

Act on the Issuance of Official Gazettes (Tentative translation)

(Act No. 85 of December 13, 2023)

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Chapter I General Provisions

Article 1 This Act provides for the issuing entity of the Official Gazette, matters to be published in the Official Gazette, the method of issuing the Official Gazette, and other necessary matters concerning the issuance of the Official Gazette.

Chapter II Issuing Entity of Official Gazettes

Article 2 Official gazettes are issued by the Prime Minister pursuant to the provisions of this Act.

Chapter III Matters to Be Published in the Official Gazette

(Promulgation in the Official Gazette)

Article 3 (1) The promulgation of amendments to the Japanese Constitution, laws, orders based on laws (including the Rules of the Supreme Court and other rules designated by Cabinet Office Order; hereinafter referred to as "laws and regulations"), treaties, and imperial edicts is effected in the Official Gazette.

(2) The following public notices set forth in Article 25, paragraph (5) of the Cabinet Act (Act No. 5 of 1947), Article 7, paragraph (5) or Article 58, paragraph (6) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999), Article 8, paragraph (5) of the Imperial Household Agency Act (Act No. 70 of 1947), Article 7, paragraph (5) of the Act on the Establishment of the Digital Agency (Act No. 36 of 2021), or Article 14, paragraph (1) of the National

Government Organization Act (Act No. 120 of 1948) are made public in the Official Gazette:

- (i) public notice specifying the requirements for Dispositions (meaning Dispositions and other acts involving the exercise of public authority by administrative agencies);
- (ii) beyond what is set forth in the preceding item, any public notice specified by Cabinet Office Order as being similar thereto.

(Matters to be Published in the Official Gazette Other than Matters for Promulgation)

Article 4 (1) The following matters are to be published in the Official Gazette, beyond the matters subject to promulgation or public notice that are to be made in the Official Gazette pursuant to the provisions of the preceding Article (hereinafter referred to as "matters for promulgation, etc."):

- (i) matters subject to public notice given by a national government organ pursuant to the provisions of laws and regulations;
 - (ii) beyond what is set forth in the preceding item, matters subject to public notice, public notice or any other act to make the information public, which must be carried out by means of publication in the Official Gazette pursuant to the provisions of other laws and regulations.
- (2) Beyond the Particulars of Promulgation, etc. and the particulars listed in the items of the preceding paragraph, the following particulars may be published in the Official Gazette:
- (i) particulars concerning basic policies, basic plans, and other matters put before the Cabinet, and particulars concerning the activities of other administrative organs (meaning the Cabinet, organs established within the Cabinet or organs established under the jurisdiction of the Cabinet based on the provisions of laws, the Imperial Household Agency, organs prescribed in Article 49, paragraph (1) or (2) of the Act for Establishment of the Cabinet Office, organs prescribed in Article 3, paragraph (2) of the National Government Organization Act, the Board of Audit, or organs established therein; the same applies in the following item), which are specified by Cabinet Office Order as particulars that should be made public;
 - (ii) particulars concerning the activities of a national government organ (excluding administrative organs; hereinafter the same applies in this item), which are specified by agreement between the Prime Minister and the national government organ as particulars that should be made known to the general public;
 - (iii) beyond what is set forth in the preceding two items, particulars closely related to the particulars set forth in item (ii) of the preceding paragraph, and any other particulars specified by Cabinet Office Order as those that it is

particularly necessary to make known to the public by publication in the Official Gazette.

Chapter IV Methods of Issuing Official Gazettes

(Method of Issuing an Official Gazette)

- Article 5 (1) When the Prime Minister seeks to issue Official Gazettes, for each type of Official Gazettes specified by Cabinet Office Order, the Prime Minister must record an electronic or magnetic record (meaning a record used in computer data processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies in Article 12 and Article 13, paragraph (1)) in which the date of issuance of the Official Gazettes, the Particulars of Promulgation, etc. for that date, the particulars prescribed in the preceding Article, and any other particulars specified by Cabinet Office Order (hereinafter referred to as "Particulars to Be Published in the Official Gazette") have been recorded, in a file for recording the Particulars to Be Published in the Official Gazette that is kept at the computer used by the Prime Minister (hereinafter referred to as the "Official Gazette File" in this Article, the following Article and Article 13, paragraph (1)), pursuant to Cabinet Office Order provisions.
- (2) Official Gazettes are issued when the Prime Minister, pursuant to the provisions of Cabinet Office Order, takes measures to make the particulars to be published in the Official Gazette that are recorded in an Official Gazette File (hereinafter referred to as an "electronic or magnetic Official Gazette Record") available for public inspection by using automatic public transmission (meaning the automatic transmission of information upon request from the public for the purpose of direct receipt by the public, and excluding that which falls under the category of a broadcast or cablecast; the same applies in Article 14, paragraph (3)) which is made by connecting the Official Gazette File to a telecommunications line.
- (3) The characters, letters, numbers, marks or any other codes for identifying an Official Gazette File are specified by Cabinet Office Order.
- (4) The information in an electronic or magnetic official gazette record that is transmitted via automatic public transmission referred to in paragraph (2) must have taken all of the measures set forth in the following items:
- (i) measures to encrypt the relevant information and other measures specified by Cabinet Office Order as measures to ensure the safety and reliability of the relevant information;
 - (ii) measures for verifying whether the information has been altered or any other measures specified by Cabinet Office Order as measures for unfailingly indicating that the information has been prepared by a Prime Minister.

(5) The automatic public transmission referred to in paragraph (2) must make it possible for the recipient of the information contained in the electronic or magnetic computer record to be transmitted via that automatic public transmission, to copy that information into a file stored at the office used by the recipient. In such a case, the information contained in the electronic or magnetic official gazette record that is copied into that file must be one to which information certifying the particulars necessary for confirming that the measures listed in item (ii) of the preceding paragraph have been taken has been added in an inseparable manner.

(Effect of Promulgation of Matters for Promulgation)

Article 6 The promulgation or public notice of matters of promulgation, etc. recorded in the Official Gazette File pursuant to the provisions of Article 3 is deemed to have been made when the measures set forth in paragraph (2) of the preceding Article have been taken for the Official Gazette pertaining to the matters of promulgation, etc.

(Measures to Be Taken in Conjunction with the Issuance of an Official Gazette)

Article 7 When taking the measures set forth in Article 5, paragraph (2), the Prime Minister is to, pursuant to the provisions of Cabinet Office Order, also take measures to post a document containing the electronic or magnetic official gazette record pertaining to the measures at the posting area of the Cabinet Office and to make the electronic or magnetic official gazette record available for public inspection by displaying it on the screen of a computer installed in the office of the Cabinet Office.

(Measures for Continuous Inspection of Electronic or Magnetic Official Gazette Records)

Article 8 (1) Having taken a measure as referred to in Article 5, paragraph (2), the Prime Minister is to continue taking that measure until the period that Cabinet Office Order prescribes as the period that is necessary and appropriate for allowing the inspection referred to in that paragraph or the copying referred to in the first sentence of paragraph (5) of that Article (hereinafter referred to as the "period for inspection") elapses counting from the time that the Prime Minister takes that measure.

(2) If, after the Prime Minister has commenced the measures referred to in Article 5, paragraph (2) but before the end of the Inspection Period, the Prime Minister is unable to take the relevant measures continuously due to the occurrence of a natural disaster or any other unavoidable circumstances or any obstruction to the automatic public transmission referred to in that paragraph which is specified by Cabinet Office Order as causing substantial detriment to

the automatic public transmission (hereinafter referred to as the "Circumstances of the Disaster, etc." in this paragraph, the following paragraph, and Article 11, paragraph (1)), the Prime Minister is to publicize such fact and the reasons therefor, and if the Circumstances of the Disaster, etc. have ceased to exist, the Prime Minister is to publicize such fact and, within the Inspection Period, the period during which the relevant measures could not be taken (referred to as the "Period of Non-Inspection" in the following paragraph).

- (3) Notwithstanding the provisions of paragraph (1), if the Prime Minister has made public, pursuant to the provisions of the preceding paragraph, the fact that the circumstances of the disaster, etc. have been resolved, the Prime Minister is to continue to take the relevant measures with regard to the electronic or magnetic official gazette records pertaining to the measures set forth in Article 5, paragraph (2), for a period equivalent to the period during which inspection is impossible (referred to as the "period for additional measures" in the following paragraph and Article 13, paragraph (1)), after the expiration of the period for inspection (in cases where the relevant measures cannot be taken even after the expiration of the period for inspection due to the circumstances of the disaster, etc., after the resolution of the circumstances of the disaster, etc.), pursuant to the provisions of Cabinet Office Order.
- (4) With regard to the matters specified by Cabinet Office Order, such as laws and orders, contained in the electronic or magnetic official gazette record pertaining to the measures set forth in Article 5, paragraph (2), the Prime Minister is to take measures to make the information pertaining to those matters available for public inspection by using automatic public transmission set forth in that paragraph, pursuant to the provisions of Cabinet Office Order, continuously after the expiration of the period for inspection or period for additional measures.

(Facilities Where Electronic or Magnetic Official Gazette Records Can Be Inspected)

- Article 9 (1) The relevant administrative organ of the State is to endeavor to install the necessary equipment and take other measures in the offices and other facilities under its management so that electronic or magnetic Official Gazettes can be viewed on the screens of computer installed in those facilities.
- (2) The Prime Minister is to endeavor to provide the necessary information and other support at a library (meaning a library as prescribed in Article 2, paragraph (1) of the Library Act (Act No. 118 of 1950)) or other facility established by a prefecture, so that electronic or magnetic official gazettes can be viewed on the screen of a computer installed in that facility.
- (3) Beyond what is provided for in the preceding paragraph, the Prime Minister

is to provide documents containing the electronic or magnetic official gazette record at the request of the library referred to in the preceding paragraph.

- (4) The Prime Minister is to make public, pursuant to the provisions of Cabinet Office Order, information concerning the facilities set forth in paragraph (1) and other facilities specified by Cabinet Office Order which allow for the inspection of electronic or magnetic computer records displayed on the screen of an administration office installed in the relevant facilities.

(Provision of Matters to Be Published in the Official Gazette in Relation to Electronic or Magnetic Official Gazette Records in Writing)

Article 10 If the Prime Minister issues Official Gazettes pursuant to the provisions of Article 5, the Prime Minister is to provide the Information Published in the Official Gazette (hereinafter referred to as the "Provision of Information Published in the Official Gazette in Writing or in a Similar Manner" in Article 14, paragraphs (1) and (2)) in connection with the Electronic or Magnetic Records in the Official Gazette during the Inspection Period of the Official Gazette, pursuant to the provisions of Cabinet Office Order, in response to a request from a person seeking to be provided with the Information Published in the Official Gazette in connection with the Electronic or Magnetic Records in the Official Gazette, by delivering a document containing the Electronic or Magnetic Records in the Official Gazette or by having the person copy the information (limited to information for which the measures referred to in paragraph (4), item (ii) of that Article have been taken) contained in the Electronic or Magnetic Records in the Official Gazette into a file stored in the computer used by that person (limited to information for which the measures referred to in the second sentence of paragraph (5) of that Article have been taken) by electronic or magnetic means (meaning a means of using an electronic data).

(Measures When Measures Cannot Be Taken to Make Electronic or Magnetic Official Gazette Records Available for Inspection)

Article 11 (1) When the Prime Minister is unable to take the measures set forth in Article 5, paragraph (2) due to the occurrence of disasters or other circumstances, notwithstanding the provisions of the same paragraph, the Prime Minister may, as provided for by Cabinet Office Order, issue Official Gazettes by posting documents stating the matters to be published in the Official Gazettes (hereinafter referred to as "Written Official Gazettes") at the posting area of the Cabinet Office Order.

- (2) The promulgation or public notice under Article 3 of the Matters of Promulgation, etc. stated in the Official Gazette with Written Documents is deemed to have been given when the posting set forth in the preceding

paragraph is made for the Official Gazette with Written Documents pertaining to the Matters of Promulgation, etc.

- (3) When the Prime Minister issues a Written Official Gazette pursuant to the provisions of paragraph (1), the Prime Minister must publicize to that effect and the reasons therefor in advance.
- (4) Having posted a notice as referred to in paragraph (1), the Prime Minister is to continue to post that notice for the period specified by Cabinet Office Order.
- (5) Having posted a notice as referred to in paragraph (1), the Prime Minister must immediately (or if there are special circumstances such as a large-scale disaster, immediately after the special circumstances cease to exist) distribute the paper-based official gazette to which the notice pertains.
- (6) If it becomes possible to take the measures referred to in Article 5, paragraph (2) after the Prime Minister issues a paper-based official gazette pursuant to the provisions of paragraph (1), the Prime Minister is to publicize this, and at the same time, is to publish the date of issuance of the paper-based official gazette and a summary of the content of the particulars published in the paper-based official gazette in the official gazette issued as a result of taking those measures after the Prime Minister becomes able to take those measures.
- (7) Beyond what is provided for in the preceding paragraphs, the necessary particulars relevant to the issuance of paper-based official gazettes are specified by Cabinet Office Order.

Chapter V Miscellaneous Provisions

(Application of the Provisions of Other Laws and Regulations Concerning Sending of the Official Gazette)

Article 12 With regard to the application of the provisions of other laws and regulations to the provision and sending of official gazettes and other similar acts, an electronic or magnetic record created by copying the information contained in an electronic or magnetic official gazette record pursuant to the provisions of Article 5, paragraph (5) or Article 10 is to be treated as falling under the category of an official gazette under the relevant other laws and regulations.

(Transfer to the National Archives of Japan)

Article 13 (1) Having issued an Official Gazette pursuant to the provisions of Article 5, the Prime Minister is to transfer the electronic or magnetic records associated with that Official Gazette which have been recorded in the Official Gazette File pursuant to the provisions of paragraph (1) of that Article to the National Archives of Japan (meaning the National Archives of Japan as prescribed in Article 2, paragraph (3), item (i) of Public Records and Archives

Management Act (Act No. 66 of 2009); the same applies in the following paragraph), promptly after the expiration of the period for public inspection or period for additional measures for that Official Gazette, pursuant to the provisions of Cabinet Office Order.

- (2) When the Prime Minister issues a Document Official Gazette pursuant to the provisions of Article 11, paragraph (1), the Prime Minister is to transfer the Document Official Gazette to the National Archives of Japan promptly after the period specified by Cabinet Office Order set forth in paragraph (4) of the same Article pertaining to the Document Official Gazette has elapsed, pursuant to the provisions of Cabinet Office Order.
- (3) With regard to the application of the provisions of Public Records and Archives Management Act in the cases referred to in the preceding two paragraphs, the term "those listed below" in Article 2, paragraph (7) of the same Act is deemed to be replaced with "those listed below and those transferred pursuant to the provisions of Article 13, paragraph (1) or (2) of the Act on the Issuance of Official Gazettes (Act No. 85 of 2023)".

(Entrustment of Business)

Article 14 (1) The Prime Minister may, pursuant to the provisions of Cabinet Office Order, entrust the provision of the Information Published in the Official Gazette in the form of Documents, etc. and the distribution of Written Official Gazettes under Article 11, paragraph (5) (referred to as the "Distribution of Written Official Gazettes" in the following paragraph) to persons who satisfy the requirements specified by Cabinet Office Order.

- (2) When the Prime Minister has made the entrustment set forth in the preceding paragraph, the Prime Minister must, pursuant to the provisions of Cabinet Office Order, publicize the name of the person who has accepted the entrustment (referred to as the "Entrusted Person" in the following paragraph, paragraph (4) and the following Article) and the location of the office where the provision of Matters Published in the Official Gazette in the form of Written Documents, etc. or the distribution of Written Official Gazettes (referred to as "Provision, etc. in the Form of Written Documents, etc." in the following paragraph, paragraph (4) and paragraph (1) of the following Article) is to be conducted, as well.
- (3) The trustee must post a sign in the format specified by Cabinet Office Order in a place easily visible to the public at the office where the provision, etc. in writing, etc. is made, and must make the sign available for public inspection through automatic public transmission carried out via a connection to a telecommunications line, pursuant to the provisions of Cabinet Office Order.
- (4) When there is a request from a person who intends to receive provision, etc. by means of a document, etc., the trustee must carry out the provision, etc. by

means of a document, etc. without delay except in cases where there are justifiable grounds.

- (5) A person entrusted pursuant to the provisions of paragraph (1) or the person's employee must not divulge any secret concerning the official gazette or written official gazette which the person has come to know in relation to the administrative affairs pertaining to the entrustment before the official gazette or written official gazette is issued pursuant to the provisions of Article 5 or Article 11, paragraph (1).

(Fees)

Article 15 (1) A person who receives provision, etc. by means of document, etc. must pay a fee to the State (if the trustee provides provision, etc. by means of document, etc. based on the entrustment set forth in paragraph (1) of the preceding Article, the trustee) in an amount specified by Cabinet Office Order in consideration of the actual cost of the provision, etc. by means of document, etc.

- (2) The fees paid to a trustee pursuant to the provisions of the preceding paragraph are the income of the trustee.

(Restriction on the Provision of Information by Database in Relation to Electronic or Magnetic Official Gazette Records)

Article 16 A person other than the Prime Minister must obtain the approval of the Prime Minister pursuant to the provisions of Cabinet Office Order if that person seeks to configure a database (meaning a collection of information that includes all of the electronic or magnetic records in the Official Gazette, which is systematically organized so that computer can be used to search for that information) in which all of the electronic or magnetic records in the Official Gazette are recorded, and the information recorded in that database is scheduled to be made available to other persons.

(Delegation to Cabinet Office Order)

Article 17 Beyond what is provided for in this Act, procedures for the enforcement of this Act and any other matters necessary for the enforcement of this Act are specified by Cabinet Office Order.

Chapter VI Penal Provisions

Article 18 A person who has divulged a secret in violation of the provisions of Article 14, paragraph (5) is punished by imprisonment for not more than one year or a fine of not more than 500 thousand yen.

Article 19 In cases falling under any of the following items, a person who has committed the relevant violation is punished by a fine of not more than 300 thousand yen:

- (i) a person violates the provisions of Article 14, paragraph (4);
- (ii) when the person has, in violation of the provisions of Article 16, configured a database prescribed in the same Article without obtaining the approval referred to in the same Article.

Article 20 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation as referred to in one of the items of the preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the punishment referred to in that Article.

Article 21 A person who has violated the provisions of Article 14, paragraph (3) is punished by a civil fine of not more than 300 thousand yen.

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 and six months from the date of promulgation; provided, however, that the provisions of Article 4 and Article 6 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measure)

Article 2 The provisions of this Act apply to official gazettes issued on or after the date on which this Act comes into effect (hereinafter referred to as the "effective date").

(Relationship between the Official Gazette Issued Prior to the Date of Enforcement and this Act)

Article 3 The provisions of this Act must not be construed so as to affect the legislative position of official gazettes issued prior to the effective date.

(Preparatory Actions Concerning Approval of the Configuration of a Database)

Article 4 (1) A person who intends to obtain the approval set forth in Article 16 may file an application for the approval in accordance with the provisions of the same Article even prior to the effective date.

(2) If an application for approval under the provisions of the preceding paragraph

has been filed, the Prime Minister may grant the approval in accordance with the provisions of Article 16 even prior to the effective date. In this case, the approval is deemed to be the approval under the provisions of the same Article on and after the effective date.

(Adjustment Provisions)

Article 5 If the effective date falls before the date on which the Act Partially Amending the Penal Code and Other Acts (Act No. 67 of 2022) comes into effect (hereinafter referred to as the "effective date of the Penal Code" in this Article), to apply the provisions of Article 18 until the day before the effective date of the Penal Code, the term "imprisonment" in that Article is deemed to be replaced with "imprisonment with required labor". The same applies to the application of the provisions of that Article to conduct engaged in before the effective date of the Penal Code on or after the effective date of the Penal Code.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in Article 2 through the preceding Article, transitional measure necessary for the enforcement of this Act (including transitional measure concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 7 When seven years have passed since the enforcement of this Act, the government is to, while taking into account the status of enforcement of this Act, the status of the formation of a digital society (meaning the digital society prescribed in Article 2 of Basic Act on the Formation of a Digital Society (Act No. 35 of 2021)) and other factors, review the best mode for providing the matters to be published in official gazettes by means of the documents, etc. prescribed in Article 10 and other procedures, etc. pertaining to the issuance of official gazettes, and is to, when it finds it necessary, take necessary measures based on the results of the review.