

Management of Necessary Measures for Proper Preservation of Government Documents
and Records of Importance as Historical Materials (Cabinet Decision, March 30, 2001)

March 30, 2001

Agreement by Director-Generals of Minister's Secretariat, etc. of
Ministries and Agencies

Agreement has been made as follows on the details for managing the Necessary Measures for Proper Preservation of Government Documents and Records of Importance as Historical Materials (Cabinet Decision, March 30, 2001) and the Implementation of Necessary Measures for Proper Preservation of Government Documents and Records of Importance as Historical Materials (Agreement by Director-Generals of Minister's Secretariat, etc. of Ministries and Agencies, March 30, 2001. Hereinafter referred to as the "Agreement by Director-Generals of Minister's Secretariat, etc. of Ministries and Agencies").

1. Whether administrative documents that are at the end of their retention period as stipulated by Enforcement Ordinance Article 16, Paragraph 1, Subparagraph 1 of the Law Concerning Access to Information Held by Administrative Organs (Cabinet Order No. 41 of 2000. Hereinafter referred to as the "Enforcement Ordinance of Information Access Law") and which are the subject of Agreement by Director-Generals of Minister's Secretariat, etc. of Ministries and Agencies 1(1) or (2) (including those

applicable to 3(2)i) should be transferred shall each be individually determined based on the content of the information of the said administrative documents according to the basic concept illustrated as a separate figure.

2. The procedures on the transfer of government documents and records of importance as historical materials to the Prime Minister are as follows.

(1) At the beginning of each fiscal year, the Prime Minister, while taking in opinions of the National Archives, shall present to the head of the administrative organs the transfer schedule of that fiscal year and request the head of each ministry and agency to report to the Prime Minister on those administrative documents with storage period expiring that fiscal year or with no need for extension of retention period determined as qualifying for one of the conditions described in 1(1) to (3) of the Agreement by Director-General of Minister's Secretariat, etc. of Ministries and Agencies.

(2) The head of each administrative organ will report to the Prime Minister on those administrative documents determined appropriate to be preserved in the National Archives while qualifying for one of the conditions described in 1(1) to (3) of the Agreement by Director-General of Minister's Secretariat, etc. of Ministries and Agencies. As such, if the administrative document reported to the Prime Minister was created or acquired by another administrative organ or if there is any other legitimate reason for requiring the approval of another administrative organ upon transfer of the document concerned, in principle all administrative organs shall consult with the other administrative organ on permissible claim over the document on whether the document may be reported or not. In the case

where the administrative document reported to the Prime Minister is considered as a confidential document at the other administrative organ and has not completed the period to be kept confidential, all administrative organs must consult with the other administrative organ and respect their opinion. On this occasion, when determined that the said administrative document carries any information as described in Article 5, Subparagraph 1 to 3 of the Law Concerning Access to Information Held by Administrative Organs (Law No. 42 of 1999. Hereinafter referred to as the “Information Access Law”), the said other administrative organ shall inform the administrative organ concerned on the matter. Furthermore, in the event of the retention period of the document reported to the Prime Minister is to expire prior to conclusion of the transfer schedule for that fiscal year, all administrative organs are to extend the storage period of the said administrative document until the conclusion of the transfer schedule for that said fiscal year.

(3) The Prime Minister upon receiving reports from the head of administrative organs, while taking in opinions of the National Archives, will consult with the head of each administrative organ concerned on those documents determined appropriate to be transferred to and preserved in the National Archives.

(4) The Prime Minister, in parallel to (3), while taking in opinions of the National Archives, will consult with the head of each administrative organ concerned on the transfer of administrative document that may fulfill the condition of 1(4) in the Agreement by Director-Generals of Minister’s Secretariat, etc. of Ministries and Agencies. As such, if the administrative document to be consulted was created or acquired by the other administrative organ or if there is any other legitimate reason for requiring the approval of

the other administrative organ upon transfer of the document concerned, in principle the Cabinet Office shall also consult with the other administrative organ on permissible claim over the document on whether the document may be transferred or not. Furthermore, in the event of the retention period of the administrative document consulted is to expire during the period from the consultation of the Prime Minister to the conclusion of the transfer schedule for that fiscal year, all administrative organs are to extend the retention period of the said administrative document until the conclusion of the transfer schedule for that said fiscal year.

(5) The Prime Minister is to conclude the transfer schedule for that year after all consultations have been completed concerning those documents as described in (3) and (4) above, while complying with the agreements with the head of each administrative organ.

(6) The Prime Minister is to accept transfer of administrative documents in the order of expiration of each document's retention period in accordance with on the transfer schedule concluded. As such, in the event of the retention period of the administrative document to be transferred is to expire during the period from the conclusion of the transfer schedule for that fiscal year to the actual transfer of the said document, all administrative organs are to extend the retention period of the said administrative document until the actual transfer.

(7) In the event of transferring administrative documents that has been informed by the other administrative organ as carrying information described in Article 5, Subparagraph 1 to 3 of the Information Access Law noted in (2) above, all administrative organs are to notify the other administrative organ concerned on the transfer of that said administrative

document. Furthermore, when contacting the National Archives on the decision to whether disclose the administrative document concerned or not at the time of transfer, in principle all administrative organs are to consult with the other administrative organ concerned. The same applies to after the transfer of the administrative document concerned to the National Archives upon contacting the National Archives on the decision.

(Appendix) Basic principles for administrative documents suitable for transfer to the Prime Minister (National Archives) as Government Documents and Records of Importance as Historical Materials.

As guidelines for deciding whether or not administrative documents that are at the end of their retention period as stipulated by Enforcement Ordinance Article 16, Paragraph 1, Subparagraph 8 of the Law Concerning Access to Information Held by Administrative Organs and which are the subject of agreement by Director-Generals of Minister's Secretariat, etc. of Ministries and Agencies 1(1) or (2) (including those applicable to 3(2)i) should be transferred, the Guideline for Management of Administrative Documents (approved by inter-ministerial liaison meeting on 25 February, 2000) appendix organizes the administrative documents into categories more or less as follows below. However, the categories of administrative documents shown in the table below do not serve to limit the possibility of extensions in the categories of administrative documents that ought to be transferred, and some administrative documents other than those to which these categories apply may be appropriate for transfer.

Organization based on the appendix to the Guideline for Management of Administrative Documents		Categories of applicable administrative documents	Basic principles for deciding whether administrative documents fall into the administrative document categories at left are suitable for transfer at the end of the retention period
Minimum retention period as stipulated by Enforcement Ordinance Information Access Law Appendix 2			
Categories of administrative documents	retention period		

1.	<p>a. Final decision paper concerning the formulation, amendment, or repeal of laws and the Cabinet Orders and other proposals to be discussed at the Cabinet meeting</p>	30 years	<p>Decision papers concerning the signing or conclusion of treaties and other international commitments</p> <p>Decision papers concerning the formulation, amendment or repeal of laws</p> <p>Decision papers concerning the establishment or elimination of special public institutions</p> <p>Decision papers concerning the formulation, amendment or elimination of basic plans</p> <p>Decision papers concerning the basic items about budgets, organizations and personnel</p>	It is appropriate in principle to consider all documents as worthy of transfer.
	<p>b. Decision papers for making decisions on establishment or elimination of corporations established by special laws and the establishment of which requires the authorization of the relevant ministry or agency (hereafter “authorized corporations”)</p>		<p>Decision papers concerning the establishment or elimination of authorized corporations</p>	
	<p>c. In addition to the items in a and b, decision papers for making decisions on other matters important to national politics.</p>		<p>Decision papers for meetings related to ministerial meetings</p>	

d. Decision papers for the formulation, amendment or repeal of Cabinet Orders, Ministerial Ordinance or other regulations	Decision papers for meetings related to meetings of Parliamentary Vice-Ministers	
	Decision papers for meetings of Administrative Vice-Ministers	
	Decision papers for the formulation, amendment or repeal of government and ministerial ordinances	In principle, all government and ministerial ordinances are considered for transfer. Concerning other regulations, it is appropriate that those recognized as having the same level of importance as government and ministerial ordinances are considered for transfer.
	Decisions related to the management of administrative documents	

Organization based on the appendix to the Guideline for Management of Administrative Documents		Categories of applicable administrative documents	Basic principles for deciding whether administrative documents falling into the administrative document categories at left are suitable for transfer at the end of the retention period.
Minimum retention period as stipulated by Enforcement Ordinance of Information Access Law Appendix 2			
Categories of administrative documents	retention period		

2	<p>a. Reports, proposals and opinions recorded from institutions established under Articles 37 and 54 of the Cabinet Establishment Law, Article 16, Paragraph 1 of the Imperial Household Agency Law or Article 8 of the National Government Organization Law</p>	10 years	<p>Reports, proposals and opinions of advisory committees</p>	<p>Appropriate to consider for transfer as documents recorded as required for understanding decisions on important government matters and the process of deliberation, examination and consultation leading to the decisions of the policymaking process, and recognized as requiring continued preservation.</p>
	<p>b. Decision papers to decide the screening criteria of the Administrative Procedure Act Article 5, Paragraph 1, the criteria for punishment under Article 12, Paragraph 1 and the interpretation or operation criteria of other ordinances under that article</p>		<p>Decision papers for interpretation and operation criteria of ordinances Screening criteria for licensing, etc. Punishment criteria for unfair treatment</p>	
	<p>c. In addition to the items from a-c, decision papers for decisions relating to important matters under the government's jurisdiction (excluding those matters covered by 1)</p>		<p>Decision papers for interpretation and operation criteria of treaties and other international commitments Decision papers related to decisions on important policies under the government's jurisdiction</p>	

3	a. Duties or basic project proposals based on those laws or ordinances formulated on the basis of those laws, or fiscal year proposals or performance reports based on these	5 years	Duty or project plans/proposals Duty or project performance reports
	b. Performance reports from the corporations established under Article 34 of Civil Law (Law No. 89 of 1896), Independent Administrative Institutions, Special Public Institutions, or Authorized Corporations		Performance report Superintendent debriefing report
4	c. Records of studies or research results	3 years	Report of results of study or research carried out to reflect policy decisions or conduct of policies
	d. In addition to the documents of c, records of decisions on policies relating to government or items that served as reference in the conduct of policies		Budget request presentation documents Data used as reference in carrying out duties Results of panel deliberations on the operation of government

Notes: 1. Decision papers are papers which have been signed, etc., by an official with the authority to make an administrative organ decision. The government papers contain

the willful decision or confirmation of the administrative organ.

2. In the “Categories of applicable administrative documents” column are written the administrative documents to which the retention period categories generally apply. They may fall under another category depending on the information recorded in the administrative document.