

Law Concerning Access to Information Held by Administrative Organs(excerpted)

(Law No.42 of 1999)

Chapter 1

General Provisions

Article 1

Purpose

In accordance with the principle that sovereignty resides in the people, and by providing for the right to request the disclosure of administrative documents, etc., the purpose of this law is to strive for greater disclosure of information held by administrative organs thereby ensuring that the government is accountable to the people for its various operations, and to contribute to the promotion of a fair and democratic administration that is subject to the people's accurate understanding and criticism.

Article 2

Definitions

1. For the purposes of this law "administrative organ" refers to the following organs.

- (1) Organs within the Cabinet (excluding the Cabinet Office) or organs under the jurisdiction of the Cabinet that were established pursuant to law.
- (2) The Cabinet Office, the Imperial House-hold Agency and organs established as provided for in Article 49, paragraph 1 and 2 of the Cabinet Office Establishment Law (Law No. 89 of 1999).(Provided that the organs is one in which an organ designated by the Cabinet Order referred to in the subparagraph (4) is established, the organ designated by the Cabinet Order is excluded.)
- (3) Organs established as provided for in Article 3, paragraph 2 of the National Government Organization Law (Law No. 120 of 1948). (Provided that the organ is one in which an organ designated by the Cabinet Order referred to in the subparagraph (5) is established, the organ designated by the Cabinet Order is excluded.)
- (4) Organs under Article 39 and 55 of the Cabinet Office Establishment Law and under Article 16, paragraph 2 of the Imperial House-hold Agency Law (Law No.70 of 1947), and extraordinary organs under Article 40 and 56 (including the case applied mutatis mutandis in Article 18, paragraph 1 of the Imperial House-hold

Agency Law), that are designated by Cabinet Order.

- (5) Facilities and other organs under Article 8-2 of the National Government Organization Law, and extraordinary organs under Article 8-3 of the same law, that are designated by Cabinet Order.
- (6) The Board of Audit

2. For the purposes of this law "administrative document" means a document, drawing, and electromagnetic record (Meaning a record created in a form that cannot be recognized through one's sense of perception such as in an electronic form or magnetic form. Hereinafter the same.), that, having been prepared or obtained by an employee of an administrative organ in the course of his or her duties, is held by the administrative organ concerned for organizational use by its employees. However, the following are excluded:

- (1) Items published for the purpose of selling to many and unspecified persons, such as official gazettes, white papers, newspapers, magazines, and books.
- (2) In the case of archives and other organs designated by Cabinet Order, as provided for by Cabinet Order, items that are specially managed as either historical or cultural materials, or as materials for academic research.

Chapter 2

Disclosure of Administrative Documents

Article 5

The Obligation to Disclose Administrative Documents

When there is a disclosure request, excluding cases in which any of the information mentioned in each of the following subparagraphs (Hereinafter referred to as "non-disclosure information.") is recorded in the administrative documents concerned with the disclosure request, the head of an administrative organ shall disclose said administrative documents to the requester.

- (1) Information concerning an individual (Excluding information concerning the business of an individual who carries on said business.), where it is possible to identify a specific individual from a name, birth date or other description, etc., contained in the information concerned (Including instances where through collation with other information it is possible to identify a specific individual.) , or when it is not possible to identify a specific individual, but by making the information public there is a risk that an individual's rights and interests will be

harmed. However, the following are excluded:

- (a) Information that is made public, or information that is scheduled to be made public, as provided for by law or by custom.
 - (b) Information recognized as necessary to be made public in order to protect a person's life, health, livelihood, or property.
 - (c) In the case that the said individual is a public official, etc. (National public employees as described in Article 2, Section 1 of the National Public Service Law (Law No. 120 of 1947), executives and employees of the Specified Incorporated Administrative Agencies as described in Article 2, paragraph 2 of the Law Concerning the General Rules of the Incorporated Administrative Agencies (Law No.103 of 1999) and of the Japan Post excluded; executives and employees of the incorporated administrative agencies, etc. as described in Article 2, paragraph 1 of the Law Concerning Access to Information Held by Incorporated Administrative Agencies (Law No.140 of 2001. Hereinafter referred to as the "the Incorporated Administrative Agencies, etc. Information Disclosure Law"); local public service personnel as described in Article 2 of the Local Public Service Personnel Law (Law No. 261 of 1950).);or executives and employees of the local incorporated administrative agencies as described in Article 2, paragraph 1 of the Local Incorporated Administrative Agency Law (Law No.118 of 2003)(Hereinafter the same.), when the said information is information that concerns the performance of his or her duties, from within the said information that portion which concerns the said public official, etc.'s office and the substance of the said performance of duties.
- (2) Information concerning a corporation or other entity (Excluding the State, the incorporated administrative agencies, etc., local public entities and the local incorporated administrative agencies. Hereinafter referred to as a "corporation, etc."), or information concerning the business of an individual who carries on said business, as set forth below. Excluding, however, information recognized as necessary to be made public in order to protect a person's life, health, livelihood, or property.
- (a) Where there is a risk that, by making such information public, the rights, competitive standing, or other legitimate interests of the corporation, etc. or the said individual will be harmed.
 - (b) Where upon the request of an administrative organ it was offered voluntarily

on the condition that it not be made public, and where in light of the nature of the information and the circumstances, etc. at the time, such as the corporation, etc. or the individual not ordinarily making the information public, the attachment of said condition is considered to be rational.

- (3) Information that, if made public, the head of an administrative organ with adequate reason deems to pose a risk of harm to the security of the State, a risk of damage to trustful relations with another country or an international organization, or a risk of causing a disadvantage in negotiations with another country or an international organization.
- (4) Information that, if made public, the head of an administrative organ with adequate reason deems to pose a risk of causing a hindrance to the prevention, suppression or investigation of crimes, the maintenance of public prosecutions, the execution of sentencing, and other public security and public order maintenance matters.
- (5) Information concerning deliberations, examinations, or consultations internal to or between either organs of the State, the incorporated administrative agencies, etc., local public entities or the local incorporated administrative agencies that, if made public, would risk unjustly harming the frank exchange of opinions or the neutrality of decision making, risk unjustly causing confusion among the people, or risk unjustly bringing advantage or disadvantage to specific individuals.
- (6) Information that concerns the affairs or business conducted by an organ of the State, an incorporated administrative agency, etc., a local public entity or a local incorporated administrative agency that, if made public, by the nature of said affairs or business, would risk, such as the following mentioned risks, causing a hindrance to the proper performance of said affairs or business.
 - (a) In relation to affairs concerned with audits, inspections, supervision, and testing, the risk of making difficult the grasping of accurate facts, along with the risk of facilitating illegal or unfair acts or making difficult the discovery of those acts.
 - (b) In relation to affairs concerned with contracts, negotiations, or administrative appeals and litigation, the risk of unfairly harming the property interests or the position as a party of the State, an incorporated administrative agency, etc., a local party or a local incorporated administrative agency.
 - (c) In relation to affairs concerned with research studies, the risk that their

impartial and efficient execution will be unjustly obstructed.

- (d) In relation to affairs concerned with personnel management, the risk that the impartial and smooth maintenance of personnel matters will be hindered.
- (e) In relation to the business of an enterprise managed by the State or a local public entity, an incorporated administrative agency, etc., or a local incorporated administrative agency, the risk that legitimate interests arising from the management of the enterprise will be harmed.

Chapter 4

Supplementary Provisions

Article 37

Management of Administrative Documents

1. To contribute to the proper as well as smooth application of this law, the heads of administrative organs shall properly manage administrative documents.
2. The heads of administrative organs shall both establish rules regarding the management of administrative documents as provided for by Cabinet Order, and make the rules available for inspection by the public.
3. The Cabinet Order referred to in the preceding paragraph shall determine standards for the classification, preparation, maintenance, and disposal of administrative documents along with other items necessary for the management of administrative documents.