

# National Archives of Japan Act

(Act No. 79 of June 23, 1999)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to contribute to the appropriate preservation and use of historical public records and archives by providing for matters concerning the name, purpose, scope of operations, etc. of the National Archives of Japan, Incorporated Administrative Agency, in accordance with the spirit of the Public Archives Act (Act No. 115 of 1987) and the Public Records and Archives Management Act (Act No. 66 of 2009).

(Definitions)

Article 2 (1) The term "historical public records and archives" as used in this Act means historical public records and archives as prescribed in Article 2, paragraph (6) of the Public Records and Archives Management Act.

(2) The term "specified historical public records and archives" as used in this Act means specified historical public records and archives prescribed in Article 2, paragraph (7) of the Public Records and Archives Management Act that have been transferred, donated, or deposited to a public archives established by the National Archives of Japan, Incorporated Administrative Agency (referred to below as the "National Archives of Japan").

## Chapter II National Archives of Japan, Incorporated Administrative Agency

### Section 1 General Rules

(Name)

Article 3 The name of the Incorporated Administrative Agency, prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No.103 of 1999; referred to below as the "Act on General Rules"), to be established pursuant to the provisions of this Act and the Act on General Rules is the National Archives of Japan, Incorporated Administrative Agency.

(Purpose of the National Archives of Japan)

Article 4 The purpose of the National Archives of Japan is to ensure the appropriate preservation and use of historical public records and archives by carrying out operations such as preserving specified historical public records and archives and making them available for public use.

(Agency Engaged in Administrative Execution)

Article 5 The National Archives of Japan is an agency engaged in administrative execution prescribed in Article 2, paragraph (4) of the Act on General Rules.

(Office)

Article 6 The principal office of the National Archives of Japan is to be located in Tokyo.

(Stated Capital)

Article 7 (1) The stated capital of the National Archives of Japan is to be the amount contributed by the government pursuant to the provisions of Article 5, paragraph (2) of the Supplementary Provisions of the Act Partially Amending the National Archives of Japan Act (Act No. 161 of 1999).

(2) The government may make additional contributions to the National Archives of Japan within the amount specified in the budget, when it finds it necessary.

(3) Notwithstanding the provisions of the preceding paragraph, when the government finds it necessary, it may make an additional contribution to the National Archives of Japan with land or buildings or other fixtures of land (referred to as "land, etc." in paragraph (5)) as the purpose of that contribution.

(4) When the government has made a contribution under the preceding two paragraphs, the National Archives of Japan is to increase its stated capital, by the amount of the contribution received.

(5) The value of the land, etc. to be contributed by the government is to be the value evaluated by the evaluation committee members, based on the market value on the date of that contribution.

(6) The evaluation committee members prescribed in the preceding paragraph and necessary matters concerning evaluation are specified by Cabinet Order.

## **Section 2 Officers**

### **(Officers)**

Article 8 (1) The National Archives of Japan has, as its officers, a director who serves as its head, and two auditors.

(2) One deputy director may be assigned to the National Archives of Japan as an officer.

### **(Duties and Authority of Deputy Director)**

Article 9 (1) The deputy director assists the director in administering the operations of the National Archives of Japan, as determined by the director.

(2) An officer specified by the relevant individual Act as stated in Article 19, paragraph (2) of the Act on General Rules is to be the deputy director; provided, however, that when there is no deputy director, that officer is to be an auditor.

(3) In the case referred to in the proviso to the preceding paragraph, an auditor who represents or performs the duties of the director pursuant to the provisions of Article 19, paragraph (2) of the Act on General Rules, must not perform the duties of an auditor at the same time.

### **(Term of Office of the Director and the Deputy Director)**

Article 10 (1) The period specified by the relevant individual Act as stated in Article 21-3, paragraph (1) of the Act on General Rules is four years.

(2) The term of office of the deputy director is two years.

## **Section 3 Operations**

### **(Scope of Operations)**

Article 11 (1) The National Archives of Japan is to carry out the following operations in order to achieve the purpose stated in Article 4:

- (i) preserving specified historical public records and archives and making them available for public use;
- (ii) storage of administrative records (limited to those for which it is prescribed that measures for transfer should be taken pursuant to the provisions of Article 5, paragraph (5) of the Public Records and Archives Management Act) entrusted by an administrative organ (meaning the administrative organ prescribed in Article 2, paragraph (1) of that Act; the same applies below);
- (iii) collecting, arranging, and providing information concerning the preservation and use of historical public records and archives;
- (iv) providing professional and technical advice concerning the preservation and use of historical public records and archives;
- (v) carrying out research and study concerning the preservation and use of

- historical public records and archives;
- (vi) providing training on the preservation and use of historical public records and archives; and
  - (vii) conducting operations incidental to the operations stated in the preceding items.
- (2) In addition to the operations stated in the preceding paragraph, the National Archives of Japan collects reports or materials, or conducts on-site inspections under Article 9, paragraph (4) of the Public Records and Archives Management Act.
- (3) In addition to the operations stated in the preceding two paragraphs, the National Archives of Japan may conduct the following operations to the extent that they do not hinder the performance of the operations referred to in the preceding two paragraphs:
- (i) providing technical guidance or advice as prescribed in Article 7 of the Public Archives Act, as entrusted by the Prime Minister; and
  - (ii) preserving administrative records (excluding those for which it is prescribed that measures for transfer or destruction should be taken pursuant to the provisions of Article 5, paragraph (5) of the Public Records and Archives Management Act), as entrusted by an administrative organ.

(Disposition of Reserve Funds)

- Article 12 (1) When the National Archives of Japan has settled accounts under Article 44, paragraph (1) or (2) of the Act on General Rules for each business year, and there are reserve funds under paragraph (1) of that Article, it may allocate the portion of the amount equivalent to the amount of the reserve funds that has been approved by the Prime Minister to the operations prescribed in the preceding Article in the following business year, pursuant to the annual objective plan for the following business year that has been authorized under Article 35-10, paragraph (1) of the Act on General Rules (when having obtained authorization for a change under the second sentence of that paragraph, in accordance with the revised plan).
- (2) When the Prime Minister intends to grant approval under the preceding paragraph, it must deliberate with the Minister of Finance.
- (3) The National Archives of Japan must pay the remaining surplus to the national treasury, when any surplus remains after deducting the amount approved under paragraph (1) from the amount equivalent to the amount of the reserve funds prescribed in that paragraph.
- (4) Beyond what is provided for in the preceding three paragraphs, the procedures for the payment to the national treasury and necessary matters concerning the disposition of reserve funds are specified by Cabinet Order.

## **Section 4 Miscellaneous Provisions**

(Competent Minister)

Article 13 The competent minister and order of the competent ministry under the Act on General Rules in relation to the National Archives of Japan are the Prime Minister and Cabinet Office Order, respectively.

## **Section 5 Penal Provisions**

Article 14 An officer of the National Archives of Japan who has committed a violation is punished by a civil fine of not more than two hundred thousand yen, in cases falling under any of the following:

- (i) conducting operations other than those prescribed in Article 11; or
- (ii) failing to obtain the approval of the Prime Minister when that approval is required pursuant to the provisions of Article 12, paragraph (1).

## **Supplementary Provisions [Extract]**

(Effective Date)

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

## **Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect on January 6, 2001; provided, however, that the provisions stated in the following items come into effect on the days specified respectively in those items:

- (i) the provisions of Article 995 (limited to the part concerning the provisions amending the Supplementary Provisions of the Act Partially Amending the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors) and Article 1305, Article 1306, Article 1324, paragraph (2), Article 1326, paragraph (2), and Article 1344: the date of promulgation.

## **Supplementary Provisions [Act No. 161 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from January 6, 2001; provided, however, that the amending provisions adding three articles, four sections, and chapter titles after Article 4 (limited to the part concerning Article 13) and the

provisions of Article 10 of the Supplementary Provisions (limited to the part concerning the provisions amending Article 37, paragraph (3) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999)) come into effect on January 6, 2001.

(Succession of Employees)

Article 2 A person who is actually an employee of an organ of the Cabinet Office specified by Cabinet Order at the time of the establishment of the National Archives of Japan is to become a corresponding employee of the National Archives of Japan on the date of the establishment of the National Archives of Japan, unless a written appointment is otherwise issued.

Article 3 If a person has been actually employed by an organ specified by Cabinet Order as prescribed in the preceding Article at the time of the establishment of the National Archives of Japan, and continues to be employed by the National Archives of Japan after the date of the establishment of the National Archives of Japan (referred to as a "successional employee" in the following Article) and if that person has been certified by the Prime Minister or a person entrusted by the Prime Minister as provided for in the provisions of Article 7, paragraph (1) of the Child Allowance Act (Act No. 73 of 1971) (including as applied mutatis mutandis pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of that Act; the same applies below in this Article) on the day preceding the date of the establishment of the National Archives of Japan, and satisfies the requirements for payment of child allowances or benefits stated in Article 6, paragraph (1), Article 7, paragraph (1), or Article 8, paragraph (1) of the Supplementary Provisions of that Act (referred to below as "special benefits, etc." in this Article) on the date of the establishment of the National Archives of Japan, the certification of the mayor of a municipality (including the mayor of a special ward) under Article 7, paragraph (1) of that Act is deemed to have been made on the date of the establishment of the National Archives of Japan regarding the payment of child allowances or special benefits, etc. to that person. In this case, the payment of child allowances or special benefits, etc. for which that certification is deemed to have been made, starts from the month following the month that includes the day preceding the date of the establishment of the National Archives of Japan, notwithstanding the provision of Article 8, paragraph (2) of that Act (including as applied mutatis mutandis pursuant to Article 6, paragraph (2), Article 7, paragraph (4), or Article 8, paragraph (4) of the Supplementary Provisions of that Act).

(Transitional Measures for Employee Organizations of Persons Who Are to

Become Employees of the National Archives of Japan)

- Article 4 (1) An employee organization as prescribed in Article 108-2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) which actually exists at the time of the establishment of the National Archives of Japan, and the majority of whose members are successional employees, is to become a labor union to which the Act on Labor Relations between State Enterprises and Specified Incorporated Administrative Agencies (Act No. 257 of 1948) applies at the time of the establishment of the National Archives of Japan. In this case, if that employee organization is a corporation, it is to become a corporate labor union.
- (2) Any employee organization that has become a corporate labor union pursuant to the provisions of the preceding paragraph is to be dissolved by the day on which sixty days have elapsed from the date of the establishment of the National Archives of Japan, unless it receives a certification from the labor relations commission that it complies with the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act (Act No. 174 of 1949) and has registered at the location of its main office.
- (3) The proviso to Article 2 of the Labor Union Act (limited to the part concerning item (i)) does not apply to an employee organization that has become a labor union pursuant to the provisions of paragraph (1) until the day on which sixty days have elapsed from the date of the establishment of the National Archives of Japan.

(Succession of Rights and Obligations)

- Article 5 (1) At the time of its establishment, the National Archives of Japan succeeds to the rights and obligations actually held by the State at the time of its establishment in relation to the operations prescribed in Article 11 of the National Archives of Japan Act amended by this Act (referred to below as the "new Act"), which are specified by Cabinet Order.
- (2) When the National Archives of Japan has succeeded to the rights and obligations held by the State, pursuant to the provisions of the preceding paragraph, an amount equivalent to the total value of the land, buildings, and other property specified by Cabinet Order concerning the rights succeeded to upon the succession, is deemed to have been contributed to the National Archives of Japan by the government.
- (3) The value of the property stated in the preceding paragraph, which is deemed to have been contributed by the government pursuant to the provisions of that paragraph, is to be the value evaluated by the evaluation committee members, based on the market value on the date of the establishment of the National Archives of Japan.
- (4) The evaluation committee members and necessary matters concerning the

evaluation as referred to in the preceding paragraph are specified by Cabinet Order.

(Free Use of National Government Asset)

Article 6 The State may allow the National Archives of Japan to use national government asset for its own purposes without charge, which is specified by Cabinet Order and that is actually being used by an organ specified by Cabinet Order as prescribed in Article 2 of the Supplementary Provisions at the time of the establishment of the National Archives of Japan, in order to provide that property for use by the National Archives of Japan, pursuant to the provisions of Cabinet Order.

(Succession of Public Records and Archives)

Article 7 The public records and archives which are actually retained by an organ specified by Cabinet Order as prescribed in Article 2 of the Supplementary Provisions at the time of the establishment of the National Archives of Japan, are deemed to have been transferred under Article 15, paragraph (4) of the New Act at the time of the establishment of the National Archives of Japan.

(Delegation to Cabinet Order)

Article 8 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, the transitional measures necessary for the establishment of the National Archives of Japan and transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

#### **Supplementary Provisions [Act No. 84 of May 26, 2000] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on June 1, 2000.

#### **Supplementary Provisions [Act No. 66 of July 1, 2009] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

#### **Supplementary Provisions [Act No. 67 of June 13, 2014] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day on which the Act Partially



Amending the Act on General Rules for Incorporated Administrative Agencies (Act No. 66 of 2014; referred to below as the "Act Amending the Act on General Rules") comes into effect; provided, however, that the provisions stated in the following items come into effect on the days specified respectively in those items:

- (i) the provisions of Article 14, paragraph (2), Article 18, and Article 30 of the Supplementary Provisions: the date of promulgation.

(Effect of Dispositions)

Article 28 Dispositions, procedures, or other acts conducted or to be conducted before the enforcement of this Act under the respective Acts before the amendment by this Act (including orders based on them), for which the corresponding provisions exist in the respective Acts (including orders based on them; referred to below as the "new laws and regulations" in this Article) amended by this Act, are deemed to be dispositions, procedures, or other acts conducted or to be conducted under the corresponding provisions of the new laws and regulations except as otherwise provided for by law (including Cabinet Orders based on them).

(Transitional Measures Concerning Penal Provisions)

Article 29 Prior laws and regulations continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into effect and to conduct that a person engages in after this Act comes into effect, in cases that is to remain in force pursuant to these Supplementary Provisions.

(Delegation to Cabinet Order of Other Transitional Measures)

Article 30 Beyond what is provided for in Article 3 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 (or regarding matters under the jurisdiction of the National Personnel Authority, by the Rules of the National Personnel Authority).