by the administrative organ concerned for organizational use by its employees; provided, however, that the following matters are excluded:

(i) items published for the purpose of sale to a large number of unspecified persons, such as official gazettes, white papers, newspapers, magazines, and books.

(ii) specified historical public records and archives prescribed in Article 2, paragraph (7) of the Public Records and Archives Management Act (Act No. 66 of 2009).

(iii) items that are, pursuant to the provisions of Cabinet Order, specially managed as either historical or cultural materials, or as materials for academic research in research institutes or other facilities designated by Cabinet Order (excluding those set forth in the preceding item).

Chapter II Disclosure of Administrative Documents

(Right to Request Disclosure)

Article 3 Any person may, pursuant to the provisions of this Act, request the head of an administrative organ (provided that the organ is designated by Cabinet Order set forth in the preceding Article, paragraph (1), items (iv) and (v), the person designated for each organ by Cabinet Order; the same applies hereinafter) the disclosure of administrative documents held by the administrative organ concerned.

(Procedure of Request for Disclosure)

Article 4 (1) A request for disclosure pursuant to the provisions of the preceding Article (hereinafter referred to as a "disclosure request") must be made by submitting a document describing the matters set forth in the following items (hereinafter referred to as the "written disclosure request") to the head of an administrative organ.

(i) the name and domicile or residence of the person making the disclosure request, and the name of a representative in the case of a corporation or other organizations.

(ii) the name of the administrative documents or other matters sufficient for specifying the administrative documents pertaining to the disclosure request.

(2) When the head of an administrative organ finds that there is a deficiency in the form of the written disclosure request, they may, setting a reasonable period of time, ask the person having made the disclosure request (hereinafter referred to as the "disclosure requester.") to amend the request. In this case, the head of the administrative organ must endeavor to provide the disclosure requester with information that will be helpful in making the correction.

(Obligation to Disclose Administrative Documents)

Article 5 When there is a disclosure request, unless any of the information set forth in each of the following items (hereinafter referred to as "non-disclosure information") is recorded in the administrative documents pertaining to the disclosure request, the head of an administrative organ must disclose the administrative documents to the disclosure requester.

(i) information concerning an individual (excluding information concerning the business of an individual who operates the business), where it is possible to identify a specific individual from the name, date of birth or other descriptive details of the individual (meaning any details stated, recorded, or otherwise expressed using sound, motion, or other means in a document, picture, or electronic or magnetic record; the same applies in paragraph (2) of the following Article), contained in the information concerned (including cases where it is possible to identify a specific individual through comparing the information with other information), or when it is not possible to identify a specific individual, but disclosure of the information is likely to cause harm to the rights and interests of an individual; provided however, that the following information is excluded:

(a) information that is made public, or information that is scheduled to be made public, pursuant to the provisions of laws and regulations or by custom;

(b) information which is found necessary to be disclosed in order to protect a person's life, health, livelihood, or property;

(c) in the case that the individual is a public employee, etc. (national public employees prescribed in Article 2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) (excluding officers and employees of the agency engaged in administrative execution prescribed in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)); officers and employees of the incorporated administrative agencies, etc. (meaning the incorporated administrative agencies, etc. prescribed in Article 2, paragraph (1) of the Act on Access to Information Held by Incorporated Administrative Agencies (Act No. 140 of 2001; hereinafter referred to as "Incorporated Administrative Agency, etc. Information Disclosure Act")); local public employees prescribed in Article 2

of the Local Public Service Act (Act No. 261 of 1950)); and officers and employees of the local incorporated administrative agencies (which means local incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003); the same applies hereinafter)), and when the information is one pertaining to the performance of their duties, the portion of the information pertaining to the job of the public employee, etc. and the substance of the performance of duties.

- (i)-2 anonymized personal information the administrative entity holds prescribed in Article 60, paragraph (3) of the Act on the Protection of Personal Information (Act No. 57 of 2003) (limited to information constituting anonymized personal information files the administrative entity holds prescribed in paragraph (4) of the same Article; hereinafter referred to as "anonymized personal information the administrative entity holds" in this item) or an identifier or the equivalent prescribed in Article 2, paragraph (1), item (i) of the same Act or an individual identification code prescribed in paragraph (2) of the same Article which has been deleted from personal information an administrative entity holds prescribed in Article 60, paragraph (1) of the same Act which was used to prepare anonymized personal information the administrative entity holds.
- (ii) information concerning a corporation or other organizations (excluding the State, incorporated administrative agencies, etc., local public entities and local incorporated administrative agencies; hereinafter referred to as a "corporation, etc."), or information concerning the business of an individual who operates the business, which corresponds to the following, provided, however, that information which is found necessary to be disclosed in order to protect a person's life, health, livelihood, or property is excluded.
 - (a) information which when disclosed is likely to cause harm to the rights, competitive position, or other legitimate interests of the corporation, etc. or the individual;
 - (b) information customarily not disclosed by the corporation, etc. or the individual, which has been voluntarily provided in response to a request by an administrative organ on the condition of non-disclosure, or information for which it is found reasonable to set such a condition in light of the nature of the information or the circumstances at the time.
- (iii) information for which there are adequate grounds for the head of an administrative organ to find that disclosure is likely to cause harm to national security, cause damage to the relationship of mutual trust with another country or an international organization, or cause a disadvantage in negotiations with another country or an international organization;
- (iv) information for which there are adequate grounds for the head of an

- administrative organ to find that disclosure is likely to cause impediments to prevention, suppression or investigation of crimes, the maintenance of prosecutions, the execution of punishment, and other matters concerning maintenance of public safety and public order;
- (v) information concerning deliberations, examinations or consultations internally conducted by or mutually conducted between national government organs, incorporated administrative agencies, etc., local public entities and local incorporated administrative agencies, where disclosure is likely to cause unjust harm to the open exchange of opinions or the neutrality of decision making, cause unjust confusion among citizens, or bring unjust advantages or disadvantages to specific individuals;
 - (vi) information concerning the affairs or business conducted by a national government organ, an incorporated administrative agency, etc., a local public entity or a local incorporated administrative agency, where disclosure is likely to have the following risks or is likely to hinder the proper execution of the affairs or business due to the nature of the affairs or business.
 - (a) risk of making it difficult to understand accurately facts concerning affairs pertaining to audits, inspections, supervision, examinations, or imposition or collection of tax, or facilitating illegal or wrongful acts regarding such affairs, or making it difficult to discover such acts;
 - (b) risk of causing unjust damage to the economic benefit or the position as the party concerned of the State, an incorporated administrative agency, etc., a local public entity or a local incorporated administrative agency concerning affairs pertaining to contracts, negotiations or administrative objections and litigations;
 - (c) risk of causing unjust hindrance to the fair and efficient execution of affairs pertaining to research and study;
 - (d) risk of causing hindrance to the maintenance of impartial and smooth personnel practices in the affairs pertaining to personnel management;
 - (e) risk of causing damage to the legitimate interests arising from corporate management with regard to the business of an incorporated administrative agency, etc., an enterprise managed by a local public entity, or a local incorporated administrative agency.

(Partial Disclosure)

Article 6 (1) In the case that non-disclosure information is recorded in a part of an administrative document pertaining to a disclosure request, when it is possible to easily divide and exclude the portion in which the non-disclosure information is recorded, the head of an administrative organ discloses to the disclosure requester the portion other than the excluded portion; provided, however, that this does not apply when it is found that no meaningful

information is recorded in the portion other than the excluded portion.

- (2) In the case that the information set forth in item (i) of the preceding Article (limited to information that can identify a specific individual) is recorded in an administrative document pertaining to a disclosure request, and if by excluding the portion of the description that can identify the specific individual, such as a name or date of birth from the information, it is found that disclosure of the information is not likely to cause damage to the rights and interests of an individual, the preceding paragraph is applied by deeming the portion other than the excluded portion as not being included in the information prescribed in the same item.

(Discretionary Disclosure for Public Interest Grounds)

Article 7 Even in the case that non-disclosure information (excluding the information set forth in Article 5, item (i)-2) is recorded in administrative documents pertaining to a disclosure request, when the head of an administrative organ finds that there is a particular public interest necessity, they may disclose those administrative documents to the disclosure requester.

(Information concerning the Existence of Administrative Documents)

Article 8 When non-disclosure information is to be disclosed by merely answering whether or not the administrative documents pertaining to a disclosure request exist, the head of an administrative organ, without making clear the existence or non-existence of the administrative documents, may refuse the disclosure request.

(Measures concerning Disclosure Requests)

Article 9 (1) When disclosing all or a part of the administrative documents pertaining to a disclosure request, the head of an administrative organ must make a decision to that effect, and notify the disclosure requester to that effect and matters designated by Cabinet Order relating to the implementation of disclosure in writing.

- (2) When not disclosing any of the administrative documents pertaining to a disclosure request (including when refusing a disclosure request pursuant to the provisions of the preceding Article and when administrative documents pertaining to a disclosure request are not held), the head of an administrative organ must make a decision to the effect of non-disclosure and notify the disclosure requester to that effect in writing.

(Due Date for Disclosure Decisions)

Article 10 (1) The decisions set forth in the respective items of the preceding Article (hereinafter referred to as "disclosure decisions, etc.") must be made

within thirty days from the date of the disclosure request; provided, however, that in the case where a correction is requested pursuant to the provisions of Article 4, paragraph (2), the number of days required for the correction is not to be included in this period of time.

- (2) Notwithstanding the provisions of the preceding paragraph, when there are reasonable grounds such as difficulties arising from the processing of affairs, the head of an administrative organ may extend the period of time prescribed in the same paragraph for up to thirty days. In this case, the head of an administrative organ must without delay notify the disclosure requester in writing of the extended period and the grounds for the extension.

(Exception to the Due Date for Disclosure Decisions)

Article 11 In the case that there is a considerably large amount of administrative documents pertaining to a disclosure request, and that there is a risk that the performance of duties may be considerably hindered by making disclosure decisions, etc. for all the documents within sixty days from the date of the disclosure request, notwithstanding the provisions of the preceding Article, it would be sufficient for the head of an administrative organ to make disclosure decisions, etc. for a reasonable portion of the administrative documents pertaining to a disclosure request within that period of time, and to make disclosure decisions, etc. for the remaining administrative documents within a reasonable period of time. In this case, the head of an administrative organ must within the period of time prescribed in paragraph (1) of the same Article notify the disclosure requester in writing of the following matters:

- (i) the fact of applying this Article and the grounds for its application; and
- (ii) the due date for making disclosure decisions, etc. for the remaining administrative documents.

(Transfer of a Case)

Article 12 (1) The head of an administrative organ may, when administrative documents pertaining to a disclosure request were prepared by another administrative organ or when there is reasonable grounds for the head of another administrative organ to make disclosure decisions, etc., upon consulting with the head of that administrative organ, transfer the case to the head of that administrative organ. In this case, the head of the administrative organ who has transferred the case must notify the disclosure requester in writing to the effect that the case was transferred.

(2) When a case has been transferred pursuant to the provisions of the preceding paragraph, the head of the administrative organ who has received the transfer must make the disclosure decisions, etc. for the disclosure request. In this case, the acts conducted prior to transfer by the head of the administrative organ

who has transferred the case are deemed to be those conducted by the head of the administrative organ who has received the transfer.

- (3) In the case referred to in the preceding paragraph, when the head of the administrative organ who has received the transfer makes a decision set forth in Article 9, paragraph (1) (hereinafter referred to as a "disclosure decision"), the head of that administrative organ must implement the disclosure. In this case, the head of the administrative organ who has transferred the case must cooperate as necessary in the implementation of that disclosure.

(Transfer of a Case to the Incorporated Administrative Agency)

Article 12-2 (1) When administrative documents pertaining to a disclosure request was prepared by an incorporated administrative agency, etc., or when there are reasonable grounds for an incorporated administrative agency, etc. to make disclosure decisions, etc. prescribed in Article 10, paragraph (1) of Incorporated Administrative Agency, etc. Information Disclosure Act, the head of an administrative organ may, upon consulting with the incorporated administrative agency, etc., transfer the case to that Incorporated Administrative Agency, etc. In this case, the head of the administrative organ who has transferred the case must notify the disclosure requester in writing to the effect that the case was transferred.

- (2) When a case has been transferred pursuant to the provisions of the preceding paragraph, the provisions of the Incorporated Administrative Agency etc. Information Disclosure Act are applied to the transferred case by deeming the administrative documents to be the corporate documents prescribed in Article 2, paragraph (2) of the Incorporated Administrative Agency, etc. Information Disclosure Act, held by the incorporated administrative agency, etc. that received the transfer and the disclosure request to be the disclosure request prescribed in Article 4, paragraph (1) of the Incorporated Administrative Agency, etc. Information Disclosure Act that is made to the incorporated administrative agency, etc. that received the transfer. In this case, "Article 4, paragraph (2)" in Article 10, paragraph (1) of the Incorporated Administrative Agency, etc. Information Disclosure Act is to be replaced with "Article 4, paragraph (2) of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999)"; and the terms "the person who makes a disclosure request or the corporate documents," "pays respectively" and "a fee for the disclosure request or a disclosure" in Article 17, paragraph (1) of the Incorporated Administrative Agency, etc. Information Disclosure Act is to be replaced respectively with "the corporate documents," "pays" and "a disclosure".
- (3) When a case has been transferred pursuant to the provisions of paragraph (1) and the incorporated administrative agency, etc. which has received the transfer implements the disclosure, the head of the administrative organ who

has transferred the case must cooperate as necessary in the implementation of the disclosure.

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

- Article 13 (1) When information concerning a person other than the State, an incorporated administrative agency, etc., a local public entity, a local incorporated administrative agency and the disclosure requester (hereinafter referred to as a "third party" in this Article, Article 19, paragraph (2), and Article 20, paragraph (1)) is recorded in the administrative documents pertaining to a disclosure request, the head of an administrative organ, when making disclosure decisions, etc., may notify the third party pertaining to the information of the indication of the administrative documents pertaining to the disclosure request and other matters designated by Cabinet Order, and may grant them an opportunity to submit a written opinion.
- (2) In the cases that fall under any of the following items, before making a disclosure decision, the head of an administrative organ must notify the third party in writing of the indication of the administrative documents pertaining to the disclosure request and other matters designated by Cabinet Order, and must grant them an opportunity to submit a written opinion; provided, however, that this does not apply to cases where the third party's location is unknown.
- (i) when the administrative documents in which information concerning a third party is recorded are to be disclosed, and when it is found that the information falls under the information prescribed in Article 5, item (i), (b) or in the proviso of item (ii) of the same Article; and
- (ii) when the administrative documents in which information concerning a third party is recorded are to be disclosed pursuant to the provision of Article 7.
- (3) In the case that the third party who was granted an opportunity to submit a written opinion pursuant to the provisions of the preceding two paragraphs submits a written opinion manifesting the intention of opposition to disclosure of the administrative documents concerned, the head of the administrative organ, when making a disclosure decision, must allow at least two weeks between the day of the disclosure decision and the day that the disclosure will be implemented. In this case, upon making the disclosure decision, the head of the administrative organ must immediately notify the third party who submitted the written opinion (referred to as a "written opposition opinion" in Article 19) in writing to the effect that the disclosure decision was made, the grounds for its decision, and the date of implementation of the disclosure.

(Implementation of the Disclosure)

Article 14 (1) The disclosure of administrative documents is implemented by inspection or by the delivery of copies for documents or pictures, and for electronic or magnetic records by methods designated by Cabinet Order by taking into consideration such matters as the type of the record and the state of development of information technology; provided, however, that when disclosure of an administrative document is to be implemented by the inspection method, if the head of an administrative organ finds that the inspection is likely to hinder the preservation of administrative documents, or when there are other reasonable grounds, a copy of the documents or pictures may be provided for inspection.

(2) The person who will obtain disclosure of administrative documents based upon a disclosure decision, must report their desired method of implementation of disclosure and other matters designated by Cabinet Order to the head of the administrative organ who has made the disclosure decision, pursuant to the provisions of Cabinet Order.

(3) The report pursuant to the provision of the preceding paragraph must be made within thirty days from the date of the notice prescribed in Article 9, paragraph (1); provided, however, that this does not apply when there are reasonable grounds for being unable to make the report within this period of time.

(4) The person who has obtained disclosure of administrative documents based upon a disclosure decision may, within thirty days from the date of obtaining the first disclosure, report to the head of the administrative organ about the intention to obtain further disclosure. In this case, the proviso of the preceding paragraph applies *mutatis mutandis*.

(Coordination with Disclosure Implemented by Other Laws and Regulations)

Article 15 (1) In the case that, pursuant to the provisions of other laws and regulations, administrative documents pertaining to a disclosure request are to be disclosed to any person by the same method prescribed in the main clause of paragraph (1) of the preceding Article (when the period of time for disclosure is provided for, limited to within that period of time), notwithstanding the provisions of the main clause of that paragraph, the head of the administrative organ does not disclose those administrative documents by that same method; provided, however, that this does not apply when there is a provision in other laws and regulations to the effect that disclosure is not to be implemented in certain cases.

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

(Fees)

- Article 16 (1) The person who makes a disclosure request or the person who obtains the disclosure of administrative documents must, pursuant to the provisions of Cabinet Order, pay a fee pertaining to the disclosure request for an amount specified within the scope of actual costs prescribed by Cabinet Order, or a fee pertaining to the implementation of disclosure, respectively.
- (2) When setting the amount of the fee set forth in the preceding paragraph, consideration must be given to make the amount as affordable as possible.
- (3) The head of an administrative organ may, when they find that there is economic hardship or other special grounds, grant a reduction of or an exemption from the fee set forth in paragraph (1), pursuant to the provisions of Cabinet Order.

(Delegation of Authority or Affairs)

Article 17 The head of an administrative organ, pursuant to the provisions of Cabinet Order (in the case of organs under the jurisdiction of the Cabinet and the Board of Audit, orders by those organs), may delegate to an employee of that administrative organ the authority or affairs prescribed in this Chapter.

Chapter III Request for Review

(Exclusion from Application of Provisions Concerning Review Proceedings by Review Officers)

- Article 18 (1) The provisions of Article 9, Article 17, Article 24, Chapter II, Sections 3 and 4, and Article 50, paragraph (2) of the Administrative Complaint Review Act (Act No. 68 of 2014) do not apply to a request for review of a disclosure decision, etc. or of any inaction related to a disclosure request.
- (2) With regard to the application of the provisions in Chapter II of the Administrative Complaint Review Act to a request for review of a disclosure decision, etc. or of any inaction related to a disclosure request, the wording "a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (referred to as a "review officer")" in Article 11, paragraph (2) of the same Act is deemed to be replaced with "an administrative agency to which a request for review has been filed pursuant to the provisions in Article 4 (including Cabinet Order issued pursuant to Article 20, paragraph (2) of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999)) (including an administrative agency that has taken over documents and articles pursuant to the provisions in Article 14; hereinafter referred to as a "reviewing agency)"; the term "review officer" in Article 13, paragraphs (1) and (2) of the same Act is deemed to be replaced with "reviewing agency"; the

wording "has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer" in Article 25, paragraph (7) of the same Act is deemed to be replaced with "has been filed"; the wording "Administrative Complaint Review Board, etc." in Article 44 of the same Act is deemed to be replaced with "Information Disclosure and Personal Information Protection Review Board (or a review board separately provided for by laws if the head of the Board of Audit is the reviewing agency; the same applies in Article 50, paragraph (1), item (iv))"; in the same Article, the wording "has received a report to its consultation from the Administrative Complaint Review Board, etc. (or when a review officer's written opinion has been submitted in the case where the consultation pursuant to the provisions of paragraph (1) of the preceding Article is not necessary (excluding the cases falling under item (ii) or (iii) of the relevant paragraph), or when deliberations prescribed in item (ii) or (iii) of the relevant paragraph have been held in the cases falling under item (ii) or (iii) of the relevant paragraph)" is deemed to be replaced with "has received a report to its consultation from the Administrative Complaint Review Board, etc."; and the wording "the review officer's written opinion or the written report from the Administrative Complaint Review Board, etc. or the Council, etc." in Article 50, paragraph (1), item (iv) of the same Act is deemed to be replaced with "the Information Disclosure and Personal Information Protection Review Board."

(Consulting the Review Board)

Article 19 (1) When there is a request for review of a disclosure decision, etc. or of any inaction related to a disclosure request, the head of the administrative organ who is expected to make an administrative determination on the request for review, except the cases that fall under any of the following items, must consult the Information Disclosure and Personal Information Protection Review Board (when the head of the administrative organ who is expected to make an administrative determination on the request for review is the head of the Board of Audit, a review board separately provided for by laws).

(i) if the request for review is unlawful and is to be dismissed.

(ii) if the whole request for review is upheld by an administrative determination, and it is determined that all the administrative documents pertaining to the request for review are to be disclosed (excluding the cases in which a written opposition opinion regarding the disclosure of the administrative documents has been submitted).

(2) The head of an administrative organ who has made a consultation pursuant to the provisions of the preceding paragraph must notify the following persons to the effect that a consultation was made.

(i) the requestor for review and intervenor (meaning the intervenor prescribed

in Article 13, paragraph (4) of the Administrative Complaint Review Act; hereinafter the same applies in this paragraph and paragraph (1), item (ii) of the following Article).

- (ii) the disclosure requester (except when the person is the requestor for review or an intervenor.)
- (iii) a third party who has submitted a written opposition opinion regarding the disclosure of the administrative documents pertaining to the request for review (excluding the cases in which the third party is the requestor for review or an intervenor).

(Procedures in the Case that a Request for Review from a Third Party is Dismissed)

Article 20 (1) The provisions of Article 13, paragraph (3), apply mutatis mutandis to the cases in which the administrative determination falls under any of the following items.

- (i) an administrative determination to deny or dismiss the request for review from a third party against a disclosure decision;
 - (ii) an administrative determination to alter the disclosure decision, etc. (excluding a decision to disclose all the administrative documents pertaining to a disclosure request) pertaining to a request for review, and disclose the administrative documents pertaining to that request for review (limited to the case in which an intervenor who is a third party has manifested the intention to oppose the disclosure of the administrative documents).
- (2) With regard to a request for review of a disclosure decision, etc. or of any inaction related to a disclosure request, special provisions for the provisions of Article 4 of the Administrative Complaint Review Act may be established pursuant to the provisions of Cabinet Order

(Special Provisions for the Transfer of Lawsuits)

Article 21 (1) In cases where a lawsuit demanding the rescission of a disclosure decision, etc. or the rescission of an administrative determination regarding a request for review of a disclosure decision, etc. or of any inaction related to a disclosure request (referred to as an "information disclosure lawsuit" in the following paragraph and in paragraph (2) of the Supplementary Provisions) is brought to the specified court with jurisdiction prescribed in the provisions of Article 12, paragraph (4) of the Administrative Case Litigation Act (Act No. 139 of 1962), if, notwithstanding the provisions of Article 12, paragraph (5) of the same Act, an action for judicial review (meaning an action for judicial review prescribed in Article 3, paragraph (1) in the same Act; the same applies in the following paragraph) on a disclosure decision etc. or on an administrative determination regarding a request for review of a disclosure

decision etc. or of any inaction related to a disclosure request with regard to the same, the same type of or similar administrative documents is pending in another court, the specified court with jurisdiction may, when it finds it reasonable in consideration of the address or location of the party, the address of witness who is to be examined, commonality of the points at issue or the evidence, and other circumstances, transfer the whole lawsuit or a part of the lawsuit to that other court or a court prescribed in Article 12, paragraphs (1) to (3) of the same Act, in response to a request or by its authority.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to the cases where an action for judicial review on a disclosure decision etc. or on an administrative determination regarding a request for review of the disclosure decision etc. or of any inaction related to the disclosure request, other than an information disclosure lawsuit, is brought to the specified court with jurisdiction prescribed in Article 12, paragraph (4) of the Administrative Case Litigation Act pursuant to the provisions of the same paragraph.

Chapter IV Auxiliary Provisions

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

- Article 22 (1) In order to allow a person who intends to make a disclosure request to easily and appropriately make the request, the head of administrative organs is to provide information that contributes to specifying the administrative documents held by the administrative organs and take other appropriate measures that take into account the convenience of the person intending to make the disclosure request, beyond what is provided for in Article 7, paragraph (2) of the Public Records and Archives Management Act.
- (2) The Minister of Internal Affairs and Communications is to establish comprehensive information centers concerning disclosure requests for ensuring the smooth implementation of this Act.

(Public Announcement of the State of Enforcement)

- Article 23 (1) The Minister of Internal Affairs and Communications may ask for a report on the state of enforcement of this Act from the head of administrative organs.
- (2) Every fiscal year, the Minister of Internal Affairs and Communications is to compile the reports set forth in the preceding paragraph, and publicly announces an outline thereof.

(Enhancement of Measures for the Provision of Information Held by Administrative Organs)

Article 24 In order to comprehensively promote disclosure of the information it holds, the Government is to endeavor to enhance measures concerned with the provision of information held by administrative organs, so that the information held by administrative organs are announced to the citizens in a timely and appropriate manner.

(Disclosure of Information by Local Public Entities)

Article 25 In accordance with the purport of this Act, local public entities must endeavor to formulate and implement measures necessary for the disclosure of the information that they hold.

(Delegation to Cabinet Order)

Article 26 Beyond what is provided for in this Act, Cabinet Order prescribes necessary matters concerning implementation of this Act.

Supplementary Provisions

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the part of provisions of Article 23, paragraph (1), concerning receiving of the consent of both Houses, and the provisions of Article 40 to Article 42 and the following paragraph, come into effect as from the date of promulgation.
- (2) Approximately four years after this Act comes into effect, the Government is to examine the state of enforcement of this Act and the manner of jurisdiction for information disclosure lawsuits, and take necessary measures based upon those results.