# Summary of the Act on the Protection and Utilization of Critical Economic Security Information

#### Point

The importance of preventing acts that harm the security of the State and its citizens in relation to economic activities has increased. It is important to establish a system for properly protecting information concerning critical economic foundation which is particularly required to be kept secret in order to ensure the national security and collect, coordinate, and utilize information.

A system is needed to determine necessary matters such as the designation of critical economic security information, provision of critical economic security information to contractors conducting activities that contribute to ensuring the national security, and restrictions on persons who handle critical economic security information, thereby preventing unauthorized disclosure and contributing to ensuring the security of Japan and its citizens.

#### Summary

# 1. Designation of Critical Economic Security Information

Critical Economic Security Information Certain information concerning critical economic foundation (critical infrastructure and supply chains of products), which is not publicly disclosed and particularly required to be kept secret due to the risk of causing damage to the national security, if disclosed without authorization (e.g., information related to cyber threats and countermeasures and information related to vulnerabilities in the supply chain).

- The government is to take necessary measures for the protection of that information, such as determining the scope of officials who are assigned to perform the duty of handling critical economic security information.
- Designation period is up to 5 years. It can be extended, but in principle cannot exceed 30 years.

# 2. Provision of Critical Economic Security Information

- The head of an administrative organ
- may provide critical economic security information to other administrative organ when finding it necessary for that administrative organ to use the information;
- is to provide critical economic security information to the Diet, courts, etc. when finding that there is no risk of causing severe damage to the national security;
- may provide critical economic security information based on a contract with an eligible contractor (i.e. a business operator that conforms to the security standards specified by a Cabinet Order) when finding it necessary to promote activities that contribute to ensuring the national security, such as the elimination of vulnerabilities in the critical economic foundation.

### 3. Restrictions on Persons Who Handle Critical Economic Security Information

- The duty of handling critical economic security information is restricted to those who have been found to have no risk of unauthorized disclosure of critical economic security information in the security clearance assessment.
  - \*A person who is found to have no risk of unauthorized disclosure of a specially designated secret if the person performs the duty of handling the specially designated secrets in the security clearance assessment under the Act on the Protection of Specially Designated Secrets may perform the duty of handling critical economic security information.

#### 4. Security Clearance Assessment

• The head of an administrative organ, after obtaining the consent of the individual, conducts an assessment (security clearance assessment) as to whether there is no risk of unauthorized disclosure based on the results of the investigation by the Prime Minister (the validity period of the security clearance assessment is 10 years).

[Details of investigation] Matters concerning:

- (1) the relationship of the person subject to assessment with any harmful activities against critical economic foundation; (2) criminal and disciplinary records; (3) records of improper conduct in connection with the handling of information; (4) abuse and the influence of drugs; (5) mental disorders; (6) moderation in drinking alcohol; and (7) credit status and other financial situation
- If the person subject to the assessment is a person who has been found to have no risk of unauthorized disclosure of critical economic security information in the most recent security clearance assessment (limited to those conducted less than 10 years ago) conducted by the head of an administrative organ other than the administrative organ conducting the security clearance assessment, the security clearance assessment can be conducted without another investigation (based on the results of the most recent security clearance assessment).
- The same investigation and assessment are to be conducted for employees of eligible contractors that handle critical economic security information.

#### 5. Penalties

• Establish penalties such as imprisonment for not more than five years or a fine of not more than 5 million yen, or both, for unauthorized disclosure of critical economic security information.

# 重要経済安保情報の保護及び活用に関する法律の概要

#### 趣旨

経済活動に関して行われる国家及び国民の安全を害する行為を未然に防止する重要性が増大。重要経済基盤に関する情報であって我が国の安全保障を確保するために特に秘匿することが必要であるものについて、これを適確に保護する体制を確立した上で収集・整理・活用することが重要。

重要経済安保情報の指定、我が国の安全保障の確保に資する活動を行う事業者への重要経済安保情報の提供、重要経済安保情報の取扱者の制限その他の必要な事項を定め、漏えいの防止を図り、我が国及び国民の安全の確保に資する制度が必要。

#### 概要

# 1. 重要経済安保情報の指定

重要経済安保情報

重要経済基盤(重要なインフラや物資のサプライチェーン)に関する一定の情報であって、公になっていないもののうち、その漏えいが我が国の安全保障に支障を与えるおそれがあるため、特に秘匿する必要があるもの(具体例:サイバー脅威・対策等に関する情報、サプライチェーン上の脆弱性関連情報)

- ●重要経済安保情報の取扱いの業務を行わせる職員の範囲を定めること等当該情報の保護に 関し必要な措置を講ずる。
- ●指定の有効期限は5年以内。延長可能だが、原則30年を超えることはできない。

# 2. 重要経済安保情報の提供

- ●行政機関の長は、
- ・他の行政機関が利用する必要があると認めたときは、重要経済安保情報を提供することが可能。
- ・我が国の安全保障に著しい支障を及ぼすおそれがないと認めるとき等には、国会や裁判所等に 重要経済安保情報を提供するものとする。
- ・重要経済基盤の脆弱性の解消等我が国の安全保障の確保に資する活動を促すため、必要があると認めたときは、適合事業者(政令で定める保全基準に適合する事業者)との契約に基づき、重要経済安保情報を提供することが可能。

# 3. 重要経済安保情報の取扱者の制限

- 重要経済安保情報の取扱いの業務は、適性評価において重要経済安保情報を漏えいするお それがないと認められた者に制限。
- ※特定秘密保護法による適性評価において特定秘密の取扱いの業務を行った場合にこれを漏らすおそれがないと 認められた者は、重要経済安保情報の取扱いの業務を行うことができる。

## 4. 適性評価

- 行政機関の長は、本人の同意を得た上で、内閣総理大臣による調査の結果に基づき漏えいの おそれがないことについての評価(適性評価)を実施(適性評価の有効期間は10年)。
  - 【調査内容】①重要経済基盤毀損活動との関係に関する事項 ②犯罪及び懲戒の経歴に関する事項 ③情報の取扱いに係る非違の経歴に関する事項 ④薬物の濫用及び影響に関する事項 ⑤精神疾患に関する事項 ⑥飲酒についての節度に関する事項 ⑦信用状態その他の経済的な状況に関する事項
- ●評価対象者が、適性評価を実施する行政機関以外の行政機関の長が直近に実施した適性評価(10年を経過していないものに限る。)において重要経済安保情報を漏らすおそれがないと認められた者である場合には、改めて調査することなく(直近の適性評価における調査結果に基づき)適性評価を実施可能。
- ●重要経済安保情報を取り扱う適合事業者の従業者についても同様の調査・評価を実施。

## 5. 罰則

●重要経済安保情報の漏えい時に、5年以下の拘禁刑若しくは500万円以下の罰金又はこれを 併科する罰則等を整備。