

# Act on Ensuring Appropriate Handling of Satellite Remote Sensing Data

(Act No. 77 of November 16, 2016)

## Table of Contents

- Chapter I General Provisions (Article 1 through Article 3)
- Chapter II Licenses for the Use of Satellite Remote Sensing Instruments (Article 4 through Article 17)
- Chapter III Regulations on Handling Satellite Remote Sensing Data (Article 18 through Article 20)
- Chapter IV Certification of Persons Handling Satellite Remote Sensing Data (Article 21 through Article 26)
- Chapter V Supervision by Prime Minister (Article 27 through Article 30)
- Chapter VI Miscellaneous Provisions (Article 31 and Article 32)
- Chapter VII Penal Provisions (Article 33 through Article 38)
- Supplementary Provisions

## Chapter I General Provisions

(Purpose)

Article 1 This Act, in line with the basic principles provided for in the Basic Act on Space (Act No. 43 of 2008), is to establish the responsibilities of the national government to ensure the appropriate handling of satellite remote sensing data in Japan, establish a license system for the use of satellite remote sensing instruments, and provide for the obligations of satellite remote sensing data holders, the certification of persons handling satellite remote sensing data, supervision by the Prime Minister, and other necessary particulars concerning the handling of satellite remote sensing data.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as provided respectively in those items:

- (i) a "satellite" means an artificial object which is launched into or outside earth's orbit or placed on a celestial body other than earth;
- (ii) a "satellite remote sensing instrument" means instrument mounted on a satellite which is launched into earth's orbit (hereinafter referred to as "satellite orbiting earth"), which detects electromagnetic waves emitted or reflected from objects on the ground's surface or the water's surface (including underground or underwater which is near the surface) or in the

air (hereinafter referred to as "ground emitted electromagnetic waves, etc."), and which records information concerning intensity, frequency and the phase of ground emitted electromagnetic waves, etc. as well as information on the position and other status of the satellite orbiting earth when that information was detected (referred to as "detected information" in the following item) in the form of electronic or magnetic records (meaning records created electronically, magnetically and any other form which cannot be recognized through human senses and that are used for computerized information processing; the same applies hereinafter), and has the function of sending such information to the ground; when this function is operated under appropriate conditions, the strength of those electronic or magnetic records received on the ground and made recognizable through visualization on a computer screen (hereinafter referred to as "target distinguishing accuracy" in this Article and Article 21, paragraph (1)) fulfills the requirements specified by Cabinet Office Order which determines the thresholds for being able to discern the movement of vehicles, ships, aircraft and other moving equipment; and which has a ground radio station capable of sending or receiving signals necessary to activate or deactivate these functions and those electronic or magnetic records to other ground radio stations (meaning electrical instruments for sending or receiving codes using electromagnetic waves, and computers connected to such instruments via telecommunication lines; the same applies hereinafter) using electromagnetic waves.

(iii) a "command and control ground radio station" means a ground radio station which has the function of transmitting signals necessary for the operation of a satellite remote sensing instrument, directly or via other ground radio stations using electromagnetic waves; and for which the signals include the time at which to activate the function of detecting ground emitted electromagnetic waves, etc. of the satellite remote sensing instrument, the time at which to transmit electronic or magnetic records recording detected information (hereinafter referred to as "electromagnetic data recording detected information") to the ground, the communication method used for transmitting such information, and the determination of and changes in the target distinguishing accuracy;

(iv) "use of satellite remote sensing instrument" means to operate a satellite remote sensing instrument mounted on a satellite orbiting earth using a command and control ground radio station operating on its own or managed by another person, and to transmit electromagnetic data recording detected information to the ground after setting methods for transmitting necessary signals to that satellite remote sensing instrument from that command and control ground radio station.

- (v) a "specified user organization" means a national or local government organ specified by Cabinet Order as an entity capable of appropriate use of a satellite remote sensing instrument.
- (vi) "satellite remote sensing data" means electromagnetic data recording detected information which is transmitted to the ground by a person other than a specified user organization by use of satellite remote sensing instruments through the command and control ground radio station located in Japan, and electronic or magnetic records processed from that electromagnetic data recording detected information; whose use falls under the requirements specified by Cabinet Office Order as those likely to adversely affect ensuring the peace and security of the international community and the national security of Japan provided for in Article 14 of the Basic Act on Outer Space (hereinafter referred to as "ensuring the peace in the international community, etc.") in view of their target distinguishing accuracy, the extent and degree of modification of electromagnetic data recording detected information through processing, the time elapsed since those electromagnetic data recording detected information were recorded, and other circumstances; and copies of that information on electromagnetic recording media (meaning the recording media for the electronic or magnetic records).
- (vii) a "specified data handling organization" means a specified user organization and a national or local government organ in Japan or a governmental organization of a foreign country (meaning a country or region outside of Japan; the same applies hereinafter) specified by Cabinet Order as an entity capable of handling satellite remote sensing data appropriately.
- (viii) a "satellite remote sensing holder" means a person possessing satellite remote sensing data (excluding a specified data handling organization).

(Responsibilities of the National Government)

Article 3 (1) As a part of measures with respect to space development, in order to contribute to ensuring the peace in the international community, etc., the national government is responsible for taking necessary measures to ensure that persons using satellite remote sensing instruments and holders of satellite remote sensing data will comply with their obligations pursuant to the provisions of this Act.

(2) In taking measures under the preceding paragraph, the national government must give due consideration to ensure the sound development of various activities leveraging the values created through the use of satellite remote sensing instruments.

## **Chapter II Licenses for the Use of Satellite Remote Sensing Instruments**

(Licenses)

Article 4 (1) A person who intends to use a satellite remote sensing instrument using a command and control ground radio station located in Japan (excluding a specified user organization) must obtain a license from the Prime Minister for each satellite remote sensing instrument.

(2) A person who intends to obtain a license under the preceding paragraph must submit a written application to the Prime Minister, pursuant to the provisions of Cabinet Office Order, specifying the following information, attaching the documents specified by Cabinet Office Order.

(i) the name and address;

(ii) the type, structure and performance of the satellite remote sensing instrument;

(iii) the orbit of the satellite orbiting earth equipped with the satellite remote sensing instrument;

(iv) the location, structure and performance of the command and control ground radio station and the other ground radio stations which are used as a passing point when transmitting necessary signals to operate the satellite remote sensing instrument (referred to as a "command and control ground radio station, etc." in Article 6, item (i)) and the methods of management thereof;

(v) the location, structure and performance of the ground radio stations necessary to receive electromagnetic data recording detected information transmitted from the satellite remote sensing instrument (including those used as a passing point for receipt of information; hereinafter referred to as a "receiving station") and the methods of management thereof;

(vi) the methods of management of satellite remote sensing data;

(vii) if the applicant is an individual, the name and address of the person who uses the satellite remote sensing instrument upon death of the applicant on behalf of the applicant (hereinafter referred to as "successor"); and

(viii) other particulars specified by Cabinet Office Order.

(Grounds for Disqualification)

Article 5 A person who falls under any of the following items may not obtain a license under paragraph (1) of the preceding Article:

(i) a person who has violated the provisions of this Act or other Acts specified by Cabinet Order relating to the regulation of conducts which are likely to adversely affect ensuring the peace in the international community, etc., or orders based on these Acts or the laws and regulations of a foreign country equivalent thereto, and has been sentenced to a fine or more severe punishment (including a punishment under the laws and regulations of a

- foreign country equivalent thereto), and for whom five (5) years have not elapsed since the date on which execution of the sentence was completed or since the date on which that person ceased to be subject to the execution of the sentence;
- (ii) a person whose license has been rescinded pursuant to the provisions of Article 17, paragraph (1) or whose certification has been rescinded pursuant to the provisions of Article 25, paragraph (1) or Article 26, paragraph (1), and for whom three (3) years have not elapsed since the date of that rescission;
  - (iii) a person for whom public notice has been given pursuant to the provisions of Article 3, paragraph (1) of the Act on Special Measures Concerning Asset Freezing, etc. of International Terrorists Conducted by Japan Taking into Consideration United Nations Security Council Resolution 1267, etc. (Act No. 124 of 2014) (limited to a person currently specified in the list provided for in that paragraph), or a person who has been designated under Article 4, paragraph (1) of that Act (referred to as an "international terrorist" in Article 21, paragraph (3), item (i)(c));
  - (iv) a person who is specified by Cabinet Office Order as a person that cannot use a satellite remote sensing instrument appropriately due to a mental or physical disorder;
  - (v) a corporation whose officers engaged in the corporation's business or employees specified by Cabinet Office Order fall under any of the preceding items;
  - (vi) an individual who has an employee specified by Cabinet Office Order who falls under any of the items (i) through (iv) above; or
  - (vii) an individual whose successor falls under any of the preceding items.

(Requirements for License)

Article 6 The Prime Minister may not grant the license under Article 4, paragraph (1), unless the Prime Minister finds that the application for the license under that paragraph complies with all of the following requirements:

- (i) for the structure and performance of the satellite remote sensing instrument, the orbit of the satellite orbiting earth equipped with the satellite remote sensing instrument, the location, structure and performance of the command and control ground radio station, etc., and receiving stations as well as methods of management thereof, the necessary and appropriate measures have been taken to prevent persons other than the applicant from using the satellite remote sensing equipment, or other requirements specified by Cabinet Office Order as those not likely to adversely affect ensuring the peace in the international community, etc. are complied with;
- (ii) measures for prevention of divulgence, loss or damage of satellite remote sensing data and any other measures specified by Cabinet Order as those

necessary and appropriate for the safety management of the satellite remote sensing data have been taken;

- (iii) the applicant (in the case of an individual, including their successor) has the ability to properly implement measures to prevent persons other than the applicant provided for in item (i) from using satellite remote sensing instrument and measures for safety management of the satellite remote sensing data provided for in the preceding item; and
- (iv) it is found that that using satellite remote sensing instrument is not likely to adversely affect ensuring the peace in the international community, etc.

#### (Changes to Licenses)

Article 7 (1) When a person who has obtained a license under Article 4, paragraph (1) (hereinafter referred to as a "satellite remote sensing instrument user") intends to change any particulars set forth in items (ii) through (viii) of paragraph (2) of that Article, such person must obtain authorization from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes that are specified by Cabinet Office Order.

(2) When there has been a change to any of the items set forth in Article 4, paragraph (2), item (i) or any minor changes specified by Cabinet Office Order referred to in the proviso to the preceding paragraph, a satellite remote sensing instrument user must notify the Prime Minister to that effect without delay.

(3) The provisions of the preceding Article apply mutatis mutandis to the license under paragraph (1).

#### (Measures to Prevent Unauthorized Use of Satellite Remote Sensing Instruments)

Article 8 (1) For signals which are necessary to operate satellite remote sensing instrument and are provided for the use for information processing by computer, a satellite remote sensing instrument user must perform a conversion process through using computer and conversion codes (meaning codes used for a signal conversion process; hereinafter the same applies in this Article), so that it cannot be reconstructed without using conversion codes corresponding to the conversion codes used in the conversion process (referred to as "corresponding conversion code" in paragraph (5)), and take other measures specified by Cabinet Office Order as those necessary and appropriate to prevent the use of satellite remote sensing instrument by a person other than the satellite remote sensing instrument user.

(2) For electromagnetic data recording detected information transmitted from the satellite remote sensing instrument, a satellite remote sensing instrument user

must take the measures that enable those electromagnetic data recording detected information not to be reconstructed without using data conversion codes (meaning a code used for a conversion process of electromagnetic data; the same applies hereinafter) corresponding to the data conversion codes used in the relevant conversion process (referred to as "corresponding data conversion code" in paragraphs (4) and (5)) through a conversion process with the computer and the data conversion code, and other measures specified by Cabinet Office Order as those necessary and appropriate to prevent electromagnetic data recording detected information transmitted from the satellite remote sensing instrument from being received by a receiving station other than the receiving station covered by the license under Article 4, paragraph (1) and used as satellite remote sensing data.

- (3) A satellite remote sensing instrument user must not provide a conversion code to any other person (if a person managing a command and control ground radio station is different from the satellite remote sensing instrument user, any person other than the person managing the command and control ground radio station).
- (4) A satellite remote sensing instrument user must not provide a corresponding data conversion code to any other person (if a person managing a receiving station is different from the satellite remote sensing instrument user, any person other than the person managing the receiving station).
- (5) A satellite remote sensing instrument user must take measures for the prevention of divulgence, loss or damage of conversion codes, corresponding conversion codes, data conversion codes and corresponding data conversion codes (hereinafter referred to as "conversion codes, etc." in this paragraph), and any other measures specified by Cabinet Office Order as those necessary and appropriate for the safety management of the conversion codes, etc.

(Suspension of Function for an Orbit Unrelated to Application)

Article 9 If a satellite orbiting earth equipped with a satellite remote sensing instrument relating to a license under Article 4, paragraph (1) is out of the orbit related to the license under that paragraph, the satellite remote sensing instrument user must immediately transmit a signal to the satellite remote sensing instrument from the command and control ground radio station to cease its function of detecting ground emitted electromagnetic waves, etc., and maintain the cessation of that function until that satellite orbiting earth returns to the orbit relating to the license under that paragraph.

(Receiving Station Used for Receiving Electromagnetic Data Recording Detected Information)

Article 10 (1) When receiving electromagnetic data recording detected

information transmitted from the satellite remote sensing instrument, a satellite remote sensing instrument user may not use any receiving stations other than those relating to the license under Article 4, paragraph (1) which are managed by the satellite remote sensing instrument user, specified data handling organization, or a person certified under Article 21, paragraph (1).

- (2) When receiving electromagnetic data recording detected information transmitted from the satellite remote sensing instrument, if a satellite remote sensing instrument user uses a receiving station which is managed by a person certified under Article 21, paragraph (1), and if such certification is rescinded pursuant to the provisions of Article 25, paragraph (1) or Article 26, paragraph (1), the Prime Minister must promptly notify the satellite remote sensing instrument user to that effect.
- (3) Upon receipt of the notification referred to in the preceding paragraph, the satellite remote sensing instrument user must take measures to ensure that electromagnetic data recording detected information is not transmitted to the receiving station from the satellite remote sensing instrument if reception by the receiving station provided for in that paragraph is possible and to ensure change of the data conversion code, and take any other measures specified by Cabinet Office Order as those necessary and appropriate to prevent the electromagnetic data recording detected information transmitted from a satellite remote sensing instrument from being received by the receiving station and used as satellite remote sensing data.

#### (Measures Taken in an Event of a Failure)

Article 11 A satellite remote sensing instrument user is subject to termination measures (meaning the termination measures provided for in Article 15, paragraph (2); the same applies in Article 13, paragraph (6) and Article 14, paragraph (2)) due to the failure or other circumstances of the satellite remote sensing instrument or the satellite orbiting earth equipped with such satellite remote sensing instrument, and if there is no prospect of recovery, the satellite remote sensing instrument user must promptly notify the Prime Minister to that effect pursuant to the provisions of Cabinet Office Order. In this case, the license under Article 4, paragraph (1) ceases to be effective.

#### (Log)

Article 12 (1) A satellite remote sensing instrument user must keep a log pursuant to the provisions of Cabinet Office Order (including electronic or magnetic records, if the electronic or magnetic records have been prepared in lieu thereof; the same applies hereinafter), and specify the particulars specified by Cabinet Office Order concerning the status of the use of satellite remote sensing instrument in the log.



- (2) The log referred to in the preceding paragraph must be kept pursuant to the provisions of Cabinet Office Order.

(Succession)

Article 13 (1) When a satellite remote sensing instrument user intends to transfer a business in respect to using a satellite remote sensing instrument relating to a license under Article 4, paragraph (1) to a person who intends to use satellite remote sensing instrument using a command and control ground radio station located in Japan, and when the transferor and transferee have obtained authorization for that transfer and acquisition from the Prime Minister in advance pursuant to the provisions of Cabinet Office Order, the transferee succeeds to the status of the satellite remote sensing instrument user under the provisions of this Act.

- (2) When a satellite remote sensing instrument user intends to transfer a business in respect of the use of satellite remote sensing instrument relating to a license under Article 4, paragraph (1) to a person who intends to use the satellite remote sensing instrument without using a command and control ground radio station located in Japan, that a satellite remote sensing instrument user must notify the Prime Minister in advance to that effect pursuant to the provisions of Cabinet Office Order.

- (3) When a corporation that is a satellite remote sensing instrument user is to be extinguished by merger and the Prime Minister has authorized the merger in advance pursuant to the provisions of Cabinet Office Order, the corporation surviving the merger or the corporation established as a result of the merger succeeds to the status of the satellite remote sensing instrument user under the provisions of this Act.

- (4) When a corporation that is a satellite remote sensing instrument user has a business relating to the use of satellite remote sensing instrument relating to a license under Article 4, paragraph (1) succeeded by a company split, and the Prime Minister has authorized the company split in advance pursuant to the provisions of Cabinet Office Order, the corporation which succeeds to the business as a result of the company split succeeds to the status of the satellite remote sensing instrument user under the provisions of this Act.

- (5) Article 5 and 6 (limited to the part concerning item (iii)) apply mutatis mutandis to the authorization under paragraphs (1), (3), and (4).

- (6) When a satellite remote sensing instrument user transfers a business relating to the use of a satellite remote sensing instrument relating to a license under Article 4, paragraph (1), or when a corporation that is a satellite remote sensing instrument user is extinguished by merger or has the relevant business succeeded by a company split, if a disposition refusing to give the authorization under paragraphs (1), (3) or (4) is rendered (in the case where an

application for such authorization is not submitted, when the transfer, merger or company split takes place), the license under Article 4, paragraph (1) ceases to be effective, and the transferee (except for the transferee in respect of business transfer provided for in paragraph (2)), a corporation surviving the merger or a corporation established as a result of the merger, or a corporation which succeeds to that business by a company split, must take termination measures within 120 days from the day of the relevant disposition (in the case where an application for such authorization is not submitted, the day of the transfer, merger or company split). In this case, until the termination measures are completed (in the case provided for in Article 11, until the notification under that Article is submitted), such persons are deemed to be satellite remote sensing instrument users, and the provisions of Articles 8 through 10, the first sentence of Article 11, Article 12, Article 27, Article 28 and Article 29, paragraph (1) (including penal provisions relating to these provisions) apply.

(Notification of Death)

Article 14 (1) When a satellite remote sensing instrument user has died, the heir must notify the Prime Minister to that effect without delay.

(2) When a satellite remote sensing instrument user has died, the license under Article 4, paragraph (1) ceases to be effective, and the successor must take termination measures within 120 days from the date of death, unless the successor has received authorization for the transfer of the business in respect of the use of satellite remote sensing instrument under Article 13, paragraph (1). In this case, until the execution of the business transfer or the completion of the termination measures (in the case provided for in Article 11, until the notification provided therein is submitted), the successor is deemed to be a satellite remote sensing instrument user, and the provisions of Articles 8 through 10, the first sentence of Article 11, Article 12, Article 13, paragraphs (1) and (5), Article 27, Article 28 and Article 29, paragraph (1) (including penal provisions relating to these provisions) apply.

(Termination Measures)

Article 15 (1) A satellite remote sensing instrument user may terminate the use of satellite remote sensing instrument at any time, in addition to the cases referred to in Article 13, paragraph (6), Article 14, paragraph (2), Article 16, paragraph (2) or Article 17, paragraph (2).

(2) When a satellite remote sensing instrument user terminates the use of satellite remote sensing equipment, the user must take any of the following measures (hereinafter referred to as "termination measures"), pursuant to the provisions of Cabinet Office Order, and notify the Prime Minister of the

content of the measure taken without delay.

- (i) a measure to transmit a signal from the command and control ground radio station to the satellite remote sensing instrument to cease its function of detecting ground emitted electromagnetic waves, etc., or any other measure specified by Cabinet Office Order as those necessary to make that function cease completely; or
  - (ii) a measure to ensure that a signal is transmitted from the command and control ground radio station to the satellite remote sensing instrument to cease its function until a restart signal (meaning a signal necessary to recover the function of detecting ground emitted electromagnetic waves, etc. if the function has been suspended; the same applies hereinafter) is received, and notification to the Prime Minister concerning the restart signal and the method of creation thereof, and any other measures specified by Cabinet Office Order as those necessary in order to ensure that the function cannot be restored unless the restart signal is received by the satellite remote sensing instrument;
- (3) When the termination measures are taken pursuant to the provisions of the preceding paragraph, the license under Article 4, paragraph (1) ceases to be effective.
- (4) A person who has taken the termination measures set forth in item (ii) of paragraph (2) must not provide information on the restart signal under that item and the method of creating the relevant signal to any persons other than specified user organizations or a person who has been given a new license under Article 4, paragraph (1) for the use of the satellite remote sensing instrument relating to the termination measures.

(Notification of Dissolution)

- Article 16 (1) When a corporation that is a satellite remote sensing instrument user has dissolved for reasons other than a merger, the liquidator or bankruptcy trustee must notify the Prime Minister to that effect without delay.
- (2) When a corporation that is a satellite remote sensing instrument user has dissolved for reasons other than a merger, the license under Article 4, paragraph (1) ceases to be effective, and the corporation under liquidation (meaning a corporation in liquidation or special liquidation, or a corporation against which bankruptcy proceedings have been commenced; hereinafter the same applies in this paragraph) must take termination measures within 120 days from the dissolution, unless a transfer of business in respect to the use of satellite remote sensing instrument has been authorized under Article 13, paragraph (1). In this case, until the implementation of the business transfer or the completion of the termination measures (in the case provided for in Article 11, until the notification provided therein is submitted), the corporation

under liquidation is deemed as a satellite remote sensing instrument user, and Articles 8 through 10, the first sentence of Article 11, Article 12, Article 13, paragraphs (1) and (5), Article 27, Article 28 and Article 29, paragraph (1) (including penal provision relating to these provisions) apply.

(Rescission of Licenses)

Article 17 (1) If a satellite remote sensing instrument user falls under any of the following items, the Prime Minister may rescind the license under Article 4, paragraph (1) or order the suspension of the use of the satellite remote sensing instrument for a specified period not exceeding one (1) year:

- (i) the satellite remote sensing instrument user has received a license under Article 4, paragraph (1) or Article 7, paragraph (1) or authorization under Article 13, paragraph (1), (3) or (4) by deception or other wrongful means;
- (ii) the satellite remote sensing instrument user has come to fall under any of the items of Article 5;
- (iii) the satellite remote sensing instrument user has ceased to comply with any of the items of Article 6;
- (iv) the satellite remote sensing instrument user has changed a particular for which authorization must be obtained pursuant to the provisions of Article 7, paragraph (1) without obtaining the authorization under that paragraph;
- (v) the satellite remote sensing instrument user has received electromagnetic data recording detected information which was transmitted from a satellite remote sensing instrument in violation of the provisions of Article 10, paragraph (1);
- (vi) the satellite remote sensing instrument user has violated an order made under this paragraph, Article 19, paragraph (1), Article 29, paragraph (1) or (2);
- (vii) the satellite remote sensing instrument user has provided satellite remote sensing data in violation of the provisions of Article 18, paragraph (3); or
- (viii) the satellite remote sensing instrument user has violated the conditions imposed on the license under Article 4, paragraph (1) or Article 7, paragraph (1), or the authorization under Article 13, paragraph (1), (3) or (4), pursuant to the provisions of Article 30, paragraph (1).

(2) If a satellite remote sensing instrument user's license under Article 4, paragraph (1) is rescinded pursuant to the provisions of the preceding paragraph, that satellite remote sensing instrument user must take termination measures within 120 days from the date of such rescission unless a transfer of business in respect to the use of satellite remote sensing instrument has been authorized under Article 13, paragraph (1). In this case, until the implementation of the business transfer or the completion of the termination measures (in the case provided for in Article 11, until the notification provided

therein is submitted), the person is deemed to be a satellite remote sensing instrument user, and the provisions of Articles 8 through 10, the first sentence of Article 11, Article 12, Article 13, paragraphs (1) and (5), Article 27, Article 28 and Article 29, paragraph (1) (including penal regulations relating to these provisions) apply.

### **Chapter III Regulations Concerning Handling of Satellite Remote Sensing Data**

(Restriction on Provision of Satellite Remote Sensing Data)

- Article 18 (1) When providing the satellite remote sensing data to a person who has obtained certification under Article 21, paragraph (1) for handling satellite remote sensing data, a satellite remote sensing data holder must do so after verifying that the recipient of such provision is a person who has obtained that certification, by requiring such recipient to present an accreditation certificate under paragraph (4) of that Article, clearly indicating the categories of the satellite remote sensing data specified by Cabinet Office Order referred to in paragraph (1) of that Article, and provide the information using cryptography or any other method of transmission whereby it is not easy to restore the contents thereof or any other method specified by Cabinet Office Order as those necessary and appropriate for prevention of acquisition and use of satellite remote sensing data by any person other than the recipient of the satellite remote sensing data, pursuant to the provisions of Cabinet Office Order.
- (2) When providing the satellite remote sensing data to a satellite remote sensing instrument user (limited to those who have obtained a license under Article 4, paragraph (1) for the use of a satellite remote sensing instrument relating to the relevant satellite remote sensing data) or specified data handling organization, a satellite remote sensing data holder must provide the data by clearly indicating to the recipient the categories of the satellite remote sensing data specified by Cabinet Office Order referred to in Article 21, paragraph (1) and by the method specified by Cabinet Office Order referred to in the preceding paragraph, pursuant to the provisions of Cabinet Office Order.
- (3) A satellite remote sensing data holder may not provide the satellite remote sensing data except when such provision is made pursuant to the provisions of the preceding two paragraphs for the examination or research conducted by each House or by a committee of each House or research committee of the House of Councilors pursuant to the provisions of Article 104, paragraph (1) of the Diet Act (Act No. 79 of 1947) (including the as 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), litigation proceedings or any other court proceedings, an

execution of judicial decisions, an investigation of criminal cases, or the audit by the Board of Audit, or in any other case equivalent thereto where such provision is necessary for the public interest as specified by Cabinet Order, or such provision is carried out in an urgent situation when measures must be taken to rescue human life, for disaster relief or for other emergencies.

(Order Prohibiting Provision of Satellite Remote Sensing Data)

Article 19 (1) If the Prime Minister has sufficient reasons to believe that the use of satellite remote sensing data is likely to adversely affect ensuring the peace in the international community, etc., the Prime Minister may issue an order to a satellite remote sensing data holder (excluding a natural person who has neither domicile nor residence in Japan or a corporation or any other organization which does not have a principal office in Japan that handles satellite remote sensing data in a foreign country (hereinafter referred to as a "foreign handler")) prohibiting provision of the satellite remote sensing data, designating the scope and time period.

(2) The prohibition order under the preceding paragraph must be limited to the minimum extent required for the ensuring the peace in the international community, etc.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a satellite remote sensing data holder (limited to foreign handlers). In this case, the term "to prohibit provision" in paragraph (1) is deemed to be replaced with "not to provide", and the term "issue an order to" in the preceding paragraph is deemed to be replaced with "request."

(Safety Management Measures for Satellite Remote Sensing Data)

Article 20 A satellite remote sensing data holder must take measures for prevention of divulgence, loss or damage of satellite remote sensing data and any other measures specified by Cabinet Office Order as those necessary and appropriate for the safety management of the relevant satellite remote sensing data.

#### **Chapter IV Certification of Persons Handling Satellite Remote Sensing Data**

(Certification)

Article 21 (1) A person handling satellite remote sensing data (excluding a specified data handling organization) may, upon application, obtain a certification from the Prime Minister that states that person is found to be capable of appropriate handling of satellite remote sensing data, according to the categories of the satellite remote sensing data specified by Cabinet Office

Order in consideration of the circumstances such as target distinguishing accuracy, the scope and degree of information changed as a result of processing of electromagnetic data recording detected information, or the time elapsed since the relevant electromagnetic data recording detected information was recorded.

(2) A person who intends to obtain a certification referred to in the preceding paragraph must submit a written application to the Prime Minister, pursuant to the provisions of Cabinet Office Order, specifying the following information, attaching the documents evidencing that the certification requirements set forth in each item of the following paragraph are complied with and other documents specified by Cabinet Office Order.

- (i) the name and address;
- (ii) the category of the satellite remote sensing data;
- (iii) the purpose and method of use of the satellite remote sensing data;
- (iv) the methods of management of the satellite remote sensing data;
- (v) if the applicant receives the satellite remote sensing data at a receiving station, the place of such station; and
- (vi) other particulars specified by Cabinet Office Order.

(3) If the Prime Minister finds that the application for the certification under paragraph (1) complies with the requirements set forth as follows, the Prime Minister must grant the certification under that paragraph:

- (i) the applicant does not fall under any of the following:
  - (a) a person who has violated the provisions of this Act or other Acts specified by Cabinet Order relating to the regulations of conducts which are likely to adversely affect ensuring the peace in the international community, etc., or orders based on these Acts or the laws and regulations of a foreign country equivalent thereto, and has been sentenced to a fine or more severe punishment (including a punishment under the laws and regulations of a foreign country equivalent thereto), and for whom five years have not elapsed since date on which execution of the sentence was completed or since the date on which that person ceased to be subject to the execution of the sentence;
  - (b) a person whose license has been rescinded pursuant to the provisions of Article 17, paragraph (1) or whose certification has been rescinded pursuant to the provisions of Article 25, paragraph (1) or Article 26, paragraph (1) and for whom three (3) years have not elapsed since the date of the that rescission;
  - (c) an international terrorist;
  - (d) a person specified by Cabinet Office Order as a person who cannot handle satellite remote sensing data appropriately due to mental or physical disorder;

- (e) a corporation whose officers engaged in the corporation's business or employees specified by Cabinet Office Order fall under any of (a) through (d) above; or
  - (f) an individual who has an employee specified by Cabinet Office Order who falls under any of (a) through (d) above:
  - (ii) the applicant's handling of satellite remote sensing data belonging to the category relating to that application complies with the requirements specified by Cabinet Office Order as that not likely to adversely affect ensuring the peace in the international community, etc., taking into consideration the applicant's purpose and methods of use of satellite remote sensing data, ability to carry out analysis or processing of the satellite remote sensing data, measures to ensure the safe management of satellite remote sensing data and other circumstances.
- (4) When the Prime Minister granted the certification under paragraph (1), the Prime Minister must notify the applicant and promptly issue an accreditation certificate to that effect.
- (5) If an accreditation certificate is lost or destroyed, the person who has received the issuance of the accreditation certificate must immediately notify it to the Prime Minister and receive the reissuance of the accreditation certificate.

(Approval of Changes)

- Article 22 (1) When a person who has received a certification under Article 21, paragraph (1) intends to change any particulars set forth in paragraph (2), items (iii) through (vi) of that Article, such person must receive a certification from the Prime Minister pursuant to the provisions of Cabinet Office Order; provided, however, that this does not apply to minor changes specified by Cabinet Office Order.
- (2) When there has been a change to any of the items set forth in Article 21, paragraph (2), item (i), or any minor changes specified by Cabinet Office Order referred to in the proviso to the preceding paragraph, the person who received the certification under Article 21, paragraph (1) must notify the Prime Minister to that effect without delay.
- (3) The provisions in Article 21, paragraph (3) (limited to the part relating to item (ii)) apply mutatis mutandis to the certification under paragraph (1).

(Log)

- Article 23 (1) A person who has received a certification under Article 21, paragraph (1) of the Act must keep a log and record the particulars specified by Cabinet Office Order in relation to the status of handling satellite remote sensing data, pursuant to the provisions of Cabinet Office Order.
- (2) The log under the preceding paragraph must be kept pursuant to the



provisions of Cabinet Office Order.

(Return of Accreditation Certificate)

Article 24 (1) If a person who has received an accreditation certificate has come to fall under any of the following items, such person must return the accreditation certificate (in the case provided for in item (ii), the accreditation certificate that was discovered or restored) to the Prime Minister without delay:

- (i) when the certification under Article 21, paragraph (1) has been rescinded; or
- (ii) in the case of having received the reissuance of the accreditation certificate, when the lost accreditation certificate was discovered or restored.

(2) If a person who has received the issuance of the accreditation certificate has come to fall under any of the cases set forth in the following items, the person respectively specified in that items must return the accreditation certificate to the Prime Minister without delay:

- (i) when the person has died: a relative living together with that person or the statutory agent;
- (ii) when the corporation has dissolved for reasons other than a merger: the liquidator or the bankruptcy trustee or a person who assumes the obligations equivalent thereto; or
- (iii) when the corporation has been extinguished due to a merger: the representative of the corporation surviving the merger or the corporation established as a result of the merger.

(Rescission of Certification)

Article 25 (1) If a person who has received the certification under Article 21, paragraph (1) (excluding foreign handlers) falls under any of the following items, the Prime Minister may rescind the certification or suspend its effect for a specified period not exceeding one (1) year:

- (i) the person has provided satellite remote sensing data in violation of the provision of Article 18, paragraph (3);
- (ii) the person has violated an order under Article 19, paragraph (1) or Article 29, paragraph (2);
- (iii) the person has received the certification under Article 21, paragraph (1) or Article 22, paragraph (1) by deception or other wrongful means;
- (iv) the person has ceased to comply with the requirements set forth in any of the items of Article 21, paragraph (3);
- (v) the person has changed a particular for which a certification must be obtained pursuant to the provisions of Article 22, paragraph (1) without obtaining certification under that paragraph; or
- (vi) has violated the conditions imposed on the certification under Article 21,

paragraph (1) or Article 22, paragraph (1) pursuant to the provisions of Article 30, paragraph (1).

- (2) A person who has become subject to the suspension of effect of certification under the preceding paragraph must promptly submit the accreditation certificate to the Prime Minister.
- (3) When the period of the suspension of effect of certification under paragraph (1) expires, and, if the person who has submitted an accreditation certificate pursuant to the provisions of the preceding paragraph requests the return of that accreditation certificate, the Prime Minister must immediately return the accreditation certificate.

Article 26 (1) If a person who has received the certification under Article 21, paragraph (1) (limited to foreign handlers; the same applies in item (iii)) falls under any of the following items, the Prime Minister may rescind the certification or suspend its effect for a specified period not exceeding one (1) year:

- (i) the person has failed to respond to a request under Article 19, paragraph (1) as applied mutatis mutandis pursuant to Article 19, paragraph (3) following the deemed replacement of terms, or a request under Article 29, paragraph (2) as applied mutatis mutandis pursuant to Article 29, paragraph (3) following the deemed replacement of terms;
  - (ii) the person falls under any of item (i) or items (3) through (6) of paragraph (1) the preceding Article; or
  - (iii) when the Prime Minister has requested the person who received the certification under Article 21, paragraph (1) to provide necessary reports or tried to have officials enter such person's office or any other places of business to inspect books, documents or other items or to question relevant persons to the extent necessary for the enforcement of this Act, no report or a false report has been made, or that inspection has been refused, interrupted or avoided, or no answer or a false answer has been given to such questions.
- (2) The provisions of Article 25, paragraphs (2) and (3) apply mutatis mutandis to the suspension of effect of certification under the preceding paragraph.

## **Chapter V Supervision by Prime Minister**

(On-site Inspection)

Article 27 (1) The Prime Minister may, to the extent necessary for the enforcement of this Act, request a satellite remote sensing instrument user or satellite remote sensing data holder (excluding foreign handlers) to provide necessary reports or have Cabinet Office officials enter its office or any other places of business to inspect books, documents or other items or to question

relevant persons.

- (2) An official who conducts an on-site inspection under the preceding paragraph must carry identification and present it if requested by a person concerned.
- (3) The authority to conduct an on-site inspection under paragraph (1) must not be construed as being granted for a criminal investigation.

(Guidance)

Article 28 The Prime Minister may give necessary guidance, advice and recommendations to satellite remote sensing instrument users or holders of satellite remote sensing data in order to ensure the appropriate handling of satellite remote sensing data in Japan.

(Correction Order)

- Article 29 (1) When the Prime Minister finds that a satellite remote sensing instrument user is in violation of the provisions of Article 8, Article 9 or Article 10, paragraph (3) or that a satellite remote sensing instrument user has failed to take termination measures in violation of the provisions of Article 13, paragraph (6), Article 14, paragraph (2), Article 15, paragraph (2), Article 16, paragraph (2) or Article 17, paragraph (2), the Prime Minister may order such person to take necessary measures for correcting that violation.
- (2) When the Prime Minister finds that a satellite remote sensing data holder (excluding foreign handlers) is in violation of the provisions of Article 18, paragraph (1) or (2) or Article 20, the Prime Minister may order such person to take necessary measures for correcting that violation.
  - (3) The provisions of the preceding paragraph apply mutatis mutandis to holders of satellite remote sensing data (limited to foreign handlers). In this case, the term "order" in the same paragraph is deemed to be replaced with "request."

(License Conditions)

- Article 30 (1) Conditions may be imposed on a license under Article 4, paragraph (1) or Article 7, paragraph (1), authorization under Article 13, paragraph (1), (3) or (4), or certification under Article 21, paragraph (1) or Article 22, paragraph (1) (hereinafter referred to as "license, etc." in the following paragraph), and changes may be made to such conditions.
- (2) The conditions referred to in the preceding paragraph must be limited to the minimum extent necessary for securing the reliable implementation of the particulars relating to the license, etc. and must not impose unreasonable duties on the person receiving the license, etc.

## **Chapter VI Miscellaneous Provisions**

(Transitional Measures)

Article 31 If an order is established, revised or abolished based on the provisions of this Act, the order may specify required transitional measures (including transitional measures relating to penal provisions) within the scope reasonably necessary in accordance with the establishment, revision or abolition.

(Delegation to Cabinet Office Order)

Article 32 Beyond what is provided for in this Act, the procedures for the enforcement of this Act and any other particulars necessary for the enforcement of this Act are specified by Cabinet Office Order.

## **Chapter VII Penal Provisions**

Article 33 A person falling under any of the following items is punished by imprisonment of not more than three years or a fine of not more than 1,000,000 yen, or both:

- (i) a person who has used the satellite remote sensing instrument in violation of the provision of Article 4, paragraph (1);
- (ii) a person who has received a license under Article 4, paragraph (1) or Article 7, paragraph (1), authorization under Article 13, paragraph (1), (3) or (4), or certification under Article 21, paragraph (1) or Article 22, paragraph (1) by deception or other wrongful means;
- (iii) a person who has changed the particulars set forth in Article 4, paragraph (2), items (ii) through (viii) in violation of the provisions of Article 7, paragraph (1);
- (iv) a person who has received electromagnetic data recording detected information transmitted from satellite remote sensing instrument in violation of the provisions of Article 10, paragraph (1);
- (v) a person who has provided information on the restart code or the method of creating such code in violation of the provisions of Article 15, paragraph (4);
- (vi) a person who has violated the order under Article 17, paragraph (1), Article 19, paragraph (1) or Article 29, paragraph (1) or (2);
- (vii) a person who has provided satellite remote sensing data in violation of the provisions of Article 18, paragraph (3); or
- (viii) a person who has changed the particulars set forth in Article 21, paragraph (2), items (iii) through (vi) in violation of the provisions of Article 22, paragraph (1).

Article 34 A person who failed to make a report under Article 27, paragraph (1) or made a false report, or refused, obstructed or avoided the inspection under that paragraph, or failed to answer or gave a false answer to the questions

under that paragraph is to be punished by imprisonment of not more than one (1) year or a fine of not more than 500,000 yen, or both.

Article 35 A person that falls under any of the following items is punished by a fine of not more than 500,000 yen:

- (i) a person who has failed to make the notification under Article 7, paragraph (2), Article 11, Article 13, paragraph (2), Article 15, paragraph (2) or Article 22, paragraph (2) or who given a false notification;
- (ii) a person who has failed to keep a log or state necessary particulars in the log or made false statements in the log in violation of the provisions of Article 12, paragraph (1) or Article 23, paragraph (1), or a person who failed to keep a log in violation of the provisions of Article 12, paragraph (2) or Article 23, paragraph (2);
- (iii) a person who has failed to return the accreditation certificate in violation of the provision of Article 24, paragraph (1); or
- (iv) a person who has failed to submit the accreditation certificate in violation of the provisions of Article 25, paragraph (2) (including the cases applied mutatis mutandis pursuant to Article 26, paragraph (2)), .

Article 36 The crimes set forth in Article 33 (limited to the portion relating to item (vi) (limited to the portion relating to Article 19, paragraph (1) and Article 29, paragraph (2)) and item (vii); hereinafter the same applies in this Article) also apply to persons who have committed the crimes set forth in Article 33 outside Japan.

Article 37 Where the representative of a corporation or an agent, employee or other worker of a corporation or an individual has committed any of the violations prescribed in Article 33 through Article 35 with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is to be punished by the fine prescribed in the respective Articles.

Article 38 A person falling under one of the following items is to be punished by a civil fine of not more than 100,000 yen:

- (i) a person who has failed to make the notification under Article 14, paragraph (1) or Article 16, paragraph (1) or has given a false notification; or
- (ii) a person who has failed to return the accreditation certificate in violation of the provisions of Article 24, paragraph (2).

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes 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 the provisions set forth in the following items come into effect as of the dates prescribed in the respective items:

- (i) the provisions of Article 4 of the Supplementary Provisions: The date of promulgation
- (ii) the provisions of the following Article: The date specified by Cabinet Order within a period not exceeding nine (9) months from the date of promulgation

(Preparatory Acts)

Article 2 A person who intends to obtain a license under Article 4, paragraph (1) or certification in Article 21, paragraph (1) may make such application prior to the enforcement of this Act pursuant to the provisions of Article 4, paragraph (2) or Article 21, paragraph (2).

(Transitional Measures)

Article 3 (1) If an application for a license under Article 4, paragraph (1) is made with regard to using satellite remote sensing instrument mounted on satellites which is launched into earth's orbit when this Act comes into effect (including the case where the application was made pursuant to the provisions of the preceding Article prior to the enforcement of this Act), for the purpose of application of the provisions of Article 6 (including the cases applied mutatis mutandis pursuant to Article 7, paragraph (3); hereinafter the same applies in this paragraph) and Article 17, paragraph (1), item (iii) with regard to using the satellite remote sensing instrument, the term "the following items" in Article 6 is deemed to be replaced with "items (ii) through (iv)" and the term "the items of Article 6" in the item is deemed to be replaced with "items (ii) through (iv) of Article 6".

(2) In the case referred to in the preceding paragraph, when the Prime Minister granted the license under Article 4, paragraph (1), the provisions of Article 8, Article 9 and Article 10, paragraph (3) do not apply to using the satellite remote sensing instrument for which the relevant license was obtained.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, any necessary transitional measures (including transitional measures concerning penal provisions) for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 5 When five (5) years have elapsed after this Act comes into effect, the

government is to review the state of enforcement of this Act, and, when it finds it necessary, take necessary measures based on the findings of the review.

### **Supplementary Provisions [Act No. 37 of June 14, 2019] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which three months have elapsed from the date of promulgation; provided, however that the provisions set forth in the following items come into effect as of the dates prescribed in the respective items:

(i) the provisions of Articles 40, 59, and 61, the provisions of Article 75 (limited to the those amending Article 34-20 of the Child Welfare Act), the provisions of Articles 85 and 102, the provisions of Article 107 (limited to those amending Article 26 of the Act for Protection of Children Adopted Through Private Adoption Agencies), the provisions of 111, 143, 149, and 152, the provisions of Article 154 (limited to those amending Article 25, item (vi) of the Act on Real Estate Appraisal), and the provisions of Article 168, the following Article, and Articles 3 and 6 of the Supplementary Provisions: the date of promulgation;

(Transitional Measures on Acts of Administrative Agency)

Article 2 Prior laws continue to govern the effect of any dispositions or other acts rendered by administrative agencies prior to the date of enforcement of this Act (in the case of the provisions listed in each item of the preceding Article, the relevant provisions. The same applies hereinafter in this Article and the following Article) based on the provisions (limited to those that provide for disqualification clauses and other measures relating to the restriction of rights) of the Act prior to the revision by this Act or orders based on the Acts, and the effects of disqualification arising from such provisions.

(Transitional Measures Concerning Penal Provisions)

Article 3 Prior laws continue to govern the applicability of penal provisions to a conduct that a person engages in before this Act comes into effect.

(Reviews)

Article 7 Within one year after the promulgation of this Act, the national government is to consider those provisions of the Companies Act (Act No. 86 of 2005) and the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) that restrict a person's eligibility to be a corporate officer on the grounds of being an adult ward or a person under curatorship, and is to delete those provisions or take other

necessary legislative measures based on the results of the consideration.

**Supplementary Provisions [Act No. 68 of June 17, 2022] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of the date on which the Act on the Partial Amendment of the Penal Code, etc. comes into effect; provided, however, that the provisions listed in the following items come into effect as of the dates prescribed in the respective items:
  - (i) the provisions of Article 509 : the date of promulgation;