

# Act on the Issuance of Official Gazettes

(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 Official Gazettes, matters to be published in Official Gazettes, the method of issuing Official Gazettes, and other necessary matters concerning the issuance of Official Gazettes.

## 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 Stated in Official Gazettes

(Promulgation in Official Gazettes)

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

(2) The following public notices referred to 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 published in Official Gazettes:

(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 stated in the preceding item, any public notice specified by Cabinet Office Order as being similar to that public notice.

(Matters to be Published in Official Gazettes Other than Matters for Promulgation, etc.)

Article 4 (1) The following matters are to be stated in Official Gazettes, in addition to the matters subject to promulgation or public notice which are to be published in Official Gazettes pursuant to the provisions of the preceding Article (referred to below as "matters for promulgation, etc."):

- (i) matters subject to public notice given by national government organs based on laws and regulations;
- (ii) beyond what is stated in the preceding item, matters subject to public notice by public sector entities, public notice by public or private sector entities or other acts to make the information public, which must be carried out by publication in Official Gazettes pursuant to the provisions of other laws and regulations.

(2) In addition to the matters for promulgation etc. and the matters stated in the items of the preceding paragraph, the following matters may be stated in Official Gazettes:

- (i) matters concerning basic policies, basic plans, and other matters put before the Cabinet, and other matters concerning the activities of administrative organs (meaning the Cabinet, organs established within the Cabinet or those established under the jurisdiction of the Cabinet based on the provisions of laws, 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 or Board of Audit, or organs established in them; the same applies in the following item), which are specified by Cabinet Office Order as matters that should be made known to the public;
- (ii) matters concerning the activities of national government organs (excluding administrative organs; the same applies below in this item), which are specified by agreement between the Prime Minister and that national government organ as matters that should be made known to the public;
- (iii) beyond what is stated in the preceding two items, matters closely related to the matters stated in item (ii) of the preceding paragraph, and any other matters specified by Cabinet Office Order as those that are particularly necessary to be made known to the public by publication in Official Gazettes.

#### **Chapter IV Methods of Issuing Official Gazettes**

(Method of Issuing Official Gazettes)

Article 5 (1) When the Prime Minister seeks to issue Official Gazettes, for each type of Official Gazettes specified by Cabinet Office Order, and pursuant to the provisions of Cabinet Office Order, the Prime Minister must record the 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 each Official Gazette, the matters for promulgation, etc. for that date, the matters prescribed in the preceding Article, and any other matters specified by Cabinet Office Order (referred to below as "matters to be stated in Official Gazettes") have been recorded, in a file for recording the matters to be stated in Official Gazettes which is stored in the computer used by the Prime Minister (referred to as the "Official Gazette file" below in this Article, the following Article, and Article 13, paragraph (1)).

- (2) Official Gazettes are to be issued by the Prime Minister through taking the measures to make the matters to be stated in Official Gazettes which are recorded in Official Gazette files (referred to below as an "electronic or magnetic Official Gazette record") available for public inspection by using automatic public transmission (meaning the automatic transmission of information in response to requests from the public for the purpose of the public to directly receive information, and excluding one that falls under broadcasting or cablecasting; the same applies in Article 14, paragraph (3)) 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) All of the measures stated in the following items must be taken for the information in an electronic or magnetic Official Gazette record that is transmitted by automatic public transmission referred to in paragraph (2):
  - (i) measures to encrypt the information or any other measures specified by Cabinet Office Order as measures to ensure the safety and reliability of that information;
  - (ii) measures for verifying whether the information has been altered or any other measures specified by Cabinet Office Order as measures for enabling to definitely indicate that the information has been prepared by the Prime Minister.
- (5) The automatic public transmission referred to in paragraph (2) must be made in a form that makes it possible for the recipient of the information contained in the electronic or magnetic Official Gazette record to be transmitted by that automatic public transmission to copy that information into a file stored on the

computer used by the recipient. In such a case, the information contained in the electronic or magnetic Official Gazette record that is to be copied into that file must be one to which information certifying the matters necessary for confirming that the measures stated in item (ii) of the preceding paragraph have been taken has been added in an inseparable manner.

(Effect of Promulgation of Matters for Promulgation, etc.)

Article 6 The promulgation or public notice of matters for promulgation, etc. recorded in the Official Gazette file under the provisions of Article 3 is deemed to have been made when the measures referred to in paragraph (2) of the preceding Article have been taken for the Official Gazette relating to the matters for promulgation, etc.

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

Article 7 When taking the measures referred to in Article 5, paragraph (2), the Prime Minister, pursuant to the provisions of Cabinet Office Order, is to take measures to post a document containing the electronic or magnetic Official Gazette record relating to the measures at the posting area of the Cabinet Office, and, 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 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 making the inspection referred to in that paragraph or the copying referred to in the first sentence of paragraph (5) of that Article (referred to below as the "inspection period") elapses counting from the time that the Prime Minister takes that measure.

(2) After the Prime Minister has commenced taking the measures referred to in Article 5, paragraph (2) but before the end of the inspection period, if 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 (referred to as the "circumstances of the disaster, etc." below in this paragraph, the following paragraph, and Article 11, paragraph (1)), the Prime Minister is to make that fact and the reasons for it public, and if the circumstances of the disaster, etc. have ceased to exist, the

Prime Minister is to make that fact public and the period during which the relevant measures could not be taken during that inspection period (referred to as the "period of non-inspection" in the following paragraph).

- (3) Notwithstanding the provisions of paragraph (1), when 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 regarding the electronic or magnetic Official Gazette records relating to the measures referred to in Article 5, paragraph (2), for a period equivalent to the period of non-inspection (referred to as the "period for additional measures" in the following paragraph and Article 13, paragraph (1)), after the expiration of the inspection period (when the relevant measures cannot be taken even after the expiration of the inspection period 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) Regarding the matters specified by laws and regulations or Cabinet Office Order, contained in the electronic or magnetic Official Gazette record relating to the measures referred to in Article 5, paragraph (2), the Prime Minister is to take measures to make the information relating to those matters available for public inspection by using automatic public transmission referred to in that paragraph, pursuant to the provisions of Cabinet Office Order, continuously after the expiration of the inspection period 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 national government 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 Gazette records can be inspected on the screens of computers 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 defined in Article 2, paragraph (1) of the Library Act (Act No. 118 of 1950)) or other facilities established by a prefecture, so that electronic or magnetic Official Gazette records can be inspected on the screens of computers installed in those facilities.
- (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 referred to in paragraph (1) and other facilities specified by Cabinet Office Order which enables the

inspection of electronic or magnetic Official Gazette records displayed on the screens of computers installed in the relevant facilities.

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

Article 10 When the Prime Minister issues Official Gazettes pursuant to the provisions of Article 5, the Prime Minister is to provide the matters to be stated in the Official Gazette related to the electronic or magnetic Official Gazette records (referred to as the "provision of matters to be stated in Official Gazettes in writing, etc." below in Article 14, paragraphs (1) and (2)) during the inspection period of the Official Gazette and pursuant to the provisions of Cabinet Office Order, in response to a request from a person seeking to be provided with the matters to be stated in Official Gazettes related to the electronic or magnetic Official Gazette records, by delivering a document stating the electronic or magnetic Official Gazette records or by having the person copy the information contained in the electronic or magnetic Official Gazette records (limited to information for which the measures referred to in paragraph (4), item (ii) of that Article have been taken) to a file stored on 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 using an electronic data processing system or any other means using information and communications technology, other than a means using automatic public transmission referred to in paragraph (2) of that Article).

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

Article 11 (1) When the Prime Minister is unable to take the measures referred to in Article 5, paragraph (2) due to the occurrence of circumstances of disasters, etc., notwithstanding the provisions of that paragraph and pursuant to the provisions of Cabinet Office Order, the Prime Minister may issue Official Gazettes by posting the documents stating the matters to be stated in Official Gazettes (referred to below as "paper-based Official Gazettes") at the posting area of the Cabinet Office.

(2) The promulgation or public notice under the provisions of Article 3 of the matters for promulgation, etc. stated in the paper-based Official Gazettes is deemed to have been given when the posting referred to in the preceding paragraph is made for the paper-based Official Gazettes relating to the matters for promulgation, etc.

(3) When the Prime Minister issues paper-based Official Gazettes pursuant to the provisions of paragraph (1), the Prime Minister must make that fact and

the reasons for it public, in advance.

- (4) Having posted a notice 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 referred to in paragraph (1), the Prime Minister must immediately (if there are special circumstances such as a large-scale disaster, immediately after the special circumstances cease to exist) distribute the paper-based Official Gazettes to which the notice relates.
- (6) When it becomes possible for the Prime Minister to take the measures referred to in Article 5, paragraph (2) after issuing a paper-based Official Gazette pursuant to the provisions of paragraph (1), the Prime Minister is to make that fact public, and at the same time, publish the date of issuance of the paper-based Official Gazette and a summary of the content of the matters stated in the paper-based Official Gazette in the Official Gazette issued as a result of taking those measures after it becomes possible for the Prime Minister to take those measures.
- (7) Beyond what is provided for in the preceding paragraphs, the necessary matters for 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 Official Gazettes)

Article 12 In applying the provisions of other laws and regulations concerning 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 an Official Gazette under other relevant 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 that have been recorded in the Official Gazette file pursuant to the provisions of paragraph (1) of that Article to the National Archives of Japan related to the Official Gazette (meaning the National Archives of Japan 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 inspection period or period for additional measures for that Official Gazette, pursuant to the provisions of Cabinet Office Order.

(2) When the Prime Minister issues a paper-based Official Gazette pursuant to

the provisions of Article 11, paragraph (1), the Prime Minister is to transfer the paper-based Official Gazette to the National Archives of Japan promptly after the period specified by Cabinet Office Order referred to in paragraph (4) of that Article relating to the paper-based Official Gazette has elapsed, pursuant to the provisions of Cabinet Office Order.

- (3) In applying the provisions of the Public Records and Archives Management Act to the cases referred to in the preceding two paragraphs, the term "those listed below" in Article 2, paragraph (7) of that Act is deemed to be replaced with "those stated 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 entrust the provision of matters to be stated in Official Gazettes in writing etc. and the distribution of paper-based Official Gazettes under the provisions of Article 11, paragraph (5) (referred to as the "distribution of paper-based Official Gazettes" in the following paragraph) to persons who satisfy the requirements specified by Cabinet Office Order, pursuant to the provisions of Cabinet Office Order.
- (2) When the Prime Minister has made the entrustment referred to in the preceding paragraph, the Prime Minister must, pursuant to the provisions of Cabinet Office Order, make public 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 to be stated in Official Gazettes or the distribution of paper-based Official Gazettes is to be conducted (referred to as "provision, etc. in writing, etc." in the following paragraph, paragraph (4) and paragraph (1) of the following Article) .
- (3) The entrusted person 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 make the sign available for public inspection through automatic public transmission carried out by connection to a telecommunications line, pursuant to the provisions of Cabinet Office Order.
- (4) When a request is made by a person who seeks to receive provision, etc. in writing, etc., the entrusted person must carry out the provision, etc. in writing, etc. without delay except in cases in which there are legitimate grounds.
- (5) A person entrusted pursuant to the provisions of paragraph (1) or the person's employee must not divulge any secret concerning Official Gazettes or paper-based Official Gazettes which the person has come to know in relation to the administrative affairs relating to the entrustment before Official Gazettes or paper-based Official Gazettes are issued pursuant to the provisions of Article 5



or Article 11, paragraph (1).

(Fees)

Article 15 (1) A person who receives provision, etc. in writing, etc. must pay a fee to the national government (if the entrusted person provides provision, etc. in writing, etc. based on the entrustment referred to in paragraph (1) of the preceding Article, the entrusted person) in an amount specified by Cabinet Office Order in consideration of the actual cost of the provision, etc. in writing, etc.

(2) The fees paid to an entrusted person pursuant to the provisions of the preceding paragraph are the income of the entrusted person.

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

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

(Delegation to Cabinet Office Order)

Article 17 Beyond what is provided for in this Act, procedures for the implementation 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 500,000 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 300,000 yen:

- (i) when a person violates the provisions of Article 14, paragraph (4);
- (ii) when a person violates the provisions of Article 16, and configures 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 workers of a corporation or individual commits a violation 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 violates the provisions of Article 14, paragraph (3) is punished by a civil fine of not more than 300,000 yen.

### **Supplementary Provisions**

#### **(Effective Date)**

Article 1 This Act comes into effect on 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 on the date of promulgation.

#### **(Transitional Measures)**

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

#### **(Relationship between the Official Gazette Issued Before the Effective Date and This Act)**

Article 3 The provisions of this Act must not be construed as affecting the legislative position of Official Gazettes issued before the effective date.

#### **(Preparatory Actions Concerning Approval of the Configuration of Databases)**

Article 4 (1) A person who seeks to obtain the approval referred to in Article 16 may file an application for the approval in accordance with the provisions of that Article even before 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 before the effective date. In such a case, the approval is deemed to be the approval under the provisions of that 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 (referred to as the "effective date of the Penal Code" below in this Article), to apply the provisions of Article 18 until the day before the effective date of the Penal Code, the term "imprisonment under the new Penal Code" in that Article is deemed to be replaced with "imprisonment under the former Penal Code". The same applies to the application of the provisions of that Article to acts committed 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 of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures 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 review the appropriate manner of the provision of matters to be stated in Official Gazettes in writing, etc. prescribed in Article 10 and other procedures etc. relating to the issuance of Official Gazettes by taking into account the implementation status of this Act, and the status of formation of a digital society (meaning a digital society defined in Article 2 of the Basic Act on Forming a Digital Society (Act No.35, 2021), and when the government finds it necessary, it is to take necessary measures based on the results of the review.