

The Order for Enforcement of the Act on Access to Information Held by Incorporated Administrative Agencies is hereby promulgated.

Order for Enforcement of the Act on Access to Information Held by Incorporated Administrative Agencies (Tentative translation)

(Cabinet Order No. 199 of June 5, 2002)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 2, paragraph (2), items (ii) and (iii), Article 9, paragraph (1), Article 14, paragraphs (1) and (2), Article 15, paragraph (3), Article 22, paragraph (1), and Article 26 of the Act on Access to Information Held by Incorporated Administrative Agencies (Act No. 140 of 2001).

(Facilities Designated by Cabinet Order as Referred to in Article 2, Paragraph (2), Item (iii) of the Act)

Article 1 The facilities designated by Cabinet Order as referred to in Article 2, paragraph (2), item (iii) of the Act on Access to Information Held by Incorporated Administrative Agencies (hereinafter referred to as the "Act") are facilities set forth in the items of Article 5, paragraph (1) of the Order for Enforcement of the Public Records and Archives Management Act (Cabinet Order No. 250 of 2010).

(Scope of Historical Materials as Referred to in Article 2, Paragraph (2), Item (iii) of the Act)

Article 2 The historical or cultural materials or materials for academic research referred to in Article 2, paragraph (2), item (iii) of the Act are those managed by the method prescribed in Article 6 of the Order for Enforcement of the Public Records and Archives Management Act.

(Method of Separation as Referred to in Article 2, Paragraph (2), Item (iv) of the Act)

Article 3 The method of separation of documents, pictures, and electronic or magnetic records (hereinafter referred to as "documents, etc." in this Article) pertaining to the operations set forth in the right-hand column of Appended Table 2 of Article 2, paragraph (2), item (iv) of the Act from documents, etc. pertaining to operations other than the operations set forth in the same column is to ensure that the documents, etc. exclusively pertaining to the operations set forth in the same column are preserved in a file of documents, etc.

(meaning a collection of documents, etc. that are mutually closely related, which is compiled to achieve the purpose of efficient processing of affairs or business and appropriate preservation of documents) separately from documents, etc. pertaining to operations other than the operations set forth in the same column.

(Matters to Be Stated in Written Disclosure Request)

Article 4 (1) The following matters may be stated in a written disclosure request with regard to the corporate document pertaining to a disclosure request:

- (i) the desired method of implementation of disclosure;
- (ii) if the implementation of the disclosure at the office (meaning the disclosure of corporate documents by methods other than the method prescribed in the following item and the method of implementing disclosure using an electronic data processing system; hereinafter the same applies in this item, paragraph (1), item (iii) and paragraph (2), item (i) of the following Article, and Article 9, paragraph (1), item (iii)) is requested, the date on which the disclosure at the office is desired to be implemented; and
- (iii) if the implementation of the disclosure of a corporate document by the method of sending a copy thereof is requested, a statement to that effect.

(2) The phrase "method of implementation of disclosure" in item (i) of the preceding Article, paragraph (1), items (i) and (ii) of the following Article, Article 9, paragraph (1), item (i), and Article 10, paragraph (2) refers to the method designated by an incorporated administrative agency, etc. as a method of inspection or delivery of copies regarding documents or pictures, or the method designated by an incorporated administrative agency, etc. pursuant to the provisions of Article 15, paragraph (1) of the Act regarding electronic or magnetic records.

(3) The term "electronic data processing system" in paragraph (1), item (ii) and paragraph (1), item (v) of the following Article refers to an electronic data processing system connecting a computer used by the incorporated administrative agency, etc. (including the input/output device; hereinafter the same applies in this paragraph) and the computer used by the person who will obtain the disclosure via a telecommunication line.

(Matters Designated by Cabinet Order as Referred to in Article 9, Paragraph (1) of the Act)

Article 5 (1) The matters designated by Cabinet Order as referred to in Article 9, paragraph (1) of the Act are the following matters:

- (i) the methods of implementation of disclosure which may be requested for the corporate document pertaining to a disclosure decision;
- (ii) the amount of the fee pertaining to the implementation of disclosure

- (hereinafter referred to as the "fee for implementation of disclosure") for each method of implementation of disclosure referred to in the preceding item (in the case of the method of implementation of disclosure for which a reduction of the amount or an exemption from the payment of the fee for implementation of disclosure should be granted pursuant to the provisions of Article 17, paragraph (3) of the Act, including a statement to that effect);
- (iii) the dates, time, and place when and where the disclosure at the office can be implemented, and a statement to the effect that if the disclosure at the office is desired, the date on which the disclosure at the office is desired to be implemented should be selected from among the dates when the disclosure at the office can be implemented, when reporting the relevant matters pursuant to the provisions of Article 15, paragraph (3) of the Act;
 - (iv) the number of days required for making preparation and the expenses required for sending a copy in the case of implementing the disclosure of a corporate document by the method of sending a copy thereof; and
 - (v) the number of days required for making preparation in the case of implementing the disclosure of a corporate document using an electronic data processing system and other matters necessary for the implementation of the disclosure (limited to the case where it is provided that an incorporated administrative agency, etc. may implement the disclosure of a corporate document using an electronic data processing system).
- (2) Notwithstanding the provisions of the preceding paragraph, the matters designated by Cabinet Order as referred to in Article 9, paragraph (1) of the Act in the case where the matters set forth in the items of paragraph (1) of the preceding Article are stated in a written disclosure request are the matters specified in the following items according to the categories of cases set forth in these items:
- (i) in the case where the disclosure of a corporate document by the method referred to in paragraph (1), item (i) of the preceding Article can be implemented (for the disclosure at the office, limited to the case where the disclosure can be implemented on the date referred to in item (ii) of the same paragraph): a statement to that effect, and the matters set forth in item (i) and items (iii) through (v) of the preceding paragraph (excluding those pertaining to the method referred to in paragraph (1), item (i) of the same Article) and the matters set forth in item (ii) of the preceding paragraph; and
 - (ii) in cases other than the case referred to in the preceding item: a statement to that effect, and the matters set forth in the items of the preceding paragraph.

(Matters Designated by Cabinet Order as Referred to in Article 14, Paragraph (1) of the Act)

Article 6 The matters designated by Cabinet Order as referred to in Article 14, paragraph (1) of the Act are the following matters:

- (i) the date of the disclosure request;
- (ii) the content of the information concerning the relevant third party recorded in the corporate document pertaining to the disclosure request; and
- (iii) the place and deadline for submitting a written opinion.

(Matters Designated by Cabinet Order as Referred to in Article 14, Paragraph (2) of the Act)

Article 7 The matters designated by Cabinet Order as referred to in Article 14, paragraph (2) of the Act are the following matters:

- (i) the date of the disclosure request;
- (ii) whether the provisions of Article 14, paragraph (2), item (i) of the Act or the provisions of item (ii) of the same paragraph apply, and the reason for applying the relevant provisions;
- (iii) the content of the information concerning the relevant third party recorded in the corporate document pertaining to the disclosure request; and
- (iv) the place and deadline for submitting a written opinion.

(Report of Method of Implementation of Disclosure)

Article 8 (1) The report under the provisions of Article 15, paragraph (3) of the Act must be made in writing.

- (2) If the notification prescribed in Article 9, paragraph (1) of the Act is made to the effect that the case falls under Article 5, paragraph (2), item (i) (limited to the case where no fee for implementation of disclosure is charged), and the person who will obtain disclosure does not change any matters set forth in the items of Article 4, paragraph (1), the person is not required to make the report under the provisions of Article 15, paragraph (3) of the Act again.

(Matters Designated by Cabinet Order as Referred to in Article 15, Paragraph (3) of the Act)

Article 9 (1) The matters designated by Cabinet Order as referred to in Article 15, paragraph (3) of the Act are the following matters:

- (i) the desired method of implementation of disclosure (if different methods of implementation of disclosure are desired for different parts of the corporate document pertaining to a disclosure decision, a statement to that effect and the method of implementation of disclosure for each part);
- (ii) in the case of requesting the implementation of the disclosure of part of the corporate document pertaining to a disclosure decision, a statement to that effect and the relevant part of the corporate document;
- (iii) in the case of requesting the implementation of the disclosure at the office,

the date on which the disclosure at the office is desired to be implemented;
and

(iv) in the case of requesting the implementation of the disclosure of a corporate document by the method of sending a copy thereof, a statement to that effect.

(2) Notwithstanding the provisions of the preceding paragraph, the matter designated by Cabinet Order as referred to in Article 15, paragraph (3) of the Act in the case where the notification prescribed in Article 9, paragraph (1) of the Act is made to the effect that the case falls under Article 5, paragraph (2), item (i) is a statement of the intention to obtain the disclosure of a corporate document.

(Report of Further Disclosure)

Article 10 (1) The report under the provisions of Article 15, paragraph (5) of the Act must be made in writing by means of a document stating the following matters:

(i) the date on which the notification prescribed in Article 9, paragraph (1) of the Act is made;

(ii) the date on which the first disclosure is obtained; and

(iii) the matters set forth in the items of paragraph (1) of the preceding Article.

(2) In the case referred to in the preceding paragraph, the disclosure by the same method as the method of implementation of disclosure performed for a corporate document that has already been disclosed (if the disclosure of part of the corporate document is obtained, the relevant part) may not be requested for the relevant corporate document; provided, however, that this does not apply if there are reasonable grounds for requesting the same method.

(Request for a Copy to Be Sent)

Article 11 (1) A person who obtains the disclosure of a corporate document may request a copy of the corporate document to be sent thereto by paying the expenses required for sending the copy as designated by an incorporated administrative agency, etc., in addition to the fee for implementation of disclosure.

(2) An incorporated administrative agency, etc. must make what is designated thereby pursuant to the provisions of the preceding paragraph available for public inspection.

(Method and Scope of Provision of Information)

Article 12 (1) The provision of information prescribed in Article 22, paragraph (1) of the Act is to be performed by the method of keeping information at the office and making it available for public inspection and the method of using the

internet or any other information communications technology.

- (2) The information designated by Cabinet Order as referred to in Article 22, paragraph (1) of the Act is the following information:
- (i) the following information concerning the organization of an incorporated administrative agency, etc.
 - (a) the purpose of the incorporated administrative agency, etc., an outline of its operations, and its relationship with State measures;
 - (b) an outline of the organization of the incorporated administrative agency, etc. (including the number, names, positions, terms, and background of officers of the incorporated administrative agency, etc. and the number of its employees); and
 - (c) the standards for payment of remuneration and retirement allowance to officers of the incorporated administrative agency, etc. and the standards for payment of salary and retirement allowance to its employees;
 - (ii) the following information concerning the operations of an incorporated administrative agency, etc.:
 - (a) the content of a business report, operational report, and any other latest report on operations of the incorporated administrative agency, etc.;
 - (b) a business plan, annual plan, and any other latest plan on operations of the incorporated administrative agency, etc.;
 - (c) provisions concerning the method of contract of the incorporated administrative agency, etc.; and
 - (d) if the incorporated administrative agency, etc. collects any usage fee or other fees or any other charges pursuant to the provisions of laws and regulations, the method of calculating the amount of such fees or charges;
 - (iii) the content of a balance sheet, profit and loss statement, and any other latest documents on finance prepared by the incorporated administrative agency, etc.;
 - (iv) the following information concerning the evaluation and audit on the organization, operations, and finance of an incorporated administrative agency, etc.:
 - (a) information concerning the results of evaluation on the operational performance, etc. specified in the following according to the categories of incorporated administrative agencies, etc. set forth respectively therein:
 1. agency managed under the medium-term objectives prescribed in Article 2, paragraph (2) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999): the latest results of evaluation on the operational performance during the relevant business year prescribed in the items of Article 32, paragraph (1) of the same Act under the provisions of the same paragraph, as well as the latest results of evaluation on the operational performance during the

- period for medium-term objectives that is expected at the end of the period for medium-term objectives prescribed in item (ii) of the same paragraph under the provisions of the same paragraph and the latest results of evaluation on the operational performance during the period for medium-term objectives prescribed in item (iii) of the same paragraph under the provisions of the same paragraph;
2. national research and development agency prescribed in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies: the latest results of evaluation on the operational performance during the relevant business year prescribed in the items of Article 35-6, paragraph (1) of the same Act under the provisions of the same paragraph, as well as the latest results of evaluation on the operational performance during the period for medium-term objectives that is expected at the end of the period for medium-term objectives prescribed in item (ii) of the same paragraph under the provisions of the same paragraph, the latest results of evaluation on the operational performance during the period for medium-term objectives prescribed in item (iii) of the same paragraph under the provisions of the same paragraph, and the latest results of evaluation under the provisions of paragraph (2) of the same Article;
 3. agency engaged in administrative execution prescribed in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies: the latest results of evaluation under the provisions of Article 35-11, paragraph (1) of the same Act and the latest results of evaluation under the provisions of paragraph (2) of the same Article;
 4. national university corporation, etc. prescribed in Article 2, paragraph (5) of the National University Corporation Act (Act No. 112 of 2003): the latest results of evaluation on the operational performance during the period for medium-term objectives that is expected at the end of the period for medium-term objectives prescribed in Article 31-2, paragraph (1) of the same Act under the provisions of the same paragraph and the latest results of evaluation on the operational performance during the period for medium-term objectives prescribed in item (ii) of the same paragraph under the provisions of the same paragraph; and
 5. Japan Legal Support Center prescribed in Article 13 of the Comprehensive Legal Support Act (Act No. 74 of 2004): the latest results of evaluation on the operational performance during the relevant business year prescribed in the items of Article 41-2, paragraph (1) of the same Act, as well as the latest results of

evaluation on the operational performance during the period for medium-term objectives that is expected at the end of the period for medium-term objectives prescribed in item (ii) of the same paragraph under the provisions of the same paragraph and the latest results of evaluation on the operational performance during the period for medium-term objectives prescribed in item (iii) of the same paragraph under the provisions of the same paragraph;

- (b) the part of the latest results of policy evaluation on the incorporated administrative agency, etc. under the provisions of Article 3, paragraph (1) and Article 12, paragraphs (1) and (2) of the Government Policy Evaluations Act (Act No. 86 of 2001), which is related to the incorporated administrative agency, etc.;
- (c) the part of the latest results of evaluation and monitoring on the incorporated administrative agency, etc. under the provisions of Article 4, paragraph (1), item (xi) of the Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999), which is related to the incorporated administrative agency, etc.;
- (d) the latest opinions of the auditor;
- (e) the latest results of audit by a certified public accountant or audit corporation; and
- (f) the part of the latest audit report by the Board of Audit on the incorporated administrative agency, etc., which is related to the incorporated administrative agency, etc.; and
- (v) the name of the corporation prescribed in Article 22, paragraph (1), item (iii) of the Act, the relationship between its operations and the operations of the incorporated administrative agency, etc., an outline of its important transactions with the incorporated administrative agency, etc., and the name and position of its officer who also serves as an officer of the incorporated administrative agency, etc.

(Scope of Corporations Subject to Provisions of Information)

Article 13 The corporation designated by Cabinet Order as referred to in Article 22, paragraph (1), item (iii) of the Act is a corporation designated by Order of the Ministry of Internal Affairs and Communications as the other corporation in the case where an incorporated administrative agency, etc. (including a corporation whose organ to decide a finance and operational or business policy is controlled by the incorporated administrative agency, etc., which is designated by Order of the Ministry of Internal Affairs and Communications) is capable of having a significant influence on decisions on the finance and operational or business policy of another corporation.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Cabinet Order comes into effect as of the day on which the Act comes into effect (October 1, 2002).