

# **Order for Enforcement of the Act on the Protection of Specially Designated Secrets**

(Cabinet Order No. 336 of October 17, 2014)

The Cabinet hereby enacts this Cabinet Order pursuant to the following provisions of the Act on the Protection of Specially Designated Secrets (Act No. 108 of 2013): Article 2, item (v); Article 3, paragraphs (1) and (2); Article 4, paragraphs (2), (5), and (7); Article 5, paragraph (1); Article 5, paragraph (3) (including as applied mutatis mutandis pursuant to Article 7, paragraph (2) of the same Act); Article 5, paragraph (4); Article 5, paragraph (5) (including as applied mutatis mutandis pursuant to Article 8, paragraph (2) of the same Act); Article 6, paragraph (2), Article 10, paragraph (1), item (i); Article 11, item (vii); Article 12, paragraph (1); Article 12, paragraph (3) (including as applied mutatis mutandis pursuant to Article 15, paragraph (2) of the same Act); Article 15, paragraph (1); the proviso to Article 16, paragraph (1); Article 17; and Article 21.

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## **Chapter I General Provisions**

(Extraordinary Organ Specified by Cabinet Order as Referred to in Article 2, Item (v) of the Act)

Article 1 The extraordinary organ specified by Cabinet Order as referred to in Article 2, item (v) of the Act on the Protection of Specially Designated Secrets (hereinafter referred to as the "Act") is the Public Prosecutors Office.

## **Chapter II Designation of Specially Designated Secrets**

### **Section 1 Designation of Specially Designated Secrets**

(Person Specified by Cabinet Order as Referred to in Article 3, Paragraph (1) of

the Act)

Article 2 The person specified by Cabinet Order as referred to in Article 3, paragraph (1) of the Act is the following person:

- (i) in the case of the Supreme Public Prosecutors Office, the Prosecutor-General;
- (ii) in the case of a high public prosecutors office, the Superintending Prosecutor of the office;
- (iii) in the case of a district public prosecutors office, the Chief Prosecutor of the office; and
- (iv) in the case of a local public prosecutors office, the Chief Prosecutor of the district public prosecutors office corresponding to the district court having jurisdiction over the location of the summary court corresponding to the local public prosecutors office.

(Head of an Administrative Organ Specified by Cabinet Order as Referred to in the Proviso to Article 3, Paragraph (1) of the Act)

Article 3 The head of an administrative organ as referred to in the proviso to Article 3, paragraph (1) of the Act is as follows:

- (i) the head of an organ as set forth in Article 2, item (i) of the Act (excluding the Cabinet Secretariat and an organ under the council system) or of the Imperial Household Agency, the Consumer Affairs Agency, the National Tax Agency, the Ministry of Education, Culture, Sports, Science and Technology, the Japan Sports Agency, the Agency for Cultural Affairs, the Ministry of Agriculture, Forestry and Fisheries, the Forestry Agency, the Fisheries Agency, the Japan Patent Office, the Small and Medium Enterprise Agency, the Ministry of Land, Infrastructure, Transport and Tourism, the Japan Tourism Agency, the Japan Meteorological Agency, or the Ministry of the Environment;
- (ii) an organ as set forth in Article 2, item (i) of the Act (limited to an organ under the council system (excluding the National Security Council)), the Japan Fair Trade Commission, Personal Information Protection Commission, the Environmental Dispute Coordination Commission, the Central Labour Relations Commission, the Japan Transport Safety Board, and the Board of Audit of Japan; and
- (iii) a person as set forth in the items of the preceding Article.

(Preparation of Record Concerning Designation)

Article 4 Preparation of a record concerning designation as referred to in Article 3, paragraph (2) of the Act under the same paragraph is to be made by entering or recording the following matters in a book for appropriately managing the designation under Article 3, paragraph (1) of the Act (hereinafter simply

referred to as "Designation") and its termination (including books in the form of magnetic disks (including media which can securely record certain matters by means equivalent thereto); hereinafter referred to as the "Specifically Designated Secret Designation Management Register"), as provided for by the standards under Article 18, paragraph (1) of the Act (hereinafter referred to as the "Implementation Standards"):

- (i) the date of the Designation;
- (ii) the effective period of the Designation and the date on which the period expires;
- (iii) the outline of the specially designated secret subject to the Designation;
- (iv) whether the information that is a specially designated secret subject to the Designation is the information concerning any of the matters set forth in item (i), (a) through (j), item (ii), (a) through (e), item (iii), (a) through (d), and item (iv), (a) through (d) of the Appended Table of the Act;
- (v) whether the measure taken pursuant to the provisions of Article 3, paragraph (2) of the Act is any of the measures set forth in the items of the same paragraph; and
- (vi) beyond what is set forth in the preceding items, any matters specified by the Implementation Standards as those necessary for appropriately managing Designation.

(Methods of Marking as Specially Designated Secret)

Article 5 A marking as a specially designated secret under Article 3, paragraph (2), item (i) of the Act (in the case of an Electronic or Magnetic Record (meaning a record made by an electronic method, a magnetic method, or any other method not recognizable to human senses; the same applies hereinafter), including a record of the marking; hereinafter referred to as the "Marking as a Specially Designated Secret") is to be affixed pursuant to the following items according to the respective categories of the Document Containing a Specially Designated Secret, etc. (meaning a document, picture, Electronic or Magnetic Record, or object which records the information that is a specially designated secret or any object which embodies that information; the same applies hereinafter) set forth in those items:

- (i) a document or picture which records the information that is a specially designated secret: affixing a marking on an easily visible position by printing, affixing a seal, or using a secure method equivalent to these in accordance with Appended Form 1; in this case, if the part recording that information can be easily segmented from the rest of the document or picture, affixing the marking on the part;
- (ii) an Electronic or Magnetic Record which records the information that is a specially designated secret: affixing the text "specially designated secret" and

the frame set forth in Appended Form 1 in such a manner that both are recognizable when the Electronic or Magnetic Record is in a state where its part recording that information is visually recognizable on a computer screen; and

- (iii) an object which records or embodies the information that is a specially designated secret: affixing a marking on an easily visible position (if there is no easily visible position, the outside part of the container or package used to store the object) by stamping, labeling, or using a secure method equivalent to these in accordance with Appended Form 1; in this case, if the part recording or embodying that information can be easily segmented from the rest of the object, affixing a marking on the part.

(Method of Notice)

Article 6 A notice under Article 3, paragraph (2), item (ii) of the Act is to be given by means of a document including the matters set forth in Article 4, items (ii) and (iii) with regard to the information that is a specially designated secret (the matter set forth in item (ii) of the same Article is limited to the date on which the effective period of the Designation expires; the same applies in Article 12, paragraph (3)).

(Recording of Measure Taken Pursuant to Article 3, Paragraph (3) of the Act)

Article 7 If the head of an administrative organ (meaning the head of an administrative organ prescribed in the main clause of Article 3, paragraph (1) of the Act; the same applies hereinafter) takes the measure set forth in paragraph (2), item (i) of the same Article pursuant to paragraph (3) of the same Article, the head of an administrative organ is to enter or record such fact in the Book for Managing Designation of Specially Designated Secrets.

## **Section 2 Effective Period and Termination of Designation**

(Measures upon Expiration of Effective Period of Designation)

Article 8 (1) If the head of an administrative organ makes a Designation and the effective period (if the period has been extended, the extended effective period; the same applies hereinafter) of the Designation expires, the head of an administrative organ is to take the following measures:

- (i) affixing a marking indicating expiration of the effective period of the Designation on the Former Document Containing a Specially Designated Secret, etc. (meaning a document, picture, Electronic or Magnetic Record, or object which records the information that was a specially designated secret or any object which embodies that information; the same applies hereinafter) subject to the Designation, after deleting the Marking as a Specially

- Designated Secret (in the case of an Electronic or Magnetic Record, including making the text "specially designated secret" and the frame set forth in Appended Form 1 unrecognizable when the Electronic or Magnetic Record is in a state where its part recording that information is visually recognizable on a computer screen; the same applies hereinafter);
- (ii) giving notice to the following persons of the fact that the effective period of the Designation has expired in writing:
    - (a) the person that receives notice under Article 3, paragraph (2), item (ii) or Article 5, paragraph (2) or (4) of the Act with regard to the Designation; and
    - (b) the person that is provided with the specially designated secret subject to the Designation from the head of an administrative organ pursuant to Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, Article 10, paragraph (1), or the second sentence of Article 18, paragraph (4) of the Act; and
  - (iii) entering or recording the fact that the effective period of the Designation has expired in Specifically Designated Secret Designation Management Register.
- (2) The "marking indicating expiration of the effective period of the Designation" prescribed in item (i) of the preceding paragraph means the marking indicating the fact that the effective period of a Designation has expired (in the case of an Electronic or Magnetic Record, including a record of the marking) affixed pursuant to the following items according to the respective categories of the Former Document Containing a Specially Designated Secret, etc. set forth in those items:
- (i) a document or picture which records the information that was a specially designated secret: affixing a marking on an easily visible position by printing, affixing a seal, or using a secure method equivalent to these in accordance with Appended Form 2; in this case, if the part recording that information can be easily segmented from the rest of the document or picture, affixing the marking on the part;
  - (ii) an Electronic or Magnetic Record which records the information that was a specially designated secret: affixing the text "effective period of Designation of specially designated secret expired" and the frame set forth in Appended Form 2 in such a manner that both are recognizable when the Electronic or Magnetic Record is in a state where its part recording that information is visually recognizable on a computer screen; and
  - (iii) an object which records or embodies the information that was a specially designated secret: affixing a marking on an easily visible position (if there is no easily visible position, the outside part of the container or package used to store the object) by stamping, labeling, or using a secure method equivalent

to these in accordance with Appended Form 2; in this case, if the part recording or embodying that information can be easily segmented from the rest of the object, affixing a marking on the part.

(Measures upon Extension of Effective Period of Designation)

Article 9 If the head of an administrative organ extends the effective period of a Designation pursuant to Article 4, paragraph (2) of the Act, the head of an administrative organ is to take the following measures:

- (i) giving notice to the following persons of the fact that the effective period of the Designation has been extended and the date on which the extended effective period of the Designation expires in writing:
  - (a) the person that receives notice under Article 3, paragraph (2), item (ii) or Article 5, paragraph (2) or (4) of the Act with regard to the Designation; and
  - (b) the person that is provided with the specially designated secret subject to the Designation from the head of an administrative organ pursuant to Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, Article 10, paragraph (1), or the second sentence of Article 18, paragraph (4) of the Act; and
- (ii) entering or recording the fact that the effective period of the Designation has been extended, the date on which the extended effective period of the Designation expires, and, if the head of an administrative organ has obtained the approval of the Cabinet as referred to in Article 4, paragraph (4) of the Act, such fact and the date of the approval in the Book for Managing Designation of Specially Designated Secrets.

(Measure in Case of Presenting Specially Designated Secret to Cabinet)

Article 10 The measure specified by Cabinet Order as referred to in Article 4, paragraph (5) of the Act is storing a Document Containing a Specially Designated Secret, etc. in a carrying container which prevents the stored object from being seen from the outside, locking the container, and having an official, who is nominated by the head of an administrative organ from among the officials who are assigned to perform the duty of handling the specially designated secret at the administrative organ, carry the carrying container.

(Measures upon Termination of Designation)

Article 11 (1) If the head of an administrative organ terminates a Designation pursuant to Article 4, paragraph (7) of the Act, the head of an administrative organ is to take the following measures:

- (i) affixing a marking indicating termination of the Designation on the Former Document Containing a Specially Designated Secret, etc. subject to the

- Designation, after deleting the Marking as a Specially Designated Secret;
- (ii) giving notice to the following persons of the fact that the Designation has been terminated and the date of the termination in writing:
    - (a) the person that receives notice under Article 3, paragraph (2), item (ii) or Article 5, paragraph (2) or (4) of the Act with regard to the Designation; and
    - (b) the person that is provided with the specially designated secret subject to the Designation from the head of an administrative organ pursuant to Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, Article 10, paragraph (1), or the second sentence of Article 18, paragraph (4) of the Act; and
  - (iii) entering or recording the fact that the Designation has been terminated and the date of the termination in Specifically Designated Secret Designation Management Register.
- (2) The "marking indicating termination of the Designation" prescribed in item (i) of the preceding paragraph means the marking indicating the fact that the Designation has been terminated (in the case of an Electronic or Magnetic Record, including a record of the marking) affixed pursuant to the following items according to the respective categories of the Former Document Containing a Specially Designated Secret, etc. set forth in those items:
- (i) a document or picture which records the information that was a specially designated secret: affixing a marking on an easily visible position by printing, affixing a seal, or using a secure method equivalent to these in accordance with Appended Form 3; in this case, if the part recording that information can be easily segmented from the rest of the document or picture, affixing the marking on the part;
  - (ii) an Electronic or Magnetic Record which records the information that was a specially designated secret: affixing the text "Designation of specially designated secret terminated" and the frame set forth in Appended Form 3 in such a manner that both are recognizable when the Electronic or Magnetic Record is in a state where its part recording that information is visually recognizable on a computer screen; and
  - (iii) an object which records or embodies the information that was a specially designated secret: affixing a marking on an easily visible position (if there is no easily visible position, the outside part of the container or package used to store the object) by stamping, labeling, or using a secure method equivalent to these in accordance with Appended Form 3; in this case, if the part recording or embodying that information can be easily segmented from the rest of the object, affixing the marking on the part.

### **Section 3 Protective Measures for Specially Designated Secrets**

(Protective Measures for Specially Designated Secrets Taken by Head of Administrative Organ)

Article 12 (1) In order to protect specially designated secrets appropriately, the head of an administrative organ is to formulate rules for the conduct of the following measures pursuant to the provisions of the Implementation Standards:

- (i) nomination of a person that manages the duties concerning the protection of specially designated secrets;
- (ii) education concerning the protection of specially designated secrets for the administrative organ's officials;
- (iii) installation of facilities and equipment necessary for the protection of specially designated secrets;
- (iv) determination of the scope of officials to be assigned to perform the duty of handling specially designated secrets from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11 of the Act;
- (v) restrictions on the entry and bringing of any device into the place where specially designated secrets are handled;
- (vi) restrictions on the use of a computer to be used for handling specially designated secrets;
- (vii) beyond what is set forth in the preceding two items, restrictions on methods for creation, transport, delivery, custody, destruction, and any other handling of a Document Containing a Specially Designated Secret, etc.;
- (viii) restrictions on methods for communication of specially designated secrets (limited to communication by methods other than the delivery of a Document Containing a Specially Designated Secret, etc.; the same applies in Article 18, item (viii));
- (ix) inspection of the status of the duty of handling specially designated secrets;
- (x) destruction of a Document Containing a Specially Designated Secret, etc. by incinerating or shredding it or by any other methods if, in an emergency posing the risk of the Document Containing a Specially Designated Secret, etc. being stolen or any other risk of unauthorized disclosure of specially designated secrets, it is deemed that there is no other appropriate means to prevent such unauthorized disclosure;
- (xi) prevention of the occurrence of damage or any other measures in the event of a loss of a Document Containing a Specially Designated Secret, etc. or any other incidents; and
- (xii) beyond what is set forth in the preceding items, measures specified by the Implementation Standards as being necessary for the protection of specially



designated secrets.

- (2) The measures specified by Cabinet Order as referred to in Article 5, paragraph (1) of the Act are taking the measures set forth in the items of the preceding paragraph with regard to the relevant specially designated secret in accordance with the rules referred to in the same paragraph.
- (3) The notice under the provisions of Article 5, paragraph (2) or paragraph (4) of the Act is to be given by means of a document including the matters set forth in Article 4, items (ii) and (iii) with regard to the information that is a specially designated secret subject to the notice.

(Protective Measures for Specially Designated Secrets Taken by Prefectural Police)

Article 13 (1) The matters specified by Cabinet Order as referred to in Article 5, paragraph (3) of the Act are matters concerning the conduct of the following measures and the measures set forth in the items of paragraph (1) of the preceding Article with regard to the relevant specially designated secret taken by the Superintendent General or the Chief of the Prefectural Police Headquarters (hereinafter referred to as the "Chief of Police" in this paragraph and Article 20):

- (i) the measures set forth in any of the items of Article 3, paragraph (2) of the Act to be taken with regard to the information that is the specially designated secret;
- (ii) the following measures to be taken when the effective period of the Designation of the specially designated secret expires:
  - (a) affixing the marking indicating expiration of the effective period of the Designation as prescribed in Article 8, paragraph (2) (simply referred to as "marking indicating expiration of the effective period of the Designation" in Article 15, paragraph (1), item (ii), (a) and Article 17, item (ii), (a)) on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the following persons of the fact that the effective period of the Designation has expired in writing:
    - 1. the person that receives the measure set forth in the preceding item (limited to the measure set forth in Article 3, paragraph (2), item (ii) of the Act) from the Chief of Police pursuant to the second sentence of Article 5, paragraph (3) of the Act; and
    - 2. the person that is provided with the specially designated secret from the Chief of Police pursuant to Article 10, paragraph (2) of the Act;
- (iii) if the effective period of the Designation of the specially designated secret is extended, giving notice to the persons set forth in (b), 1. and 2. of the

- preceding item of the fact that the effective period of the Designation has been extended and the date on which the extended effective period of the Designation expires in writing; and
- (iv) the following measures to be taken if the Designation of the specially designated secret is terminated:
- (a) affixing the marking indicating termination of the Designation as prescribed in Article 11, paragraph (2) (simply referred to as the "marking indicating termination of the Designation" in Article 15, paragraph (1), item (iv), (a) and Article 17, item (iv), (a)) on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the persons set forth in item (ii), (b), 1. and 2. of the fact that the Designation has been terminated and the date of the termination in writing.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to the matters specified by Cabinet Order as referred to in Article 5, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 7, paragraph (2) of the Act. In this case, the phrase "the measures set forth in any of the items of Article 3, paragraph (2) to be taken with regard to the information that is the specially designated secret" in item (i) of the preceding paragraph is deemed to be replaced with "the measure set forth in Article 3, paragraph (2), item (i) of the Act to be taken with regard to a Document Containing a Specially Designated Secret, etc. which concerns the information that is the specially designated secret and which has been prepared by the Prefectural Police or, the measure set forth in item (ii) of the same paragraph to be taken with regard to that information" and the phrase "the second sentence of Article 5, paragraph (3)" in item (ii), (b), 1. of the preceding paragraph is deemed to be replaced with "the second sentence of Article 5, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 7, paragraph (2)."

(Criteria Concerning Eligible Contractor)

Article 14 The criteria specified by Cabinet Order as referred to in Article 5, paragraph (4) of the Act provide the rules concerning the conduct of the measures set forth in Article 12, paragraph (1), items (i), (iii) and (v) through (xii) and the following measures, and by taking those measures in accordance with those rules, specially designated secrets are found to be appropriately protected:

- (i) education concerning the protection of specially designated secrets for the representative, agents, employees, and any other workers (simply referred to as "workers" in the following item and paragraph (1), item (v) of the following Article); and

- (ii) determination of the scope of workers to be assigned to perform the duty of handling specially designated secrets from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11 of the Act.

(Protective Measures for Specially Designated Secrets Taken by Eligible Contractor)

Article 15 (1) The matters specified by Cabinet Order as referred to in Article 5, paragraph (5) of the Act are matters concerning the conduct of the following measures and the measures set forth in Article 12, paragraph (1), items (i), (iii) and (v) through (xii), and the items of the preceding Article with regard to the relevant specially designated secret taken by the relevant eligible contractor:

- (i) the measures set forth in any of the items of Article 3, paragraph (2) to be taken with regard to the information that is the specially designated secret;
- (ii) the following measures to be taken when the effective period of the Designation of the specially designated secret expires:
  - (a) affixing a marking indicating expiration of the effective period of the Designation on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the following persons of the fact that the effective period of the Designation has expired in writing:
    - 1. the person that receives the measure set forth in the preceding item (limited to the measure set forth in Article 3, paragraph (2), item (ii) of the Act) from the eligible contractor pursuant to Article 5, paragraph (6) of the Act; and
    - 2. the person that is provided with the specially designated secret from the eligible contractor pursuant to Article 10, paragraph (3) of the Act;
- (iii) if the effective period of the Designation of the specially designated secret is extended, giving notice to the persons set forth in (b), 1. and 2. of the preceding item of the fact that the effective period of the Designation has been extended and the date on which the extended effective period of the Designation expires in writing; and
- (iv) the following measures to be taken if the Designation of the specially designated secret is terminated:
  - (a) affixing a marking indicating termination of the Designation on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the persons set forth in item (ii), (b), 1. and 2. of the fact that the Designation has been terminated and the date of the termination

in writing.

- (v) if a worker assigned to perform the duty of handling the specially designated secret is found to have the circumstances prescribed in Article 12, paragraph (1), item (iii) of the Act, reporting to the head of an administrative organ who has made the Designation of the specially designated secret or any other measures.
- (2) The provisions of the preceding paragraph apply mutatis mutandis to the matters specified by Cabinet Order as referred to in Article 5, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 8, paragraph (2) of the Act. In this case, the phrase "the measures set forth in any of the items of Article 3, paragraph (2) to be taken with regard to the information that is the specially designated secret" in item (i) of the preceding paragraph is deemed to be replaced with "the measure set forth in Article 3, paragraph (2), item (i) of the Act to be taken with regard to a Document Containing a Specially Designated Secret, etc. which concerns the information that is the specially designated secret and which has been prepared by the eligible contractor, or the measure set forth in item (ii) of the same paragraph to be taken with regard to the information," the phrase "Article 5, paragraph (6)" in item (ii), (b), 1. of the preceding paragraph is deemed to be replaced with "Article 5, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 8, paragraph (2)," and the phrase "made the Designation of" in item (v) of the preceding paragraph is deemed to be replaced with "provided."

### **Chapter III Provision of Specially Designated Secrets**

(Notice upon Provision)

Article 16 A person that provides a specially designated secret pursuant to Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, Article 10, or the second sentence of Article 18, paragraph (4) of the Act is to give notice to the person that is provided with the specially designated secret of the date on which the effective period of the Designation of the specially designated secret expires in writing.

(Protective Measures for Specially Designated Secrets Taken by Another Administrative Organ)

Article 17 The matters specified by Cabinet Order as referred to in Article 6, paragraph (2) of the Act are matters concerning the conduct of the following measures and the measures set forth in the items of Article 12, paragraph (1) with regard to the relevant specially designated secret taken by the head of the relevant other administrative organ:

- (i) the measure set forth in Article 3, paragraph (2), item (i) of the Act to be

taken with regard to a Document Containing a Specially Designated Secret, etc. which concerns the information that is the specially designated secret and which has been prepared by the relevant other administrative organ, or the measure set forth in item (ii) of the same paragraph to be taken with regard to that information;

- (ii) the following measures to be taken when the effective period of the Designation of the specially designated secret expires:
  - (a) affixing a marking indicating expiration of the effective period of the Designation on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the following persons of the fact that the effective period of the Designation has expired in writing:
    - 1. the person that receives the measure set forth in the preceding item (limited to the measure set forth in Article 3, paragraph (2), item (ii) of the Act) from the head of the relevant other administrative organ pursuant to Article 6, paragraph (3) of the Act; and
    - 2. the person that is provided with the specially designated secret from the head of the relevant other administrative organ pursuant to Article 6, paragraph (1), Article 7, paragraph (1), Article 8, paragraph (1), Article 9, Article 10, paragraph (1), or the second sentence of Article 18, paragraph (4) of the Act; and
- (iii) if the effective period of the Designation of the specially designated secret is extended, giving notice to the persons set forth in (b), 1. and 2. of the preceding item of the fact that the effective period of the Designation has been extended and the date on which the extended effective period of the Designation expires in writing; and
- (iv) the following measures to be taken if the Designation of the specially designated secret is terminated:
  - (a) affixing a marking indicating termination of the Designation on the Former Document Containing a Specially Designated Secret, etc. subject to the Designation, after deleting the Marking as a Specially Designated Secret; and
  - (b) giving notice to the persons set forth in item (ii), (b), 1. and 2. of the fact that the Designation has been terminated and the date of the termination in writing.

(Protective Measures for Specially Designated Secrets Taken by Person That Is Provided with Specially Designated Secrets Based on Other Public Interest Needs)

Article 18 The measures specified by Cabinet Order as referred to in Article 10,

paragraph (1), item (i) of the Act are the following measures taken by a person that is provided with a specially designated secret pursuant to the provisions of the same Article (limited to the part concerning the same item (excluding the part concerning (a))):

- (i) specifying the method of the marking (in the case of an Electronic or Magnetic Record, including a record of the marking) or notice which is necessary for the person that uses or knows the specially designated secret to recognize that the information the person uses or knows is a specially designated secret, and which is made within the scope that does not interfere with the execution of the duty for which the secret was provided;
- (ii) nominating a person who manages the duties concerning the protection of the specially designated secret;
- (iii) having the person who uses or knows the specially designated secret understand the importance of protecting specially designated secrets;
- (iv) limiting the scope of persons who are to use or know the specially designated secret;
- (v) disallowing the use of the specially designated secret for purposes other than the duty for which the secret was provided;
- (vi) restricting the use of a computer to be used for handling the specially designated secret;
- (vii) beyond what is set forth in the preceding items, restricting the methods for creation, transport, delivery, custody, destruction and any other handling of a Document Containing a Specially Designated Secret, etc. concerning the information that is the specially designated secret;
- (viii) restricting the methods for communication of the specially designated secret;
- (ix) specifying the method for inspection of the status of use of the specially designated secret; and
- (x) specifying the method for reporting to the person that provided the specially designated secret in the event of a loss of the Document Containing a Specially Designated Secret, etc. concerning the information that is the specially designated secret or any other incidents.

#### **Chapter IV Security Clearance Assessment**

(Persons Who Are Not Required to Undergo Security Clearance Assessment)

Article 19 The person specified by Cabinet Order as referred to in Article 11, item (vii) of the Act is any of the following persons:

- (i) members of the National Public Safety Commission;
- (ii) the chairman and members of the Public Security Examination Commission;

- (iii) the chairman and commissioners of the Nuclear Regulation Authority; and
- (iv) commissioners of prefectural public safety commissions.

(Method for Conducting Security Clearance Assessment)

Article 20 When conducting a security clearance assessment under Article 12, paragraph (1) or Article 15, paragraph (1) of the Act, the head of an administrative organ or the Chief of Police is to deliver a questionnaire concerning the matters set forth in the items of Article 12, paragraph (2) of the Act to the person subject to assessment, request the person to fill out the questionnaire about these matters, and conduct the examination referred to in the same paragraph (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (2) of the Act) as provided for by the Implementation Standards.

(Notification to Person Subject to Assessment)

Article 21 The notification and consent under Article 12, paragraph (3) of the Act (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (2) of the Act) are to be given in writing.

(Grounds Equivalent to Items of Article 38 of the National Public Service Act)

Article 22 The grounds specified by Cabinet Order as referred to in the proviso to Article 16, paragraph (1) of the Act are the grounds for demotion, dismissal, or reduction of pay provided for by Rules of the National Personnel Authority based on Article 81, paragraph (2) of the National Public Service Act (Act No. 120 of 1947), grounds for demotion or dismissal under Article 63 of the Order for Enforcement of the Self-Defense Forces Act (Cabinet Order No. 179 of 1954), grounds for administrative leave or reduction of pay provided for by Ordinance based on Article 27, paragraph (2) of the Local Public Service Act (Act No. 261 of 1950), or grounds for demotion, dismissal, or reduction of pay provided for by Ordinance based on Article 29-2, paragraph (2) of the same Act.

(Delegation of Authority or Affairs)

Article 23 The head of an administrative organ may delegate the authority or affairs provided for in Chapter V of the Act which fall under the jurisdiction of the head of an administrative organ to the person to whom the appointive power has been delegated pursuant to Article 55, paragraph (2) of the National Public Service Act (in the case of the Minister of Defense or the Commissioner of the Acquisition, Technology and Logistics Agency, to the person to whom the authority over appointment and dismissal of Self-Defense Forces personnel under Article 2, paragraph (5) of the Self-Defense Forces Act (Act No. 165 of 1954) has been delegated pursuant to Article 31, paragraph (1) of the same

Act).

### **Supplementary Provisions**

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the date on which the Act comes into effect (December 10, 2014).

(Transitional Measures)

Article 2 Until the day preceding the day specified by Cabinet Order as referred to in Article 2 of the Supplementary Provisions of the Act, with regard to the application of Article 12, paragraph (1), item (iv) and Article 14, item (ii), the phrase "specially designated secrets from among persons who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11 of the Act" in these provisions is deemed to be replaced with "specially designated secrets."

(Partial Amendment of the Order for Enforcement of the Self-Defense Forces Act)

Article 3 The Order for Enforcement of the Self-Defense Forces Act is partially amended as follows:

In the table of contents, "Operation and Authority of Self-Defense Forces, etc." is revised as "Operation and Authority of Self-Defense Forces" and "Section 5 Defense Secret (Articles 113-2 to 113-14)" is deleted.

The title of Chapter VI is revised as follows:

#### **Chapter VI Operation and Authority of Self-Defense Forces**

Chapter VI, Section 5 is deleted.

In Article 120-15, paragraph (1), item (i), "Appended Table 12" is revised as "Appended Table 11."

Appended Table 11 is deleted, and Appended Table 12 is moved to Appended Table 11.

(Transitional Measures upon Partial Amendment of the Order for Enforcement of the Self-Defense Forces Act)

Article 4 (1) A measure of marking as a defense secret, which was taken by a defense secret manager pursuant to Article 113-8 of the Order for Enforcement of the Self-Defense Forces Act prior to its amendment under the preceding Article (hereinafter referred to as the "former Order for Enforcement of the Self-Defense Forces Act" in this Article) on a document, picture, or object recording a matter that is deemed to be information that has been designated



by the Minister of Defense as a specially designated secret pursuant to Article 5 of the Supplementary Provisions of the Act prior to the day on which this Cabinet Order comes into effect (hereinafter referred to as the "effective date" in this Article) or an object embodying that matter is deemed to be a Marking as a Specially Designated Secret affixed by the Minister of Defense on the effective date on a Document Containing a Specially Designated Secret, etc. concerning the information.

- (2) A document, picture, or object concerning a defense secret which the Minister of Defense has a defense secret manager deliver to the person prescribed in the preceding paragraph, or a defense secret which the Minister of Defense has a defense secret manager communicate to an official of a national administrative organ other than the Ministry of Defense who engages in duties relating to defense, pursuant to Article 113-11, paragraph (1) of the former Order for Enforcement of the Self-Defense Forces Act, prior to the effective date, and which the administrative organ possesses as of the day prior to the effective date is deemed to be a Document Containing a Specially Designated Secret, etc. concerning information that is a specially designated secret which the Minister of Defense provides to the administrative organ on the effective date or the relevant specially designated secret. In this case, with regard to application of paragraph (2) of the same Article, the phrase "in advance" in the same paragraph is deemed to be replaced with "without delay after the day on which this Act comes into effect."
- (3) With regard to a person that is engaged in the business of manufacturing goods or providing services concerning a defense secret on a regular basis under a contract with the Ministry of Defense that is effective at the time this Cabinet Order comes into effect, until the day on which the contract is terminated or until the day preceding the day specified by Cabinet Order as referred to in Article 2 of the Supplementary Provisions of the Act, whichever comes earlier, the provisions of Article 8, paragraph (1) and paragraph (2) (limited to the part concerning application mutatis mutandis of Article 5, paragraph (6) of the Act) of the Act apply by deeming the person as the eligible contractor prescribed in Article 8, paragraph (1) of the Act and the contract as the contract prescribed in the same paragraph.
- (4) A document, picture, or object concerning a defense secret which the Minister of Defense has a defense secret manager deliver to the person prescribed in the preceding paragraph, or a defense secret which the Minister of Defense has a defense secret manager communicate to the person prescribed in the preceding paragraph pursuant to Article 113-11, paragraph (1) of the former Order for Enforcement of the Self-Defense Forces Act, prior to the effective date, and which the person possesses as of the day prior to the effective date is deemed to be a Document Containing a Specially Designated Secret, etc. concerning

information that is a specially designated secret which the Minister of Defense provided to the person on the effective date pursuant to Article 8, paragraph (1) of the Act which is applied, based on such deeming, pursuant to Article 113-11, paragraph (1) of the former Order for Enforcement of the Self-Defense Forces Act, or is deemed to be the relevant specially designated secret.

(Partial Amendment of the Order for Organization of the Cabinet Secretariat)  
Article 5 The Order for Organization of the Cabinet Secretariat (Cabinet Order No. 219 of 1957) is partially amended as follows:

Article 4, paragraph (1) is revised as follows:

The Cabinet Intelligence and Research Office takes charge of the following affairs:

- (i) affairs concerning collection, analysis, and any other research of information relating to important policies of the Cabinet (including affairs concerning liaison and coordination of collection, analysis, and any other research of information which are conducted by the respective administrative organs, and which relate to important policies of the Cabinet); and
- (ii) the following affairs concerning the protection of specially designated secrets (meaning the specially designated secrets prescribed in Article 3, paragraph (1) of the Act on the Protection of Specially Designated Secrets (Act No. 108 of 2013)) (excluding those under charge of the Cabinet Public Relations Office):
  - (a) affairs concerning the planning, drafting, and overall coordination of basic principles relating to important policies of the Cabinet;
  - (b) affairs concerning the planning, drafting, and overall coordination of important matters relating to cabinet meetings;
  - (c) affairs concerning the planning, drafting, and overall coordination necessary for achieving uniformity of policies of administrative branches; and
  - (d) beyond what is set forth in (a) through (c), affairs concerning the planning, drafting, and overall coordination relating to policies of administrative branches which are necessary for maintaining the uniformity thereof.

**Supplementary Provisions [Cabinet Order No. 328 of September 18, 2015]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of October 1, 2015.

**Supplementary Provisions [Cabinet Order No. 334 of September 18, 2015]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of the date on which the Act Partially Amending the Act for Establishment of the Ministry of Defense comes into effect (October 1, 2015).

**Supplementary Provisions [Cabinet Order No. 427 of December 18, 2015]  
[Extract]**

(Effective Date)

- (1) This Cabinet Order comes into effect as of January 1, 2016.

Appended Form 1 (Re: Article 5)

Appended Form 2 (Re: Article 8)

Appended Form 3 (Re: Article 11)