

# 特定秘密の保護に関する法律

## Act on the Protection of Specially Designated Secrets

(平成二十五年十二月十三日法律第百八号)  
(Act No. 108 of December 13, 2013)

目次

### Table of Contents

第一章 総則（第一条・第二条）

Chapter I General Provisions (Articles 1 and 2)

第二章 特定秘密の指定等（第三条—第五条）

Chapter II Designation of Specially Designated Secrets (Articles 3 to 5)

第三章 特定秘密の提供（第六条—第十条）

Chapter III Provision of Specially Designated Secrets (Articles 6 to 10)

第四章 特定秘密の取扱者の制限（第十一条）

Chapter IV Restriction on Persons Who Handle Specially Designated Secrets  
(Article 11)

第五章 適性評価（第十二条—第十七条）

Chapter V Security Clearance Assessment (Articles 12 to 17)

第六章 雑則（第十八条—第二十二条）

Chapter VI Miscellaneous Provisions (Articles 18 to 22)

第七章 罰則（第二十三条—第二十七条）

Chapter VII Penal Provisions (Articles 23 to 27)

附 則

Supplementary Provisions

### 第一章 総則

#### Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、国際情勢の複雑化に伴い我が国及び国民の安全の確保に係る情報の重要性が増大するとともに、高度情報通信ネットワーク社会の発展に伴いその漏えいの危険性が懸念される中で、我が国の安全保障（国の存立に関わる外部からの侵略等に対して国家及び国民の安全を保障することをいう。以下同じ。）に関する情報のうち特に秘匿することが必要であるものについて、これを適確に保護する体制を確立した上で収集し、整理し、及び活用することが重要であることに鑑み、当該情報の保護に関し、特定秘密の指定及び取扱者の制限その他の必要な事項を定めることにより、その漏えいの防止を図り、もって我が国及び国民の安全の確保に資することを目的と

する。

Article 1 In view of the fact that, under the situation where the increasingly complex international situation amplifies the significance of information related to securing the safety of Japan and its citizens and where the development of an advanced information and telecommunications network society gives rise to concern over the risk of unauthorized disclosure of such information, it is important to establish a system for properly protecting information, among information concerning Japan's national security (meaning ensuring that the State and its citizens are secure from outside aggression, etc. that could affect the nation's existence; the same shall apply hereinafter), which is particularly required to be kept secret, and then to collect, coordinate and utilize said information, this Act aims to prevent unauthorized disclosure of such information by providing for the designation of specially designated secrets, restrictions on the persons who handle them, and other necessary matters with regard to the protection of such information, and to thereby contribute to securing the safety of Japan and its citizens.

(定義)

(Definitions)

第二条 この法律において「行政機関」とは、次に掲げる機関をいう。

Article 2 The term "Administrative Organ" as used in this Act means the following organs:

一 法律の規定に基づき内閣に置かれる機関（内閣府を除く。）及び内閣の所轄の下に置かれる機関

(i) organs within the Cabinet (excluding the Cabinet Office) and organs under the jurisdiction of the Cabinet, that were established pursuant to the provisions of law;

二 内閣府、宮内庁並びに内閣府設置法（平成十一年法律第八十九号）第四十九条第一項及び第二項に規定する機関（これらの機関のうち、国家公安委員会にあっては警察庁を、第四号の政令で定める機関が置かれる機関にあっては当該政令で定める機関を除く。）

(ii) the Cabinet Office, the Imperial Household Agency and organs provided for in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (among these organs, in the case of the National Public Safety Commission, excluding the National Police Agency, and in the case of organs within which organs specified by Cabinet Order which are referred to in item (iv) are established, excluding such organs specified by Cabinet Order);

三 国家行政組織法（昭和二十三年法律第二百十号）第三条第二項に規定する機関（第五号の政令で定める機関が置かれる機関にあっては、当該政令で定める機関を除く。）

(iii) organs provided for in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) (in the case of organs within which organs specified by Cabinet Order which are referred to in item (v) are established, excluding such organs specified by Cabinet Order);

四 内閣府設置法第三十九条及び第五十五条並びに宮内庁法（昭和二十二年法律第七十号）第十六条第二項の機関並びに内閣府設置法第四十条及び第五十六条（宮内庁法第十八条第一項において準用する場合を含む。）の特別の機関で、警察庁その他政令で定めるもの

(iv) organs set forth in Articles 39 and 55 of the Act for Establishment of the Cabinet Office and organs set forth in Article 16, paragraph (2) of the Imperial Household Agency Act (Act No. 70 of 1947), as well as extraordinary organs set forth in Articles 40 and 56 of the Act for Establishment of the Cabinet Office (including the cases where applied mutatis mutandis pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act), which are the National Police Agency and other organs specified by Cabinet Order;

五 国家行政組織法第八条の二の施設等機関及び同法第八条の三の特別の機関で、政令で定めるもの

(v) organs such as facilities 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, which are specified by Cabinet Order; and

六 会計検査院

(vi) the Board of Audit.

## 第二章 特定秘密の指定等

### Chapter II Designation of Specially Designated Secrets

(特定秘密の指定)

(Designation of Specially Designated Secrets)

第三条 行政機関の長（当該行政機関が合議制の機関である場合にあっては当該行政機関をいい、前条第四号及び第五号の政令で定める機関（合議制の機関を除く。）にあってはその機関ごとに政令で定める者をいう。第十一条第一号を除き、以下同じ。）は、当該行政機関の所掌事務に係る別表に掲げる事項に関する情報であつて、公になっていないもののうち、その漏えいが我が国の安全保障に著しい支障を与えるおそれがあるため、特に秘匿することが必要であるもの（日米相互防衛援助協定等に伴う秘密保護法（昭和二十九年法律第百六十六号）第一条第三項に規定する特別防衛秘密に該当するものを除く。）を特定秘密として指定するものとする。ただし、内閣総理大臣が第十八条第二項に規定する者の意見を聴いて政令で定める行政機関の長については、この限りでない。

Article 3 (1) The Head of an Administrative Organ (if the Administrative Organ is an organ under the collegial system, this means the Administrative Organ

itself; and if the Administrative Organ is an organ specified by Cabinet Order which is referred to in items (iv) and (v) of the preceding Article (excluding an organ under the collegial system), this means the person specified by Cabinet Order for each such organ; hereinafter the same shall apply except in Article 11, item (i) shall designate, as a specially designated secret, information concerning the matters set forth in the Appended Table in connection with the affairs under the jurisdiction of the Administrative Organ, which is publicly undisclosed and which is particularly required to be kept secret due to the risk of causing severe damage to Japan's national security, if disclosed without authorization (excluding information which falls within the category of a special defense secret provided for in Article 1, paragraph (3) of the Act on Protection of Secrets Incidental to the "Mutual Defense Assistance Agreement Between Japan and the United States of America" (Act No. 166 of 1954)); provided, however, that this shall not apply to the Heads of Administrative Organs specified by Cabinet Order after the Prime Minister hears the opinions from the persons provided for in Article 18, paragraph (2).

2 行政機関の長は、前項の規定による指定（附則第五条を除き、以下単に「指定」という。）をしたときは、政令で定めるところにより指定に関する記録を作成するとともに、当該指定に係る特定秘密の範囲を明らかにするため、特定秘密である情報について、次の各号のいずれかに掲げる措置を講ずるものとする。

(2) When making a designation under the preceding paragraph (hereinafter simply referred to as a "Designation" except in Article 5 of the Supplementary Provisions), the Head of the Administrative Organ shall prepare a record concerning the Designation as provided for by Cabinet Order, and in order to clarify the scope of the specially designated secret subject to said Designation, take any of the measures set forth in the following items with regard to the information that is a specially designated secret:

一 政令で定めるところにより、特定秘密である情報を記録する文書、図画、電磁的記録（電子的方式、磁気的方式その他人の知覚によっては認識することができない方式で作られる記録をいう。以下この号において同じ。）若しくは物件又は当該情報を化体する物件に特定秘密の表示（電磁的記録にあつては、当該表示の記録を含む。）をすること。

(i) marking, as a specially designated secret, the document, picture, electromagnetic record (meaning a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses; hereinafter the same shall apply in this item) or object which records the information that is a specially designated secret (in the case of an electromagnetic record, including a record of said marking) or any object which embodies said information, as provided for by Cabinet Order; or

二 特定秘密である情報の性質上前号に掲げる措置によることが困難である場合において、政令で定めるところにより、当該情報が前項の規定の適用を受ける旨を当該

情報を取り扱う者に通知すること。

(ii) if it is difficult to take the measure set forth in the preceding item due to the nature of the information that is a specially designated secret, giving notice to the person handling such information of the fact that the provisions of the preceding paragraph apply to such information, as provided for by Cabinet Order.

3 行政機関の長は、特定秘密である情報について前項第二号に掲げる措置を講じた場合において、当該情報について同項第一号に掲げる措置を講ずることができることとなったときは、直ちに当該措置を講ずるものとする。

(3) If, after the Head of an Administrative Organ takes the measure set forth in item (ii) of the preceding paragraph with regard to the information that is a specially designated secret, it becomes possible to take the measure set forth in item (i) of the same paragraph with regard to such information, the Head of the Administrative Organ shall take said measure immediately.

(指定の有効期間及び解除)

(Effective Period and Termination of Designation)

第四条 行政機関の長は、指定をするときは、当該指定の日から起算して五年を超えない範囲内においてその有効期間を定めるものとする。

Article 4 (1) When making a Designation, the Head of an Administrative Organ shall specify its effective period not exceeding five years from the date of the Designation.

2 行政機関の長は、指定の有効期間（この項の規定により延長した有効期間を含む。）が満了する時において、当該指定をした情報が前条第一項に規定する要件を満たすときは、政令で定めるところにより、五年を超えない範囲内においてその有効期間を延長するものとする。

(2) If, at the time the effective period of a Designation (including an effective period as extended pursuant to this paragraph) expires, the information for which said Designation has been made meets the requirements provided for in paragraph (1) of the preceding Article, the Head of an Administrative Organ shall extend the effective period for up to five years, as provided for by Cabinet Order.

3 指定の有効期間は、通じて三十年を超えることができない。

(3) The effective period of a Designation may not exceed 30 years in total.

4 前項の規定にかかわらず、政府の有するその諸活動を国民に説明する責務を全うする観点に立っても、なお指定に係る情報を公にしないことが現に我が国及び国民の安全を確保するためにやむを得ないものであることについて、その理由を示して、内閣の承認を得た場合（行政機関が会計検査院であるときを除く。）は、行政機関の長は、当該指定の有効期間を、通じて三十年を超えて延長することができる。ただし、次の各号に掲げる事項に関する情報を除き、指定の有効期間は、通じて六十年を超えることができない。

- (4) Notwithstanding the provisions of the preceding paragraph, the Head of an Administrative Organ may extend the effective period of a Designation for more than 30 years in total if the Head of the Administrative Organ obtains approval of the Cabinet (excluding the case where the Administrative Organ is the Board of Audit) of the fact that, even when viewed from the perspective of the accountability of the government to the citizens for its various activities, it is unavoidable to keep the information subject to the Designation publicly undisclosed in order to actually ensure the safety of Japan and its citizens, by indicating the reasons therefor; provided, however, that the effective period of the Designation shall not exceed 60 years in total, except with regard to the information concerning the matters set forth in the following items:
- 一 武器、弾薬、航空機その他の防衛の用に供する物（船舶を含む。別表第一号において同じ。）
  - (i) weapons, ammunition, aircraft and any other objects used for defense (including vessels; the same shall apply in item (i) of the Appended Table);
  - 二 現に行われている外国（本邦の域外にある国又は地域をいう。以下同じ。）の政府又は国際機関との交渉に不利益を及ぼすおそれのある情報
  - (ii) information likely to be detrimental to negotiations actually being conducted with a government of a foreign country (meaning a country or region outside the territory of Japan; the same shall apply hereinafter) or an international organization;
  - 三 情報収集活動の手法又は能力
  - (iii) methods or capabilities of information collecting activities;
  - 四 人的情報源に関する情報
  - (iv) information concerning human intelligence sources;
  - 五 暗号
  - (v) cryptology;
  - 六 外国の政府又は国際機関から六十年を超えて指定を行うことを条件に提供された情報
  - (vi) information provided by a government of a foreign country or an international organization on the condition that it be subject to a Designation for more than 60 years; and
  - 七 前各号に掲げる事項に関する情報に準ずるもので政令で定める重要な情報
  - (vii) material information specified by Cabinet Order, which is equivalent to information concerning the matters set forth in the preceding items.
- 5 行政機関の長は、前項の内閣の承認を得ようとする場合においては、当該指定に係る特定秘密の保護に関し必要なものとして政令で定める措置を講じた上で、内閣に当該特定秘密を提供することができる。
- (5) When seeking approval of the Cabinet referred to in the preceding paragraph, the Head of an Administrative Organ may provide the Cabinet with the specially designated secret subject to the relevant Designation after taking the

measures specified by Cabinet Order as being necessary for the protection of said specially designated secret.

6 行政機関の長は、第四項の内閣の承認が得られなかったときは、公文書等の管理に関する法律（平成二十一年法律第六十六号）第八条第一項の規定にかかわらず、当該指定に係る情報が記録された行政文書ファイル等（同法第五条第五項に規定する行政文書ファイル等をいう。）の保存期間の満了とともに、これを国立公文書館等（同法第二条第三項に規定する国立公文書館等をいう。）に移管しなければならない。

(6) Notwithstanding the provisions of Article 8, paragraph (1) of the Public Records and Archives Management Act (Act No. 66 of 2009), if the Head of an Administrative Organ fails to obtain approval of the Cabinet referred to in paragraph (4), the Head of the Administrative Organ must transfer the administrative document files, etc. (meaning Administrative Document Files, etc. provided for in Article 5, paragraph (5) of the same Act) in which the information subject to the Designation has been recorded to the National Archives of Japan, etc. (meaning a National Archives of Japan, etc. provided for in Article 2, paragraph (3) of the same Act), upon the expiration of their retention period.

7 行政機関の長は、指定をした情報が前条第一項に規定する要件を欠くに至ったときは、有効期間内であっても、政令で定めるところにより、速やかにその指定を解除するものとする。

(7) The Head of an Administrative Organ shall terminate a Designation promptly as provided for by Cabinet Order even before the expiration of the effective period if the information for which the Head of the Administrative Organ made the Designation no longer meets the requirements provided for in paragraph (1) of the preceding Article.

（特定秘密の保護措置）

(Protective Measures for Specially Designated Secrets)

第五条 行政機関の長は、指定をしたときは、第三条第二項に規定する措置のほか、第十一条の規定により特定秘密の取扱いの業務を行うことができることとされる者のうちから、当該行政機関において当該指定に係る特定秘密の取扱いの業務を行わせる職員の範囲を定めることその他の当該特定秘密の保護に関し必要なものとして政令で定める措置を講ずるものとする。

Article 5 (1) Upon making a Designation, the Head of the Administrative Organ, in addition to the measures provided for in Article 3, paragraph (2), shall determine the scope of officials at the Administrative Organ who are assigned to perform the duty of handling the specially designated secret subject to said Designation, among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and take any other measures specified by Cabinet Order as being necessary for the protection of said specially designated secret.

2 警察庁長官は、指定をした場合において、当該指定に係る特定秘密（第七条第一項の規定により提供するものを除く。）で都道府県警察が保有するものがあるときは、当該都道府県警察に対し当該指定をした旨を通知するものとする。

(2) If the Commissioner General of the National Police Agency makes a Designation and the specially designated secret subject to said Designation (excluding one provided pursuant to Article 7, paragraph (1)) is held by a Prefectural Police, the Commissioner General of the National Police Agency shall give notice to the Prefectural Police of the fact that said Designation has been made.

3 前項の場合において、警察庁長官は、都道府県警察が保有する特定秘密の取扱いの業務を行わせる職員の範囲その他の当該都道府県警察による当該特定秘密の保護に関し必要なものとして政令で定める事項について、当該都道府県警察に指示するものとする。この場合において、当該都道府県警察の警視総監又は道府県警察本部長（以下「警察本部長」という。）は、当該指示に従い、当該特定秘密の適切な保護のために必要な措置を講じ、及びその職員に当該特定秘密の取扱いの業務を行わせるものとする。

(3) In the case referred to in the preceding paragraph, the Commissioner General of the National Police Agency shall give instructions to the Prefectural Police with regard to the scope of officials who are assigned to the duty of handling the specially designated secret held by the Prefectural Police and other measures specified by Cabinet Order as being necessary for the protection of the specially designated secret by the Prefectural Police. In this case, the Superintendent General or the Chief of the Prefectural Police Headquarters (hereinafter referred to as the "Chief of Police") shall take the necessary measures for the appropriate protection of said specially designated secret and assign its officials to perform the duty of handling the specially designated secret, in accordance with said instructions.

4 行政機関の長は、指定をした場合において、その所掌事務のうち別表に掲げる事項に係るものを遂行するために特段の必要があると認めるときは、物件の製造又は役務の提供を業とする者で、特定秘密の保護のために必要な施設設備を設置していることその他政令で定める基準に適合するもの（以下「適合事業者」という。）との契約に基づき、当該適合事業者に対し、当該指定をした旨を通知した上で、当該指定に係る特定秘密（第八条第一項の規定により提供するものを除く。）を保有させることができる。

(4) Upon making a Designation, if the Head of an Administrative Organ finds it particularly necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may, based on a contract with a person that is engaged in the business of manufacturing goods or providing services and that has in place necessary facilities and equipment for protecting specially designated secrets and conforms to other criteria



specified by Cabinet Order (hereinafter referred to as an "Eligible Contractor"), have said Eligible Contractor hold the specially designated secret subject to said Designation (excluding secrets to be provided pursuant to Article 8, paragraph (1)) after giving notice to Said Eligible Contractor of the fact that said Designation has been made.

5 前項の契約には、第十一条の規定により特定秘密の取扱いの業務を行うことができることとされる者のうちから、同項の規定により特定秘密を保有する適合事業者が指名して当該特定秘密の取扱いの業務を行わせる代表者、代理人、使用人その他の従業者（以下単に「従業者」という。）の範囲その他の当該適合事業者による当該特定秘密の保護に関し必要なものとして政令で定める事項について定めるものとする。

(5) The contract referred to in the preceding paragraph shall provide for the scope of the representatives, agents, employees and other workers (hereinafter simply referred to as "Workers") whom an Eligible Contractor holding a specially designated secret pursuant to the same paragraph nominates and assigns to perform the duty of handling the specially designated secret, from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and other matters specified by Cabinet Order as being necessary for the protection of the specially designated secret by said Eligible Contractor.

6 第四項の規定により特定秘密を保有する適合事業者は、同項の契約に従い、当該特定秘密の適切な保護のために必要な措置を講じ、及びその従業者に当該特定秘密の取扱いの業務を行わせるものとする。

(6) The Eligible Contractor holding a specially designated secret pursuant to paragraph (4) shall take the necessary measures for the appropriate protection of the specially designated secret and assign its Workers to perform the duty of handling the specially designated secret, in accordance with the contract referred to in the same paragraph.

### 第三章 特定秘密の提供

#### Chapter III Provision of Specially Designated Secrets

(我が国の安全保障上の必要による特定秘密の提供)

(Provision of Specially Designated Secrets based on Japan's National Security Needs)

第六条 特定秘密を保有する行政機関の長は、他の行政機関が我が国の安全保障に関する事務のうち別表に掲げる事項に係るものを遂行するために当該特定秘密を利用する必要があると認めたときは、当該他の行政機関に当該特定秘密を提供することができる。ただし、当該特定秘密を保有する行政機関以外の行政機関の長が当該特定秘密について指定をしているとき（当該特定秘密が、この項の規定により当該保有する行政機関の長から提供されたものである場合を除く。）は、当該指定をしている行政機関の長の同意を得なければならない。

Article 6 (1) If the Head of an Administrative Organ holding a specially designated secret finds it necessary for another Administrative Organ to use the specially designated secret in order to execute the affairs concerning Japan's national security which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide said Administrative Organ with the specially designated secret; provided, however, that if the Head of an Administrative Organ other than the Administrative Organ holding the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to this paragraph by the Head of the Administrative Organ holding it), the Head of the Administrative Organ holding the specially designated secret must obtain the consent of the Head of the Administrative Organ making said designation to do so.

2 前項の規定により他の行政機関に特定秘密を提供する行政機関の長は、当該特定秘密の取扱いの業務を行わせる職員の範囲その他の当該他の行政機関による当該特定秘密の保護に関し必要なものとして政令で定める事項について、あらかじめ、当該他の行政機関の長と協議するものとする。

(2) The Head of the Administrative Organ who provides another Administrative Organ with a specially designated secret pursuant to the preceding paragraph shall consult with the Head of said Administrative Organ in advance with regard to the scope of officials who are assigned to perform the duty of handling the specially designated secret and other matters specified by Cabinet Order as being necessary for the protection of the specially designated secret by said Administrative Organ.

3 第一項の規定により特定秘密の提供を受ける他の行政機関の長は、前項の規定による協議に従い、当該特定秘密の適切な保護のために必要な措置を講じ、及びその職員に当該特定秘密の取扱いの業務を行わせるものとする。

(3) The Head of another Administrative Organ that is provided with a specially designated secret pursuant to paragraph (1) shall take the necessary measures for the protection of the specially designated secret and assign its officials to perform the duty of handling the specially designated secret in accordance with the consultation under the preceding paragraph.

第七条 警察庁長官は、警察庁が保有する特定秘密について、その所掌事務のうち別表に掲げる事項に係るものを遂行するために都道府県警察にこれを利用させる必要があると認めるときは、当該都道府県警察に当該特定秘密を提供することができる。

Article 7 (1) The Commissioner General of the National Police Agency may provide a specially designated secret that the National Police Agency holds to the Prefectural Police if the Commissioner General of the National Police Agency finds it necessary to have the Prefectural Police use the specially

designated secret in order to execute the affairs under the jurisdiction of the National Police Agency which pertain to the matters set forth in the Appended Table.

2 前項の規定により都道府県警察に特定秘密を提供する場合には、第五条第三項の規定を準用する。

(2) When a specially designated secret is provided to the Prefectural Police pursuant to the preceding paragraph, Article 5, paragraph (3) shall apply mutatis mutandis.

3 警察庁長官は、警察本部長に対し、当該都道府県警察が保有する特定秘密で第五条第二項の規定による通知に係るものの提供を求めることができる。

(3) The Commissioner General of the National Police Agency may request the Chief of Police to provide a specially designated secret which said Prefectural Police holds and which is subject to the notice under Article 5, paragraph (2).

第八条 特定秘密を保有する行政機関の長は、その所掌事務のうち別表に掲げる事項に係るものを遂行するために、適合事業者に当該特定秘密を利用させる特段の必要があると認めるときは、当該適合事業者との契約に基づき、当該適合事業者に当該特定秘密を提供することができる。ただし、当該特定秘密を保有する行政機関以外の行政機関の長が当該特定秘密について指定をしているとき（当該特定秘密が、第六条第一項の規定により当該保有する行政機関の長から提供されたものである場合を除く。）は、当該指定をしている行政機関の長の同意を得なければならない。

Article 8 (1) If the Head of an Administrative Organ holding a specially designated secret finds it particularly necessary to have an Eligible Contractor use the specially designated secret in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide the Eligible Contractor with the specially designated secret based on a contract with the Eligible Contractor; provided, however, that when the Head of an Administrative Organ other than the Administrative Organ that holds the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to Article 6, paragraph (1) by the Head of the Administrative Organ holding it), the Head of the Administrative Organ that holds the specially designated secret must obtain the consent of the Head of the Administrative Organ making said Designation to do so.

2 前項の契約については第五条第五項の規定を、前項の規定により特定秘密の提供を受ける適合事業者については同条第六項の規定を、それぞれ準用する。この場合において、同条第五項中「前項」とあるのは「第八条第一項」と、「を保有する」とあるのは「の提供を受ける」と読み替えるものとする。

(2) Article 5, paragraph (5) shall apply mutatis mutandis to the contract referred to in the preceding paragraph, and paragraph (6) of the same Article shall

apply mutatis mutandis to an Eligible Contractor that is provided with a specially designated secret pursuant to the preceding paragraph. In this case, the term "the preceding paragraph" in paragraph (5) of the same Article shall be deemed to be replaced with "Article 8, paragraph (1)" and the term "holding" in that paragraph shall be deemed to be replaced with "that is provided with".

3 第五条第四項の規定により適合事業者に特定秘密を保有させている行政機関の長は、同項の契約に基づき、当該適合事業者に対し、当該特定秘密の提供を求めることができる。

(3) The Head of an Administrative Organ who has an Eligible Contractor hold a specially designated secret pursuant to Article 5, paragraph (4) may request the Eligible Contractor to provide the specially designated secret based on the contract referred to in the same paragraph.

第九条 特定秘密を保有する行政機関の長は、その所掌事務のうち別表に掲げる事項に係るものを遂行するために必要があると認めたときは、外国の政府又は国際機関であつて、この法律の規定により行政機関が当該特定秘密を保護するために講ずることとされる措置に相当する措置を講じているものに当該特定秘密を提供することができる。ただし、当該特定秘密を保有する行政機関以外の行政機関の長が当該特定秘密について指定をしているとき（当該特定秘密が、第六条第一項の規定により当該保有する行政機関の長から提供されたものである場合を除く。）は、当該指定をしている行政機関の長の同意を得なければならない。

Article 9 If the Head of an Administrative Organ holding a specially designated secret finds it necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may provide the specially designated secret to a government of a foreign country or an international organization taking measures equivalent to the measures that an Administrative Organ is supposed to take in order to protect said specially designated secret pursuant to this Act; provided, however, that when the Head of an Administrative Organ other than the Administrative Organ holding the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided pursuant to Article 6, paragraph (1) by the Head of the Administrative Organ holding it), the Head of the Administrative Organ holding the specially designated secret must obtain the consent of the Head of the Administrative Organ making said designation to do so.

(その他公益上の必要による特定秘密の提供)

(Provision of Specially Designated Secrets based on Other Public Interest Needs)

第十条 第四条第五項、第六条から前条まで及び第十八条第四項後段に規定するものの

ほか、行政機関の長は、次に掲げる場合に限り、特定秘密を提供するものとする。

Article 10 (1) In addition to the cases provided for in Article 4, paragraph (5), Article 6 through the preceding Article, and the second sentence of Article 18, paragraph (4), the Head of an Administrative Organ shall provide a specially designated secret only in the following cases:

一 特定秘密の提供を受ける者が次に掲げる業務又は公益上特に必要があると認められるこれらに準ずる業務において当該特定秘密を利用する場合（次号から第四号までに掲げる場合を除く。）であつて、当該特定秘密を利用し、又は知る者の範囲を制限すること、当該業務以外に当該特定秘密が利用されないようにすることその他の当該特定秘密を利用し、又は知る者がこれを保護するために必要なものとして、イに掲げる業務にあつては附則第十条の規定に基づいて国会において定める措置、イに掲げる業務以外の業務にあつては政令で定める措置を講じ、かつ、我が国の安全保障に著しい支障を及ぼすおそれがないと認めたとき。

(i) if the person who is provided with a specially designated secret uses the specially designated secret for any of the following duties or equivalent duties which are found to be particularly necessary for the public interest (excluding the cases set forth in the following item through item (iv)), and such person limits the scope of persons who are to use or know the specially designated secret, disallows the use of the specially designated secret for purposes other than said duties, and takes other measures specified by the Diet pursuant to Article 10 of the Supplementary Provisions, with regard to the duties set forth in (a), or measures specified by Cabinet Order with regard to duties other than those set forth in (a), as measures which need to be taken in order for the persons who use or know the specially designated secret to protect it, and if the Head of the Administrative Organ finds that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security:

イ 各議院又は各議院の委員会若しくは参議院の調査会が国会法（昭和二十二年法律第七十九号）第百四条第一項（同法第五十四条の四第一項において準用する場合を含む。）又は議院における証人の宣誓及び証言等に関する法律（昭和二十二年法律第二百二十五号）第一条の規定により行う審査又は調査であつて、国会法第五十二条第二項（同法第五十四条の四第一項において準用する場合を含む。）又は第六十二条の規定により公開しないこととされたもの

(a) an examination or research conducted by each House or by a committee of each House or research committee of the House of Councillors pursuant to Article 104, paragraph (1) of the Diet Act (Act No. 79 of 1947) (including the cases where applied mutatis mutandis pursuant to Article 54-4, paragraph (1) of the same Act) or Article 1 of the Act on Witnesses' Oath, Testimony, etc. Before Both Houses of the Diet (Act No. 225 of 1947), and which, pursuant to Article 52, paragraph (2) of the Diet Act (including the cases where applied mutatis mutandis pursuant to Article 54-4, paragraph

- (1) of the same Act) or Article 62 of the same Act, has been decided not to make public; and
- ロ 刑事事件の捜査又は公訴の維持であって、刑事訴訟法（昭和二十三年法律第百三十一号）第三百十六條の二十七第一項（同條第三項及び同法第三百十六條の二十八第二項において準用する場合を含む。）の規定により裁判所に提示する場合のほか、当該捜査又は公訴の維持に必要な業務に従事する者以外の者に当該特定秘密を提供することがないと認められるもの
- (b) the investigation of a criminal case or maintenance of prosecution, when it is found that the specially designated secret will not be provided to persons other than those who are engaged in the duties necessary for said investigation or maintenance of prosecution, in addition to the case where the specially designated secret is presented to the court pursuant to Article 316-27, paragraph (1) of the Code of Criminal Procedure (Act No. 131 of 1948) (including the cases where applied mutatis mutandis pursuant to paragraph (3) of the same Article and Article 316-28, paragraph (2) of the same Code);
- 二 民事訴訟法（平成八年法律第百九号）第二百二十三條第六項の規定により裁判所に提示する場合
- (ii) when presenting the specially designated secret to the court pursuant to Article 223, paragraph (6) of the Code of Civil Procedure (Act No. 109 of 1996);
- 三 情報公開・個人情報保護審査会設置法（平成十五年法律第六十号）第九條第一項の規定により情報公開・個人情報保護審査会に提示する場合
- (iii) when presenting the specially designated secret to the Information Disclosure and Personal Information Protection Review Board pursuant to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board (Act No. 60 of 2003); and
- 四 会計検査院法（昭和二十二年法律第七十三号）第十九條の四において読み替えて準用する情報公開・個人情報保護審査会設置法第九條第一項の規定により会計検査院情報公開・個人情報保護審査会に提示する場合
- (iv) when presenting the specially designated secret to the Information Disclosure and Personal Information Protection Review Board of the Board of Audit pursuant to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board as applied mutatis mutandis through a replacement of terms pursuant to Article 19-4 of the Board of Audit Act (Act No. 73 of 1947).
- 2 警察本部長は、第七條第三項の規定による求めに応じて警察庁に提供する場合のほか、前項第一号に掲げる場合（当該警察本部長が提供しようとする特定秘密が同号ロに掲げる業務において利用するものとして提供を受けたものである場合以外の場合にあっては、同号に規定する我が国の安全保障に著しい支障を及ぼすおそれがないと認

めることについて、警察庁長官の同意を得た場合に限る。）、同項第二号に掲げる場合又は都道府県の保有する情報の公開を請求する住民等の権利について定める当該都道府県の条例（当該条例の規定による諮問に応じて審議を行う都道府県の機関の設置について定める都道府県の条例を含む。）の規定で情報公開・個人情報保護審査会設置法第九条第一項の規定に相当するものにより当該機関に提示する場合に限り、特定秘密を提供することができる。

(2) In addition to the case of providing a specially designated secret to the National Police Agency at its request under Article 7, paragraph (3), the Chief of Police may provide a specially designated secret only in the case set forth in item (i) of the preceding paragraph (in cases other than the case where the specially designated secret which the Chief of Police is to provide is one provided for use in the duties set forth in (b) of the same item, the Chief of Police may provide the specially designated secret only after obtaining the consent of the Commissioner General of the National Police Agency for the Chief of Police to find that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security as provided for in the same item); in the case set forth in item (ii) of the same paragraph; or the case where, pursuant to the provisions equivalent to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board in an ordinance of a prefecture providing for the right of residents, etc. to request the disclosure of information held by said prefecture (including a prefectural ordinance providing for the establishment of a prefectural organization to conduct deliberations in response to the consultation under said prefectural ordinance), the specially designated secret is presented to such organization.

3 適合事業者は、第八条第三項の規定による求めに応じて行政機関に提供する場合のほか、第一項第一号に掲げる場合（同号に規定する我が国の安全保障に著しい支障を及ぼすおそれがないと認めることについて、当該適合事業者が提供しようとする特定秘密について指定をした行政機関の長の同意を得た場合に限る。）又は同項第二号若しくは第三号に掲げる場合に限り、特定秘密を提供することができる。

(3) In addition to the case of providing an Administrative Organ with a specially designated secret at its request under Article 8, paragraph (3), an Eligible Contractor may provide a specially designated secret only in the case set forth in paragraph (1), item (i) (limited to cases where the Eligible Contractor has obtained the consent of the Head of the Administrative Organ who has made the Designation with regard to the specially designated secret to find, as provided for in the same item, that the provision of the specially designated secret has no risk of causing severe damage to Japan's national security) or the cases set forth in item (ii) or item (iii) of the same paragraph.

#### 第四章 特定秘密の取扱者の制限

## Chapter IV Restrictions on Persons Who Handle Specially Designated Secrets

第十一条 特定秘密の取扱いの業務は、当該業務を行わせる行政機関の長若しくは当該業務を行わせる適合事業者に当該特定秘密を保有させ、若しくは提供する行政機関の長又は当該業務を行わせる警察本部長が直近に実施した次条第一項又は第十五条第一項の適性評価（第十三条第一項（第十五条第二項において準用する場合を含む。）の規定による通知があった日から五年を経過していないものに限る。）において特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められた者（次条第一項第三号又は第十五条第一項第三号に掲げる者として次条第三項又は第十五条第二項において読み替えて準用する次条第三項の規定による告知があった者を除く。）でなければ、行ってはならない。ただし、次に掲げる者については、次条第一項又は第十五条第一項の適性評価を受けることを要しない。

Article 11 No person may perform the duty of handling a specially designated secret unless the person has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret (excluding a person to whom notification has been made under paragraph (3) of the following Article as applied directly or as applied mutatis mutandis through a replacement of terms pursuant to Article 15, paragraph (2), as the person set forth in paragraph (1), item (iii) of the following Article or Article 15, paragraph (1), item (iii)) in the security clearance assessment referred to in paragraph (1) of the following Article or Article 15, paragraph (1) which was conducted most recently for the person by the Head of the Administrative Organ who assigns said duty to the person, the Head of the Administrative Organ who has an Eligible Contractor that assigns said duty to the person hold the specially designated secret or provides such an Eligible Contractor with the specially designated secret, or the Chief of Police who assigns said duty to the person (limited to such security clearance Assessment for which five years have not yet elapsed since the day on which the notice under Article 13, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 15, paragraph (2)) was given to the person); provided, however, that the following persons shall not be required to undergo the Security Clearance Assessment referred to in paragraph (1) of the following Article or Article 15, paragraph (1):

一 行政機関の長

(i) Heads of Administrative Organs;

二 国務大臣（前号に掲げる者を除く。）

(ii) Ministers of State (excluding those set forth in the preceding item);

三 内閣官房副長官

(iii) Deputy Chief Cabinet Secretaries;

四 内閣総理大臣補佐官



(iv) Special Advisors to the Prime Minister;

五 副大臣

(v) Parliamentary Senior Vice-Ministers;

六 大臣政務官

(vi) Parliamentary Vice-Ministers; and

七 前各号に掲げるもののほか、職務の特性その他の事情を勘案し、次条第一項又は第十五条第一項の適性評価を受けることなく特定秘密の取扱いの業務を行うことができるものとして政令で定める者

(vii) in addition to persons set forth in the preceding items, a person specified by Cabinet Order as a person who may perform the duty of handling a specially designated secret without undergoing the security clearance assessment referred to in paragraph (1) of the following Article or Article 15, paragraph (1), in consideration of the nature of such person's duties and other circumstances concerned.

## 第五章 適性評価

### Chapter V Security Clearance Assessment

(行政機関の長による適性評価の実施)

(Conduct of Security Clearance Assessment by Head of Administrative Organ)

第十二条 行政機関の長は、政令で定めるところにより、次に掲げる者について、その者が特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないことについての評価（以下「適性評価」という。）を実施するものとする。

Article 12 (1) The Head of an Administrative Organ shall conduct an assessment of each of the following persons as provided for by Cabinet Order to verify that the person has no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret (such an assessment shall hereinafter be referred to as the "Security Clearance Assessment"):

一 当該行政機関の職員（当該行政機関が警察庁である場合にあっては、警察本部長を含む。次号において同じ。）又は当該行政機関との第五条第四項若しくは第八条第一項の契約（次号において単に「契約」という。）に基づき特定秘密を保有し、若しくは特定秘密の提供を受ける適合事業者の従業者として特定秘密の取扱いの業務を新たに行うことが見込まれることとなった者（当該行政機関の長がその者について直近に実施して次条第一項の規定による通知をした日から五年を経過していない適性評価において、特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められた者であって、引き続き当該おそれがないと認められるものを除く。）

(i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of said Administrative Organ (if said Administrative Organ is the National Police Agency, including

as a Chief of Police; the same shall apply in the following item) or as a Worker of an Eligible Contractor that holds a specially designated secret or is provided with a specially designated secret based on a contract referred to in Article 5, paragraph (4) or Article 8, paragraph (1) (simply referred to as a "Contract" in the following item) with said Administrative Organ (excluding a person who has been found to have no risk of unauthorized disclosure of any specially designated secret if the person performs the duty of handling a specially designated secret in the Security Clearance Assessment which the Head of the Administrative Organ conducted most recently for said person and for which five years have not yet elapsed since the day on which the Head of the Administrative Organ gave the notice under paragraph (1) of the following Article to the person, and is found to continue to be free from the risk of unauthorized disclosure);

二 当該行政機関の職員又は当該行政機関との契約に基づき特定秘密を保有し、若しくは特定秘密の提供を受ける適合事業者の従業者として、特定秘密の取扱いの業務を現に行い、かつ、当該行政機関の長がその者について直近に実施した適性評価に係る次条第一項の規定による通知があった日から五年を経過した日以後特定秘密の取扱いの業務を引き続き行うことが見込まれる者

(ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of said Administrative Organ or as a Worker of an Eligible Contractor that holds a specially designated secret or is provided with a specially designated secret based on a Contract with said Administrative Organ, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official or a Worker on and after the day on which five years have elapsed from the day on which the notice under paragraph (1) of the following Article was given to the person in connection with the Security Clearance Assessment which the Head of the Administrative Organ conducted most recently for said person; and

三 当該行政機関の長が直近に実施した適性評価において特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められた者であって、引き続き当該おそれがないと認めることについて疑いを生じさせる事情があるもの

(iii) a person who has been found to have no risk of unauthorized disclosure of any specially designated secret if the person performs the duty of handling specially designated secrets in the Security Clearance Assessment which the Head of said Administrative Organ conducted most recently for said person, but whose circumstances raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.

2 適性評価は、適性評価の対象となる者（以下「評価対象者」という。）について、次に掲げる事項についての調査を行い、その結果に基づき実施するものとする。

(2) The Security Clearance Assessment shall be conducted based on the results of

an examination with regard to the following matters for the person to be assessed through the Security Clearance Assessment (hereinafter referred to as a "Person subject to Assessment"):

一 特定有害活動（公になっていない情報のうちその漏えいが我が国の安全保障に支障を与えるおそれがあるものを取得するための活動、核兵器、軍用の化学製剤若しくは細菌製剤若しくはこれらの散布のための装置若しくはこれらを運搬することができるロケット若しくは無人航空機又はこれらの開発、製造、使用若しくは貯蔵のために用いられるおそれが特に大きいと認められる物を輸出し、又は輸入するための活動その他の活動であって、外国の利益を図る目的で行われ、かつ、我が国及び国民の安全を著しく害し、又は害するおそれのあるものをいう。別表第三号において同じ。）及びテロリズム（政治上その他の主義主張に基づき、国家若しくは他人にこれを強要し、又は社会に不安若しくは恐怖を与える目的で人を殺傷し、又は重要な施設その他の物を破壊するための活動をいう。同表第四号において同じ。）との関係に関する事項（評価対象者の家族（配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にある者を含む。以下この号において同じ。））、父母、子及び兄弟姉妹並びにこれらの者以外の配偶者の父母及び子をいう。以下この号において同じ。）及び同居人（家族を除く。）の氏名、生年月日、国籍（過去に有していた国籍を含む。）及び住所を含む。）

(i) matters concerning the relationship of the Person subject to Assessment with any specified harmful activities (meaning activities intended to obtain publicly undisclosed information whose unauthorized disclosure has a risk of causing damage to Japan's national security; activities intended to import or export nuclear weapons, military chemical warfare agents or bacterial agents or devices for spraying such agents, rockets or unmanned aerial vehicles capable of transporting these, or objects which are found highly likely to be used for developing, manufacturing, using, or storing any of these; and any other activity that is carried out for the purpose of promoting the interests of a foreign country and which is or is likely to be extremely harmful to the safety of Japan and its citizens; the same shall apply in item (iii) of the Appended Table) and with any terrorist activities (meaning activities intended to kill or injure people or destroy important facilities or other objects for the purpose of forcing a political or other principle or belief upon the State or other persons or causing fear or terror in society based on such principle or opinion; the same shall apply in item (iv) of the same table) (including the names, dates of birth, nationalities (including any former nationality) and addresses of family members of the Person subject to Assessment (meaning the spouse (including a person who is in a de facto marital relationship although the marriage notification has not been made; hereinafter the same shall apply in this item), parents, children and siblings of the Person subject to Assessment, as well as the spouse's parents and children other than these persons; hereinafter the same shall apply in this

- item) and any person living with the Person subject to Assessment (excluding a family member));
- 二 犯罪及び懲戒の経歴に関する事項  
(ii) matters concerning criminal and disciplinary records;
- 三 情報の取扱いに係る非違の経歴に関する事項  
(iii) matters concerning records of improper conduct in connection with the handling of information;
- 四 薬物の濫用及び影響に関する事項  
(iv) matters concerning abuse and the influence of drugs;
- 五 精神疾患に関する事項  
(v) matters concerning mental disorders;
- 六 飲酒についての節度に関する事項  
(vi) matters concerning moderation in drinking alcohol; and
- 七 信用状態その他の経済的な状況に関する事項  
(vii) matters concerning credit status and other financial situation.
- 3 適性評価は、あらかじめ、政令で定めるところにより、次に掲げる事項を評価対象者に対し告知した上で、その同意を得て実施するものとする。
- (3) The Security Clearance Assessment shall be conducted after notifying the Person subject to Assessment of the following matters and obtaining the consent of the person in advance, as provided by Cabinet Order:
- 一 前項各号に掲げる事項について調査を行う旨  
(i) that an examination will be conducted with regard to the matters set forth in the items of the preceding paragraph;
- 二 前項の調査を行うため必要な範囲内において、次項の規定により質問させ、若しくは資料の提出を求めさせ、又は照会して報告を求めることがある旨  
(ii) that the Head of the Administration Organ, pursuant to the following paragraph, may have persons questioned, may have requests made for the person to submit materials, and may make inquiries and request reports, to the extent that doing so is necessary for conducting the examination referred to in the preceding paragraph; and
- 三 評価対象者が第一項第三号に掲げる者であるときは、その旨  
(iii) if the Person subject to Assessment is the person set forth in paragraph (1), item (iii), a statement to that effect.
- 4 行政機関の長は、第二項の調査を行うため必要な範囲内において、当該行政機関の職員に評価対象者若しくは評価対象者の知人その他の関係者に質問させ、若しくは評価対象者に対し資料の提出を求めさせ、又は公務所若しくは公私の団体に照会して必要な事項の報告を求めることができる。
- (4) The Head of an Administrative Organ may have officials of the Administrative Organ question the Person subject to Assessment or acquaintances of the Person subject to Assessment or other persons concerned or may have such officials request the Person subject to Assessment to submit

materials, or may make inquiries to public offices or public or private organizations and request reports on the necessary matters from them, to the extent that doing so is necessary for conducting the examination referred to in paragraph (2).

(適性評価の結果等の通知)

(Notice of Results of Security Clearance Assessment)

第十三条 行政機関の長は、適性評価を実施したときは、その結果を評価対象者に対し通知するものとする。

Article 13 (1) After conducting a Security Clearance Assessment, the Head of the Administrative Organ shall give notice of the results to the Person subject to Assessment.

2 行政機関の長は、適合事業者の従業者について適性評価を実施したときはその結果を、当該従業者が前条第三項の同意をしなかったことにより適性評価が実施されなかったときはその旨を、それぞれ当該適合事業者に対し通知するものとする。

(2) After conducting a Security Clearance Assessment of a Worker of an Eligible Contractor, the Head of the Administrative Organ shall give notice of the results to the Eligible Contractor, and if a Security Clearance Assessment of said Worker is not conducted due to the Worker's refusal to give the consent referred to in paragraph (3) of the preceding Article, the Head of the Administrative Organ shall notify the Eligible Contractor of this.

3 前項の規定による通知を受けた適合事業者は、当該評価対象者が当該適合事業者の指揮命令の下に労働する派遣労働者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号）第二条第二号に規定する派遣労働者をいう。第十六条第二項において同じ。）であるときは、当該通知の内容を当該評価対象者を雇用する事業主に対し通知するものとする。

(3) An Eligible Contractor which has received notice under the preceding paragraph shall give notice of the content of the notice to the business operator employing the Person subject to Assessment if said Person subject to Assessment is a dispatched worker (meaning a dispatched worker provided for in Article 2, item (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers (Act No. 88 of 1985); the same shall apply in Article 16, paragraph (2)) working under the instruction of the Eligible Contractor.

4 行政機関の長は、第一項の規定により評価対象者に対し特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められなかった旨を通知するときは、適性評価の円滑な実施の確保を妨げない範囲内において、当該おそれがないと認められなかった理由を通知するものとする。ただし、当該評価対象者があらかじめ当該理由の通知を希望しない旨を申し出た場合は、この限りでない。

(4) When giving notice to a Person subject to Assessment, pursuant to paragraph (1), that the person has not been found to have no risk of unauthorized

disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret, the Head of the Administrative Organ shall give notice to the Person subject to Assessment of the reasons for not finding that such risk does not exist, to the extent that this does not interfere with ensuring the smooth conduct of the Security Clearance Assessment; provided, however, that this shall not apply if the Person subject to Assessment notifies in advance that the person does not wish to receive notice of said reasons.

(行政機関の長に対する苦情の申出等)

(Filing Complaints with Heads of Administrative Organs)

第十四条 評価対象者は、前条第一項の規定により通知された適性評価の結果その他当該評価対象者について実施された適性評価について、書面で、行政機関の長に対し、苦情の申出をすることができる。

Article 14 (1) A Person subject to Assessment may file a complaint with the Head of the Administrative Organ in writing, with regard to the results of the Security Clearance Assessment of which notice has been given to the person pursuant to paragraph (1) of the preceding Article or with regard to the Security Clearance Assessment conducted for the Person subject to Assessment.

2 行政機関の長は、前項の苦情の申出を受けたときは、これを誠実に処理し、処理の結果を苦情の申出をした者に通知するものとする。

(2) When receiving a complaint referred to in the preceding paragraph, the Head of the Administrative Organ shall process the complaint sincerely and give notice of the results to the person filing the complaint.

3 評価対象者は、第一項の苦情の申出をしたことを理由として、不利益な取扱いを受けない。

(3) No Person subject to Assessment shall be subjected to adverse treatment on the grounds having filed a complaint referred to in paragraph (1).

(警察本部長による適性評価の実施等)

(Conduct of Security Clearance Assessment by the Chief of Police)

第十五条 警察本部長は、政令で定めるところにより、次に掲げる者について、適性評価を実施するものとする。

Article 15 (1) The Chief of Police shall conduct a Security Clearance Assessment of each of the following persons, as provided for by Cabinet Order:

一 当該都道府県警察の職員（警察本部長を除く。次号において同じ。）として特定秘密の取扱いの業務を新たに行うことが見込まれることとなった者（当該警察本部長がその者について直近に実施して次項において準用する第十三条第一項の規定による通知をした日から五年を経過していない適性評価において、特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められた者であって、引き続き当該おそれがないと認められるものを除く。）

(i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of the Prefectural Police (excluding the Chief of Police; the same shall apply in the following item) (excluding a person who has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling a specially designated secret, in the Security Clearance Assessment which the Chief of Police conducted most recently for said person and for which five years have not elapsed since the day on which the Chief of Police gave the notice under Article 13, paragraph (1) as applied mutatis mutandis pursuant to the following paragraph to the person, and is found to continue to be free from the risk of unauthorized disclosure);

二 当該都道府県警察の職員として、特定秘密の取扱いの業務を現に行い、かつ、当該警察本部長がその者について直近に実施した適性評価に係る次項において準用する第十三条第一項の規定による通知があった日から五年を経過した日以後特定秘密の取扱いの業務を引き続き行うことが見込まれる者

(ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of the Prefectural Police, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official on and after the day on which five years have elapsed from the day on which the notice under Article 13, paragraph (1) as applied mutatis mutandis pursuant to the following paragraph was given to the person in connection with the Security Clearance Assessment which the Chief of Police conducted most recently for said person; and

三 当該警察本部長が直近に実施した適性評価において特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと認められた者であって、引き続き当該おそれがないと認めることについて疑いを生じさせる事情があるもの

(iii) a person who has been found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling specially designated secrets in the Security Clearance Assessment which said Chief of Police conducted most recently for said person, but whose circumstances raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.

2 前三条（第十二条第一項並びに第十三条第二項及び第三項を除く。）の規定は、前項の規定により警察本部長が実施する適性評価について準用する。この場合において、第十二条第三項第三号中「第一項第三号」とあるのは、「第十五条第一項第三号」と読み替えるものとする。

(2) The preceding three Articles (excluding Article 12, paragraph (1) and Article 13, paragraphs (2) and (3)) shall apply mutatis mutandis to the Security Clearance Assessment conducted by the Chief of Police pursuant to the preceding paragraph. In this case, the phrase "paragraph (1), item (iii)" in

Article 12, paragraph (3), item (iii) shall be deemed to be replaced with "Article 15, paragraph (1), item (iii)".

(適性評価に関する個人情報の利用及び提供の制限)

**(Restriction on the Use and Provision of Personal Information Concerning Security Clearance Assessment)**

第十六条 行政機関の長及び警察本部長は、特定秘密の保護以外の目的のために、評価対象者が第十二条第三項（前条第二項において読み替えて準用する場合を含む。）の同意をしなかったこと、評価対象者についての適性評価の結果その他適性評価の実施に当たって取得する個人情報（生存する個人に関する情報であつて、当該情報に含まれる氏名、生年月日その他の記述等により特定の個人を識別することができるもの

（他の情報と照合することができ、それにより特定の個人を識別することができることとなるものを含む。）をいう。以下この項において同じ。）を自ら利用し、又は提供してはならない。ただし、適性評価の実施によって、当該個人情報に係る特定の個人が国家公務員法（昭和二十二年法律第百二十号）第三十八条各号、同法第七十五条第二項に規定する人事院規則の定める事由、同法第七十八条各号、第七十九条各号若しくは第八十二条第一項各号、検察庁法（昭和二十二年法律第六十一号）第二十条各号、外務公務員法（昭和二十七年法律第四十一号）第七条第一項に規定する者、自衛隊法（昭和二十九年法律第百六十五号）第三十八条第一項各号、第四十二条各号、第四十三条各号若しくは第四十六条第一項各号、同法第四十八条第一項に規定する場合若しくは同条第二項各号若しくは第三項各号若しくは地方公務員法（昭和二十五年法律第二百六十一号）第十六条各号、第二十八条第一項各号若しくは第二項各号若しくは第二十九条第一項各号又はこれらに準ずるものとして政令で定める事由のいずれかに該当する疑いが生じたときは、この限りでない。

Article 16 (1) The Head of an Administrative Organ and the Chief of Police shall not personally use or provide others with, for purposes other than the protection of specially designated secrets, information as to the fact that a Person subject to Assessment did not give the consent referred to in Article 12, paragraph (3) (including the cases where applied mutatis mutandis through a replacement of terms pursuant to paragraph (2) of the preceding Article), the results of the Security Clearance Assessment of a Person subject to Assessment, or any personal information (meaning information about a living individual, which can identify the specific individual by name, date of birth and other description contained in such information (including information that can be compared with other information and thereby identify the specific individual); hereinafter the same shall apply in this paragraph) acquired in conducting the Security Clearance Assessment; provided, however, that this shall not apply if the Security Clearance Assessment raises doubts as to whether the specific individual to whom the said personal information pertains falls under any of the following: the items of Article 38 of the National Public Service Act (Act No. 120 of 1947), the clauses provided for by rules of the National Personnel



Authority as provided for in Article 75, paragraph (2) of the same Act, the items of Article 78 of the same Act, the items of Article 79 of the same Act or the items of Article 82, paragraph (1) of the same Act; the items of Article 20 of the Public Prosecutor's Office Act (Act No. 61 of 1947); the category of persons provided for in Article 7, paragraph (1) of the Diplomats Act (Act No. 41 of 1952); the items of Article 38, paragraph (1), the items of Article 42, the items of Article 43 or the items of Article 46, paragraph (1) of the Self-Defense Forces Act (Act No. 165 of 1954), the cases provided for in Article 48, paragraph (1) of the same Act, or the items of paragraph (2) or paragraph (3) of the same Article; the items of Article 16, the items of Article 28, paragraph (1) or the items of paragraph (2) of the same Article, or the items of Article 29, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950); or the grounds specified by Cabinet Order as equivalent to these.

2 適合事業者及び適合事業者の指揮命令の下に労働する派遣労働者を雇用する事業主は、特定秘密の保護以外の目的のために、第十三条第二項又は第三項の規定により通知された内容を自ら利用し、又は提供してはならない。

(2) An Eligible Contractor and a business operator employing a dispatched worker working under the instruction of an Eligible Contractor shall not personally use or provide others with, for purposes other than the protection of specially designated secrets, information as to the content of the notice given pursuant to Article 13, paragraph (2) or paragraph (3).

(権限又は事務の委任)

(Delegation of Authority or Affairs)

第十七条 行政機関の長は、政令（内閣の所轄の下に置かれる機関及び会計検査院にあつては、当該機関の命令）で定めるところにより、この章に定める権限又は事務を当該行政機関の職員に委任することができる。

Article 17 The Head of an Administrative Organ may delegate the authority or affairs provided for in this Chapter to the officials of the Administrative Organ, as provided for by Cabinet Order (in the case of an organ under the jurisdiction of the Cabinet and in the case of the Board of Audit, as provided for by order of said organ or the Board of Audit).

## 第六章 雑則

### Chapter VI Miscellaneous Provisions

(特定秘密の指定等の運用基準等)

(Implementation Standards for the Designation of Specially Designated Secrets)

第十八条 政府は、特定秘密の指定及びその解除並びに適性評価の実施に関し、統一的な運用を図るための基準を定めるものとする。

Article 18 (1) The government shall formulate standards to ensure uniform implementation in connection with the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment.

2 内閣総理大臣は、前項の基準を定め、又はこれを変更しようとするときは、我が国の安全保障に関する情報の保護、行政機関等の保有する情報の公開、公文書等の管理等に関し優れた識見を有する者の意見を聴いた上で、その案を作成し、閣議の決定を求めなければならない。

(2) When intending to formulate or revise the standards referred to in the preceding paragraph, the Prime Minister must prepare a draft of the standards after hearing the opinions of persons with distinguished insight into matters such as the protection of information concerning Japan's national security, the disclosure of information held by Administrative Organs, etc., and the management of public records, etc., and must seek a Cabinet decision on the draft.

3 内閣総理大臣は、毎年、第一項の基準に基づく特定秘密の指定及びその解除並びに適性評価の実施の状況を前項に規定する者に報告し、その意見を聴かなければならない。

(3) The Prime Minister must report each year the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment based on the standards referred to in paragraph (1) to the persons provided for in the preceding paragraph and must hear the opinions of such persons.

4 内閣総理大臣は、特定秘密の指定及びその解除並びに適性評価の実施の状況に関し、その適正を確保するため、第一項の基準に基づいて、内閣を代表して行政各部を指揮監督するものとする。この場合において、内閣総理大臣は、特定秘密の指定及びその解除並びに適性評価の実施が当該基準に従って行われていることを確保するため、必要があると認めるときは、行政機関の長（会計検査院を除く。）に対し、特定秘密である情報を含む資料の提出及び説明を求め、並びに特定秘密の指定及びその解除並びに適性評価の実施について改善すべき旨の指示をすることができる。

(4) With regard to the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance, in order to ensure that these affairs are implemented properly, the Prime Minister shall represent the Cabinet in exercising control and supervision over the administrative branches, based on the standards referred to in paragraph (1). In this case, if the Prime Minister finds it necessary in order to ensure that the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment comply with said standards, the Prime Minister may request the Head of an Administrative Organ (excluding the Board of Audit) to submit and explain materials that contain the information that is a specially designated

secret, and may give instructions to the Head of the Administrative Organ that improvement needs to be made with regard to the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment.

(国会への報告等)

(Report to the Diet)

第十九条 政府は、毎年、前条第三項の意見を付して、特定秘密の指定及びその解除並びに適性評価の実施の状況について国会に報告するとともに、公表するものとする。

Article 19 The government shall report each year the state of the Designation of specially designated secrets and the termination of the Designation as well as the conduct of the Security Clearance Assessment with the opinions referred to in paragraph (3) of the preceding Article to the Diet and publicize the report.

(関係行政機関の協力)

(Cooperation of Related Administrative Organs)

第二十条 関係行政機関の長は、特定秘密の指定、適性評価の実施その他この法律の規定により講ずることとされる措置に関し、我が国の安全保障に関する情報のうち特に秘匿することが必要であるものの漏えいを防止するため、相互に協力するものとする。

Article 20 The Heads of related Administrative Organs shall cooperate with one another in connection with the Designation of specially designated secrets, the conduct of the Security Clearance Assessment and other measures to be taken pursuant to this Act, in order to prevent the unauthorized disclosure of information, among information involved in Japan's national security, which is particularly required to be kept secret.

(政令への委任)

(Delegation to Cabinet Order)

第二十一条 この法律に定めるもののほか、この法律の実施のための手続その他この法律の施行に関し必要な事項は、政令で定める。

Article 21 In addition to what is provided for in this Act, procedures for implementing this Act and other necessary matters in connection with the enforcement of this Act shall be provided for by Cabinet Order.

(この法律の解釈適用)

(Interpretation and Application of This Act)

第二十二条 この法律の適用に当たっては、これを拡張して解釈して、国民の基本的人権を不当に侵害するようなことがあってはならず、国民の知る権利の保障に資する報道又は取材の自由に十分に配慮しなければならない。

Article 22 (1) When this Act is applied, its interpretation must not be expanded to unfairly violate the fundamental human rights of the citizens, and due

consideration must be paid to the freedom of news reporting or news coverage, which contributes to guaranteeing the citizens' right to know.

2 出版又は報道の業務に従事する者の取材行為については、専ら公益を図る目的を有し、かつ、法令違反又は著しく不当な方法によるものと認められない限りは、これを正当な業務による行為とするものとする。

(2) The act of news coverage by persons engaged in publishing or news reporting shall be treated as an act in the pursuit of lawful business as long as it has the sole aim of furthering the public interest and is not found to have been done in violation of laws or regulations or through the use of extremely unjustifiable means.

## 第七章 罰則

### Chapter VII Penal Provisions

第二十三条 特定秘密の取扱いの業務に従事する者がその業務により知得した特定秘密を漏らしたときは、十年以下の懲役に処し、又は情状により十年以下の懲役及び千万円以下の罰金に処する。特定秘密の取扱いの業務に従事しなくなった後においても、同様とする。

Article 23 (1) If a person engaged in the duty of handling a specially designated secret discloses, without authorization, the specially designated secret which the person has come to know in the course of duty, the person shall be punished by imprisonment with work for not more than ten years or, in light of the circumstances, shall be punished by imprisonment with work for not more than ten years and a fine of not more than ten million yen. The same shall apply when the person is no longer engaged in the duty of handling a specially designated secret.

2 第四条第五項、第九条、第十条又は第十八条第四項後段の規定により提供された特定秘密について、当該提供の目的である業務により当該特定秘密を知得した者がこれを漏らしたときは、五年以下の懲役に処し、又は情状により五年以下の懲役及び五百万円以下の罰金に処する。第十条第一項第一号ロに規定する場合において提示された特定秘密について、当該特定秘密の提示を受けた者がこれを漏らしたときも、同様とする。

(2) With regard to the specially designated secret provided pursuant to Article 4, paragraph (5), Article 9, Article 10 or the second sentence of Article 18, paragraph (4), if a person who has come to know said specially designated secret in the course of the duty for which the secret was provided, discloses said specially designated secret without authorization, the person shall be punished by imprisonment with work for not more than five years or, in light of the circumstances, shall be punished by imprisonment with work for not more than five years and a fine of not more than five million yen. The same shall apply if a person who has been presented with a specially designated secret in

the case provided for in Article 10, paragraph (1), item (i), (b), discloses said specially designated secret without authorization.

3 前二項の罪の未遂は、罰する。

(3) An attempt of the crimes referred to in the preceding two paragraphs shall be punished.

4 過失により第一項の罪を犯した者は、二年以下の禁錮又は五十万円以下の罰金に処する。

(4) A person who commits the crime referred to in paragraph (1) by negligence shall be punished by imprisonment without work for not more than two years or by a fine of not more than 500,000 yen.

5 過失により第二項の罪を犯した者は、一年以下の禁錮又は三十万円以下の罰金に処する。

(5) A person who commits the crime referred to in paragraph (2) by negligence shall be punished by imprisonment without work for not more than one year or a fine of not more than 300,000 yen.

第二十四条 外国の利益若しくは自己の不正の利益を図り、又は我が国の安全若しくは国民の生命若しくは身体を害すべき用途に供する目的で、人を欺き、人に暴行を加え、若しくは人を脅迫する行為により、又は財物の窃取若しくは損壊、施設への侵入、有線電気通信の傍受、不正アクセス行為（不正アクセス行為の禁止等に関する法律（平成十一年法律第百二十八号）第二条第四項に規定する不正アクセス行為をいう。）その他の特定秘密を保有する者の管理を害する行為により、特定秘密を取得した者は、十年以下の懲役に処し、又は情状により十年以下の懲役及び千万円以下の罰金に処する。

Article 24 (1) A person who acquires a specially designated secret by an act of deceiving, assaulting or intimidating a person, or by theft or destruction of property, trespassing on a facility, interception of wired communications, an act of unauthorized computer access (meaning an act of unauthorized computer access provided for in Article 2, paragraph (4) of the Act on Prohibition of Unauthorized Computer Access (Act No. 128 of 1999)) or any other act that undermines the control of a person holding a specially designated secret, for the purpose of using the secret to promote the interests of a foreign country or acquire an illicit personal gain or to cause harm to Japan's safety or to the lives or bodies of its citizens, shall be punished by imprisonment with work for not more than ten years, or in light of the circumstances, shall be punished by imprisonment with work for not more than ten years and a fine of not more than ten million yen.

2 前項の罪の未遂は、罰する。

(2) An attempt of the crime referred to in the preceding paragraph shall be punished.

3 前二項の規定は、刑法（明治四十年法律第四十五号）その他の罰則の適用を妨げな

い。

(3) The provisions of the preceding two paragraphs do not preclude the application of the Penal Code (Act No. 45 of 1907) or any other penal provisions.

第二十五条 第二十三条第一項又は前条第一項に規定する行為の遂行を共謀し、教唆し、又は煽動した者は、五年以下の懲役に処する。

Article 25 (1) A person who conspires with, induces or incites another person to commit any of the acts provided for in Article 23, paragraph (1) or paragraph (1) of the preceding Article shall be punished by imprisonment with work for not more than five years.

2 第二十三条第二項に規定する行為の遂行を共謀し、教唆し、又は煽動した者は、三年以下の懲役に処する。

(2) A person who conspires with, induces or incites another person to commit the act provided for in Article 23, paragraph (2) shall be punished by imprisonment with work for not more than three years.

第二十六条 第二十三条第三項若しくは第二十四条第二項の罪を犯した者又は前条の罪を犯した者のうち第二十三条第一項若しくは第二項若しくは第二十四条第一項に規定する行為の遂行を共謀したものが自首したときは、その刑を減輕し、又は免除する。

Article 26 If a person who has committed the crime referred to in Article 23, paragraph (3) or Article 24, paragraph (2), or a person who, among those who have committed the crime referred to in the preceding Article, has conspired with another person to commit the act provided for in Article 23, paragraph (1) or paragraph (2) or Article 24, paragraph (1) surrenders, the punishment for the person shall be reduced or the person shall be exempted from the punishment.

第二十七条 第二十三条の罪は、日本国外において同条の罪を犯した者にも適用する。

Article 27 (1) The crime referred to in Article 23 shall apply to a person who commits the crime referred to in the same Article outside Japan.

2 第二十四条及び第二十五条の罪は、刑法第二条の例に従う。

(2) The crimes referred to in Articles 24 and 25 shall be governed by Article 2 of the Penal Code.

## 附 則

### Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、第十八条第一項及び第二項（変更に係る部分を除く。）

並びに附則第九条及び第十条の規定は、公布の日から施行する。

**Article 1** This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that Article 18, paragraphs (1) and (2) (excluding the part concerning the revision), and Articles 9 and 10 of the Supplementary Provisions shall come into effect as of the date of promulgation.

(経過措置)

(Transitional Measures)

**第二条** この法律の公布の日から起算して二年を超えない範囲内において政令で定める日の前日までの間においては、第五条第一項及び第五項（第八条第二項において読み替えて準用する場合を含む。以下この条において同じ。）の規定の適用については、第五条第一項中「第十一条の規定により特定秘密の取扱いの業務を行うことができることとされる者のうちから、当該行政機関」とあるのは「当該行政機関」と、同条第五項中「第十一条の規定により特定秘密の取扱いの業務を行うことができることとされる者のうちから、同項の」とあるのは「同項の」とし、第十一条の規定は、適用しない。

**Article 2** Until the day preceding the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation of this Act, with regard to the application of Article 5, paragraph (1), and paragraph (5) of the same Article (including the cases where applied mutatis mutandis through a replacement of terms pursuant to Article 8, paragraph (2); hereinafter the same shall apply in this Article), the phrase "at the Administrative Organ who are assigned to perform the duty of handling the specially designated secret subject to said Designation, among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11" in Article 5, paragraph (1) shall be deemed to be replaced with "at the Administrative Organ who are assigned to perform the duty of handling the specially designated secret subject to said Designation" and the phrase "pursuant to the same paragraph nominates and assigns to perform the duty of handling the specially designated secret, from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11" in paragraph (5) of the same Article shall be deemed to be replaced with "pursuant to the same paragraph nominates and assigns to perform the duty of handling the specially designated secret", and Article 11 shall not apply.

(施行後五年を経過した日の翌日以後の行政機関)

(Administrative Organs On and After the Day Following the Date of Lapse of Five-Year Period from Day of Coming into Effect)

**第三条** この法律の施行の日（以下「施行日」という。）から起算して五年を経過した日の翌日以後における第二条の規定の適用については、同条中「掲げる機関」とある

のは、「掲げる機関（この法律の施行の日以後同日から起算して五年を経過する日までの間、次条第一項の規定により指定された特定秘密（附則第五条の規定により防衛大臣が特定秘密として指定をした情報とみなされる場合における防衛秘密を含む。以下この条において単に「特定秘密」という。）を保有したことがない機関として政令で定めるもの（その請求に基づき、内閣総理大臣が第十八条第二項に規定する者の意見を聴いて、同日後特定秘密を保有する必要が新たに生じた機関として政令で定めるものを除く。）を除く。）とする。

Article 3 With regard to the application of Article 2 on and after the day following the day on which five years have elapsed from the day on which this Act comes into effect (hereinafter referred to as the "Effective Date"), the phrase "the following organs" in the same Article shall be deemed to be replaced with "the following organs (excluding those specified by Cabinet Order as organs which have never held any specially designated secrets designated pursuant to paragraph (1) of the following Article (including a defense secret consisting of the matters that shall be deemed to be the information which is designated by the Minister of Defense as a specially designated secret, pursuant to Article 5 of the Supplementary Provisions; hereinafter simply referred to as a "Specially Designated Secret" in this Article) during the period from the day on which this Act comes into effect until five years have elapsed from that day (excluding those specified by Cabinet Order as organs which come to need to hold a Specially Designated Secret after the day on which that period has passed, after the Prime Minister hears opinions from the persons provided for in Article 18, paragraph (2) at the request of said organs)."

（自衛隊法の一部改正）

(Partial Revision of the Self-Defense Forces Act)

第四条 自衛隊法の一部を次のように改正する。

Article 4 The Self-Defense Forces Act shall be partially revised as follows:

目次中「自衛隊の権限等（第八十七条―第九十六条の二）」を「自衛隊の権限（第八十七条―第九十六条）」に、「第二百二十六条」を「第二百二十五条」に改める。

In the table of contents, "Authority of Self-Defense Forces, etc. (Articles 87 to 96-2)" shall be revised as "Authority of Self-Defense Forces (Articles 87 to 96)," and "Article 126" shall be revised as "Article 125".

第七章の章名を次のように改める。

The title of Chapter VII shall be revised as follows:

第七章 自衛隊の権限

Chapter VII Authority of Self-Defense Forces

第九十六条の二を削る。

Article 96-2 shall be deleted.

第二百二十二条を削る。

Article 122 shall be deleted.



第二百二十三条第一項中「一に」を「いずれかに」に、「禁こ」を「禁錮」に改め、同項第五号中「めいていして」を「酌量して」に改め、同条第二項中「ほう助」を「幫助」に、「せん動した」を「煽動した」に改め、同条を第二百二十二条とする。

Article 123 shall be moved to Article 122.

第二百二十四条を第二百二十三条とし、第二百五条を第二百二十四条とし、第二百二十六条を第二百二十五条とする。

Article 124 shall be moved to Article 123, Article 125 shall be moved to Article 124, and Article 126 shall be moved to Article 125.

別表第四を削る。

Appended Table 4 shall be deleted.

(自衛隊法の一部改正に伴う経過措置)

(Transitional Measures upon Partial Revision of the Self-Defense Forces Act)

第五条 次条後段に規定する場合を除き、施行日の前日において前条の規定による改正前の自衛隊法（以下この条及び次条において「旧自衛隊法」という。）第九十六条の二第一項の規定により防衛大臣が防衛秘密として指定していた事項は、施行日において第三条第一項の規定により防衛大臣が特定秘密として指定をした情報と、施行日前に防衛大臣が当該防衛秘密として指定していた事項について旧自衛隊法第九十六条の二第二項第一号の規定により付した標記又は同項第二号の規定によりした通知は、施行日において防衛大臣が当該特定秘密について第三条第二項第一号の規定によりした表示又は同項第二号の規定によりした通知とみなす。この場合において、第四条第一項中「指定をするときは、当該指定の日」とあるのは、「この法律の施行の日以後遅滞なく、同日」とする。

Article 5 Except in the case provided for in the second sentence of the following Article, a matter which is designated as a defense secret as of the day preceding the Effective Date, pursuant to Article 96-2, paragraph (1) of the Self-Defense Forces Act prior to its revision under the preceding Article (hereinafter referred to as the "Former Self-Defense Forces Act" in this Article and the following Article), shall be deemed to be the information which is designated by the Minister of Defense as a specially designated secret as of the Effective Date, pursuant to Article 3, paragraph (1), and a marking affixed pursuant to Article 96-2, paragraph (2), item (i) of the Former Self-Defense Forces Act or the notice given pursuant to item (ii) of the same paragraph by the Minister of Defense with regard to the matter which has been designated as said defense secret prior to the Effective Date shall be deemed to be the marking affixed pursuant to Article 3, paragraph (2), item (i) or the notice given pursuant to item (ii) of the same paragraph by the Minister of Defense with regard to the specially designated secret as of the Effective Date. In this case, the phrase "When making a Designation, the Head of an Administrative Organ shall specify its effective period not exceeding five years from the date of the Designation" in Article 4, paragraph (1) shall be deemed to be replaced

with "Without delay on and after the day on which this Act comes into effect, the Head of an Administrative Organ shall specify its effective period not exceeding five years from said day."

第六条 施行日前にした行為に対する罰則の適用については、なお従前の例による。旧自衛隊法第二百二十二条第一項に規定する防衛秘密を取り扱うことを業務とする者であつて施行日前に防衛秘密を取り扱うことを業務としなくなったものが、その業務により知得した当該防衛秘密に関し、施行日以後にした行為についても、同様とする。

Article 6 With regard to the application of penal provisions to acts committed prior to the Effective Date, the provisions then in force shall remain applicable. The same shall apply to an act committed after the Effective Date by a person who has been engaged in the duty of handling a defense secret provided for in Article 122, paragraph (1) of the Former Self-Defense Forces Act and has come to no longer be engaged in the duty of handling the defense secret by the Effective Date, if such act is committed after the Effective Date with regard to the defense secret which the person has come to know in the course of performing the duty.

(内閣法の一部改正)

(Partial Revision of the Cabinet Act)

第七条 内閣法（昭和二十二年法律第五号）の一部を次のように改正する。

Article 7 The Cabinet Act (Act No. 5 of 1947) shall be partially revised as follows.

第十七条第二項第一号中「及び内閣広報官」を「並びに内閣広報官及び内閣情報官」に改める。

The phrase "and the Cabinet Public Relations Secretary" in Article 17, paragraph (2), item (i) shall be revised as ", the Cabinet Public Relations Secretary and the Director of Cabinet Intelligence".

第二十条第二項中「助け、」の下に「第十二条第二項第二号から第五号までに掲げる事務のうち特定秘密（特定秘密の保護に関する法律（平成二十五年法律第百八号）第三条第一項に規定する特定秘密をいう。）の保護に関するもの（内閣広報官の所掌に属するものを除く。）及び」を加える。

In Article 20, paragraph (2), the phrase "the affairs set forth in Article 12, paragraph (2), items (ii) through (v) which pertain to the protection of specially designated secrets (meaning the specially designated secrets provided for in Article 3, paragraph (1) of the Act on the Protection of Specially Designated Secrets (Act No. 108 of 2013)) (excluding those under the jurisdiction of the Cabinet Public Relations Secretary) and" shall be inserted after the term "administer".

(政令への委任)

(Delegation to Cabinet Order)

第八条 附則第二条、第三条、第五条及び第六条に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 8 In addition to what is provided for in Articles 2, 3, 5 and 6 of the Supplementary Provisions, the necessary transitional measures for the enforcement of this Act shall be provided by Cabinet Order.

(指定及び解除の適正の確保)

(Ensuring Proper Designation and Termination)

第九条 政府は、行政機関の長による特定秘密の指定及びその解除に関する基準等が真に安全保障に資するものであるかどうかを独立した公正な立場において検証し、及び監察することのできる新たな機関の設置その他の特定秘密の指定及びその解除の適正を確保するために必要な方策について検討し、その結果に基づいて所要の措置を講ずるものとする。

Article 9 The government shall consider the establishment of a new organ that is capable of verifying and overseeing, from an independent and impartial standpoint, whether the standards, etc. concerning the Designation of specially designated secrets and the termination of the Designation by the Heads of Administrative Organs are truly conducive to national security, and other necessary steps to ensure proper Designation of specially designated secrets and the termination of the Designation, and shall take required measures based on the results of the consideration.

(国会に対する特定秘密の提供及び国会におけるその保護措置の在り方)

(Policy for Provision of Specially Designated Secrets to the Diet and Protective Measures for Those Secrets at the Diet)

第十条 国会に対する特定秘密の提供については、政府は、国会が国権の最高機関であり各議院がその会議その他の手続き及び内部の規律に関する規則を定める権能を有することを定める日本国憲法及びこれに基づく国会法等の精神にのっとり、この法律を運用するものとし、特定秘密の提供を受ける国会におけるその保護に関する方策については、国会において、検討を加え、その結果に基づいて必要な措置を講ずるものとする。

Article 10 With regard to the provision of specially designated secrets to the Diet, the government shall implement this Act in accordance with the spirit of the Constitution of Japan, which provides that the Diet shall be the highest organ of state power and that each House has the power to establish its rules pertaining to meetings, proceedings and internal discipline, and of the Diet Act, etc. enacted under the Constitution, and the steps to protect the specially designated secrets with which the Diet is provided shall be considered at the Diet, and the Diet shall take the necessary measures based on the results of the consideration.

別表（第三条、第五条―第九条関係）

Appended Table (Re.: Articles 3 and 5 to 9) Appended Table (Re.: Articles 3 and 5 to 9)

一 防衛に関する事項

(i) Matters concerning defense:

イ 自衛隊の運用又はこれに関する見積り若しくは計画若しくは研究

(a) operation of the Self-Defense Forces or assessments, plans or studies relevant thereto;

ロ 防衛に関し収集した電波情報、画像情報その他の重要な情報

(b) signal information, image information and other important information collected in connection with defense;

ハ ロに掲げる情報の収集整理又はその能力

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

ニ 防衛力の整備に関する見積り若しくは計画又は研究

(d) assessments, plans or studies relevant to the development of defense capabilities build-up;

ホ 武器、弾薬、航空機その他の防衛の用に供する物の種類又は数量

(e) type or quantity of weapons, ammunition, aircraft and other objects used for defense;

ヘ 防衛の用に供する通信網の構成又は通信の方法

(f) structure of communications networks or means of communications used for defense;

ト 防衛の用に供する暗号

(g) cryptology used for defense;

チ 武器、弾薬、航空機その他の防衛の用に供する物又はこれらの物の研究開発段階のもの仕様、性能又は使用方法

(h) specifications, performance or method of use of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage;

リ 武器、弾薬、航空機その他の防衛の用に供する物又はこれらの物の研究開発段階のもの製作、検査、修理又は試験の方法

(i) methods of production, inspection, repair or test of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage;

ヌ 防衛の用に供する施設の設計、性能又は内部の用途（へに掲げるものを除く。）

(j) design, performance or internal use of facilities used for defense (excluding those set forth in (f)).

二 外交に関する事項

(ii) Matters concerning diplomacy:

イ 外国の政府又は国際機関との交渉又は協力の方針又は内容のうち、国民の生命及び身体の保護、領域の保全その他の安全保障に関する重要なもの

(a) policies for or contents of negotiations or cooperation with a government of a foreign country or an international organization which are important to national security, such as the protection of the lives and bodies of the citizens or maintaining territorial integrity;

ロ 安全保障のために我が国が実施する貨物の輸出若しくは輸入の禁止その他の措置又はその方針（第一号イ若しくはニ、第三号イ又は第四号イに掲げるものを除く。）

(b) prohibition on the import or export of goods or other measures that Japan implements for national security or the policies thereof (excluding those set forth in item (i), (a) or (d), item (iii), (a), or item (iv), (a));

ハ 安全保障に関し収集した国民の生命及び身体の保護、領域の保全若しくは国際社会の平和と安全に関する重要な情報又は条約その他の国際約束に基づき保護することが必要な情報（第一号ロ、第三号ロ又は第四号ロに掲げるものを除く。）

(c) important information pertaining to the protection of the lives and bodies of the citizens, maintaining territorial integrity or the peace and security of the international community or information that requires protection based on a treaty or other international agreement, which has been collected in connection with national security (excluding those set forth in item (i), (b), item (iii), (b), or item (iv), (b));

ニ ハに掲げる情報の収集整理又はその能力

(d) collection and coordination of the information set forth in (c) or the capacity thereof;

ホ 外務省本省と在外公館との間の通信その他の外交の用に供する暗号

(e) cryptology used in communications between the Ministry of Foreign Affairs and overseas diplomatic establishments and for other diplomatic purposes.

### 三 特定有害活動の防止に関する事項

(iii) Matters concerning prevention of specified harmful activities:

イ 特定有害活動による被害の発生若しくは拡大の防止（以下この号において「特定有害活動の防止」という。）のための措置又はこれに関する計画若しくは研究

(a) measures to prevent the occurrence or spread of damage that is caused by specified harmful activities (hereinafter referred to as "Prevention of Specified Harmful Activities" in this item) or plans or studies relevant thereto;

ロ 特定有害活動の防止に関し収集した国民の生命及び身体の保護に関する重要な情報又は外国の政府若しくは国際機関からの情報

(b) important information concerning the protection of the lives and bodies of the citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the

Prevention of Specified Harmful Activities;

ハ ロに掲げる情報の収集整理又はその能力

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

ニ 特定有害活動の防止の用に供する暗号

(d) cryptology used in the Prevention of Specified Harmful Activities.

四 テロリズムの防止に関する事項

(iv) Matters concerning the prevention of terrorist activities:

イ テロリズムによる被害の発生若しくは拡大の防止（以下この号において「テロリズムの防止」という。）のための措置又はこれに関する計画若しくは研究

(a) measures to prevent the occurrence or spread of damage that is caused by terrorist activities (hereinafter referred to as "Prevention of Terrorist Activities" in this item) or plans or studies relevant thereto;

ロ テロリズムの防止に関し収集した国民の生命及び身体の保護に関する重要な情報又は外国の政府若しくは国際機関からの情報

(b) important information pertaining to the protection of the lives and bodies of the citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the Prevention of Terrorist Activities;

ハ ロに掲げる情報の収集整理又はその能力

(c) collection and coordination of the information set forth in (b) or the capacity thereof;

ニ テロリズムの防止の用に供する暗号

(d) cryptology used in the Prevention of Terrorist Activities.