

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

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

The Cabinet 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 Specified by Cabinet Order Referred to in Article 2, Paragraph (2), Item (iii) of the Act)

Article 1 The facilities specified by Cabinet Order that are referred to in Article 2, paragraph (2), item (iii) of the Act on Access to Information Held by Incorporated Administrative Agencies (referred to as "the Act") are the facilities stated 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 Referred to in Article 2, Paragraph (2), Item (iii) of the Act)

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

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

Article 3 The method of separating the documents, pictures, and electronic or magnetic records (referred to as "documents, etc." below in this Article) related to the operations stated in the right-hand column of Appended Table 2 of Article 2, paragraph (2), item (iv) of the Act from the documents, etc. related to operations other than those stated in that column, is to ensure that the documents, etc. exclusively related to the operations stated in that column are preserved in a different file (meaning an aggregate of closely related

documents, etc. compiled for accomplishing the efficient affairs or business, and appropriate preservation of documents, etc.) from the file for documents, etc. concerning operations other than those stated in that column.

(Matters to Be Stated in Written Requests for Disclosure)

Article 4 (1) The following matters may be stated in a written disclosure request on the corporate document related to a request for disclosure:

- (i) the desired method of implementation of disclosure;
- (ii) if the request is made for the implementation of the disclosure at the office (meaning the disclosure of corporate documents through methods other than those prescribed in the following item and the method of implementing disclosure using an electronic data processing system; the same applies below in this item, paragraph (1), item (iii) and paragraph (2), item (i) of the following Article, and Article 9, paragraph (1), item (iii)), the date on which the implementation of disclosure at the office is desired; and
- (iii) if the implementation of disclosure of corporate document through the method of sending a copy is requested, that fact.

(2) The term "method of implementation of disclosure" as used 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) means the method specified by incorporated administrative agencies and other corporations as a method of inspection or delivery of copies for documents or pictures, and for electronic or electronic magnetic records, this means the method specified by incorporated administrative agencies and other corporations pursuant to the provisions of Article 15, paragraph (1) of the Act.

(3) The term "electronic data processing system" as used in paragraph (1), item (ii) and paragraph (1), item (v) of the following Article means an electronic data processing system that connects a computer used by incorporated administrative agencies and other corporations (including an input/output device; the same applies below in this paragraph) and a computer used by the person that receives the disclosure via a telecommunication line.

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

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

- (i) the method of implementing disclosure which may be sought for the corporate document related to a disclosure decision;
- (ii) the amount of the fees for each method of implementing disclosure (referred to as the "fee for implementation of disclosure" below) for the method of implementing disclosure referred to in the preceding item (for the method of

- implementing disclosure for which reduction or exemption of the fee for implementing disclosure should be granted pursuant to the provisions of Article 17, paragraph (3) of the Act, including that fact);
- (iii) the date, time, and location for which disclosure at the office may be made, and the fact that if disclosure at the office is desired, the fact that the preferred date for implementing the disclosure at the office should be selected from the available dates for the disclosure at the time of making the proposal under the provisions of Article 15, paragraph (3) of the Act;
 - (iv) the number of days required for preparation and the fees required for sending when implementing the disclosure of corporate documents by the method of sending their copies; and
 - (v) the number of days required for preparation when disclosure of corporate document is implemented by using an electronic data processing system and other necessary matters for implementing the disclosure (limited to cases in which it is prescribed that incorporated administrative agencies and other corporations may implement the disclosure of corporate documents by using an electronic data processing system).
- (2) Notwithstanding the provisions of the preceding paragraph, the matters specified by Cabinet Order referred to in Article 9, paragraph (1) of the Act when the matters stated 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 in accordance with the category of the cases stated in each of those items:
- (i) when the disclosure of corporate documents may be implemented by the method referred to in paragraph (1), item (i) of the preceding Article (for the disclosure at the office, limited to the case in which the disclosure may be implemented on the date referred to in item (ii) of that paragraph): that fact, the matters stated in item (i) and items (iii) through (v) of the preceding paragraph (excluding those related to the method referred to in paragraph (1), item (i) of that Article), and the matters stated in item (ii) of the preceding paragraph; and
 - (ii) in cases other than the case referred to in the preceding item: that fact and the matters stated in the items of the preceding paragraph.

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

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

- (i) the date of the request for disclosure;
- (ii) the content of the information concerning the third party recorded in the corporate document related to the request for disclosure; and

(iii) the place and deadline for submitting a written opinion.

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

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

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

(Proposal on Methods of Implementation of Disclosure)

Article 8 (1) The proposal 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 of the fact that the case falls under Article 5, paragraph (2), item (i) (limited to the case in which the fee for implementation of disclosure is free of charge), and the matters stated in the items of Article 4, paragraph (1) are not to be changed, the person is not required to make the proposal under the provisions of Article 15, paragraph (3) of the Act again.

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

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

- (i) the desired method of implementing disclosure (if different methods of implementing disclosure are desired for each part of the corporate document related to a disclosure decision, that fact and the method of implementing disclosure for each of those parts);
 - (ii) when requesting the implementation of the disclosure for a part of the corporate document related to a disclosure decision, that fact and the relevant part;
 - (iii) when requesting the implementation of the disclosure at the office, the day when the implementation of the disclosure at the office is desired; and
 - (iv) when requesting the implementation of the disclosure of a corporate document by the method of sending a copy, that fact.
- (2) The matter specified by Cabinet Order referred to in Article 15, paragraph (3) of the Act when the notice prescribed in Article 9, paragraph (1) of the Act

indicating that the case falls under Article 5, paragraph (2), item (i) (excluding the case in which the fee for implementation of disclosure is free of charge) has been given, is the intention to obtain the disclosure of a corporate document, notwithstanding the provisions of the preceding paragraph.

(Proposal for Further Disclosure)

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

- (i) the day on which the notice prescribed in Article 9, paragraph (1) of the Act is given;
- (ii) the day on which the initial disclosure has been received; and
- (iii) the matters stated in the items of paragraph (1) of the preceding Article.

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

(Request for a Copy to Be Sent)

Article 11 (1) A person that receives disclosure of a corporate document may request a copy of the corporate document to be sent to them by paying the fees required for sending the copy specified by incorporated administrative agencies and other corporations, in addition to the fee for implementation of disclosure.

(2) Incorporated administrative agencies and other corporations must make what is specified under the provisions of the preceding paragraph available for public inspection.

(Method of Provision of Information and Its Scope)

Article 12 (1) The provision of information prescribed in Article 22, paragraph (1) of the Act is to be made by the method of keeping the information at the office and making it available for public inspection, and the method of using the internet or other methods of using information communications technology.

(2) The information specified by Cabinet Order referred to in Article 22, paragraph (1) of the Act is the following information:

- (i) the following information concerning the organization of incorporated administrative agencies and other corporations:
 - (a) the purpose of the incorporated administrative agency or the other corporation, an outline of its operations, and its relationship with the measures of the national government;

- (b) an outline of the organization of the incorporated administrative agency, or the other corporation (including the number, names, positions, terms of office, and background of officers of the incorporated administrative agency of the other corporation and the number of the employees); and
- (c) the criteria for providing remuneration and retirement allowance to officers of the incorporated administrative agency or the other corporation, and the criteria for providing salary and retirement allowance to the employees;
- (ii) the following information concerning the operations of incorporated administrative agencies and other corporations:
 - (a) the content of the business report, operations report, and other latest reports concerning the operations of the incorporated administrative agency or the other corporation;
 - (b) the business plan, annual plan, and other latest plans related to the operations of the incorporated administrative agency or the other corporation;
 - (c) provisions on the method of contract taken by the incorporated administrative agency and other corporation; and
 - (d) if the incorporated administrative agency or the other corporation collects usage fees, handling fees, or other charges pursuant to the provisions of laws and regulations, the method of calculating the amount of those fees or charges;
- (iii) the content of the balance sheet, profit and loss statement, and other latest documents on finance prepared by incorporated administrative agencies or other corporations;
- (iv) the following information concerning the evaluation and audit of the organization, operations, and finance of incorporated administrative agencies or other corporations:
 - (a) information concerning the results of evaluation on the operational performance, and other matters specified in the following clauses in accordance with the category of incorporated administrative agencies or other corporations stated in each of those clauses:
 1. an agency managed under the medium-term objectives as defined in Article 2, paragraph (2) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999): the latest results of the evaluation of operational performance in the business year prescribed in the items of Article 32, paragraph (1) of that Act based on the provisions of that paragraph, and the latest results of evaluation of the operational performance during the period for medium-term objectives expected at the end of the period for medium-term objectives prescribed in item (ii) of that paragraph based on the provisions of that

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

provisions of that paragraph and the latest results of the evaluation of the operational performance during the period for medium-term objectives prescribed in item (iii) of that paragraph based on the provisions of that paragraph;

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

(Scope of Corporations Subject to Provision of Information)

Article 13 In the case an incorporated administrative agency or other corporation (including corporations whose organs that decide the financial and operational or business policies are controlled by the incorporated administrative agency or the other corporation, which are specified by Order of the Ministry of Internal Affairs and Communications) is able to significantly influence the decision on financial and operational or business policies of another corporation, the corporation specified by Cabinet Order referred to in Article 22, paragraph (1), item (iii) of the Act means the corporation specified by Order of the Ministry of Internal Affairs and Communications as that other corporation.

Supplementary Provisions [Extract]

(Effective Date)

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