

JAPON

Law No.140/2001

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 organ 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 3

The Right to Request Disclosure

Any person, as provided for by this law, may request to the head of an administrative organ (Provided that the organ is designated by the Cabinet Order of the preceding Article, paragraph 1, subparagraph (4) and (5), the person designated for each organ by Cabinet Order. Hereinafter the same.) the disclosure of administrative documents held by the administrative organ concerned.

Article 4

The Procedure for Requesting Disclosure

1. A request for disclosure as provided for by the preceding Article (Hereinafter referred to as a "disclosure request.") shall be submitted to the head of an administrative organ as a document (Hereinafter referred to as a "disclosure application.") in which are entered the following items.

(1) The requester's full name or title, along with a permanent address or place of residence, as well as the full name of a representative in the case of a corporation or other group.

(2) The titles of administrative documents or other particulars that will suffice to specify the administrative documents relevant to the disclosure request.

2. When the head of an administrative organ concludes that there is a deficiency in the form of the disclosure application, he or she may, fixing a suitable period of time, ask the person making the disclosure request (Hereinafter referred to as "the requester.") to revise the request. In this case, the head of the administrative organ shall endeavor to put at the requester's disposal information that will be helpful in the revision.

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.

Article 6

Partial Disclosure

1. In the case that non-disclosure information is recorded in a part of an administrative document concerned with a disclosure request, when it is possible to easily divide and exclude the portion in which the non-disclosure information is recorded, the head of the administrative organ shall disclose to the requester the portion other than the excluded portion. However, this shall not apply when it is deemed that meaningful information is not recorded in the portion other than the excluded portion.

2. In the case that the information of subparagraph (1) of the preceding Article (Limited to that which makes possible the identification of a specific individual.) is recorded in an administrative document concerned with a disclosure request, and if by excluding from said information the portion of the description, etc., that makes possible the identification of a specific individual, such as a name or birth date, there is considered to be no risk of harm to an individual's rights and interests even though it is made public, then the portion other than the excluded portion shall be regarded as not being included in the information of the said subparagraph, and the preceding paragraph shall apply.

Article 7

Discretionary Disclosure for Public Interest Reasons

Even in the case that non-disclosure information is recorded in administrative documents concerned with a disclosure request, when it is deemed that there is a particular public interest necessity, the head of an administrative organ may disclose the administrative documents to the requester.

Article 8

Information Concerning the Existence of Administrative Documents

When non-disclosure information will be released by merely answering whether or not administrative documents concerned with a disclosure request exist or do not exist, the head of an administrative organ, without making clear the existence or non-existence of the documents, may refuse the disclosure request.

Article 9

Measures Concerning Disclosure Requests

1. When disclosing all or a part of the administrative documents concerned with a disclosure request, the head of the administrative organ shall make a decision to that effect, and notify the requester to that effect in writing as well as of matters determined by Cabinet Order relating to the implementation of disclosure.

2. When not disclosing any of the administrative documents concerned with a disclosure request

(Including when refusing the disclosure request in accordance with the preceding Article, as well as when administrative documents concerned with the request are not held.), the head of the administrative organ shall make a decision to the effect of non-disclosure and notify the requester to that effect in writing.

Article 10

Time Limit for Disclosure Decisions, Etc.

1. The preceding Article's decisions (Hereinafter referred to as "disclosure decisions, etc.") shall be made within thirty days after the day of the disclosure request. However, in the case that a revision is requested as provided for in Article 4, paragraph 2, the number of days required for the revision shall not be included within this time limit.
2. Notwithstanding the preceding paragraph, when there are justifiable grounds such as difficulties arising from the conduct of business, the head of the administrative organ may extend the time limit provided for in the same paragraph for up to thirty days. In this case, the head of the administrative organ shall without delay notify the requester in writing of the extension period along with the reason for the extension.

Article 11

Exception to the Time Limit for Disclosure Decisions, Etc.

In the case that there is a considerably large amount of administrative documents concerned with the disclosure request, and there is a risk that by making disclosure decisions, etc. for all of them within sixty days of the disclosure request the performance of duties will be considerably hindered, notwithstanding the preceding Article, it shall be sufficient if the head of the administrative organ makes disclosure decisions, etc. for a reasonable portion of the administrative documents concerned with the disclosure request within the said period of time, and if disclosure decisions, etc. are made for the remaining administrative documents within a reasonable period of time. In this case, the head of the administrative organ shall within the period of time provided for in the first paragraph of the same Article notify the requester in writing of the following items:

- (1) The application of this Article and the reason for its application.
- (2) The time limit for making disclosure decisions, etc. for the remaining administrative documents.

Article 12

Transfer of a Case

1. When there is a justifiable reason for the head of another administrative organ to make the disclosure decisions, etc., such as when administrative documents concerned with a disclosure request were prepared by another administrative organ, the head of an administrative organ may upon consulting with the head of the other administrative organ transfer the case to the head of the other administrative organ. In this case, the head of the administrative organ who transfers the case shall notify in writing the requester to the effect that the case was transferred.
2. When a case has been transferred as provided for in the preceding paragraph, the head of the administrative organ who has received the transfer shall make the disclosure decisions, etc. for the disclosure request. In this case, the acts prior to transfer by the head of the administrative organ who has transferred the case are considered to be those of the head of the administrative organ who has received the transfer.
3. In the case of the preceding paragraph, when the head of the administrative organ who has received the transfer makes an Article 9, paragraph 1, decision (Hereinafter referred to as a "decision to disclose."), that administrative organ's head shall implement disclosure. In this case, the head of the administrative organ who has transferred the case shall cooperate as necessary in the

implementation of disclosure.

Article 12-2

Transfer of a Case to the Incorporated Administrative Agencies, etc.

1. When there is a justifiable reason for one of the incorporated administrative agencies, etc. to make the disclosure decisions, etc., such as when corporate documents concerned with a disclosure request were prepared by one of the incorporated administrative agency, etc., the head of an administrative organ may upon consulting with the incorporated administrative agency, etc. transfer the case to the incorporated administrative agency, etc. In this case, the head of an administrative organ who transfers the case shall notify in writing the requester to the effect that the case was transferred.

2. When a case has been transferred as provided for in the preceding paragraph, the administrative documents are regarded as corporate documents as provided for in Article 2, paragraph 2 of the Incorporated Administrative Agencies, etc. Information Disclosure Law, held by the incorporated administrative agency, etc. which has received the transfer; a disclosure request is regarded as a disclosure request as provided for in Article 4, paragraph 1 of the Incorporated Administrative Agencies, etc. Information Disclosure Law submitted to the incorporated administrative agency, etc. which has received the transfer and the Incorporated Administrative Agencies, etc. Information Disclosure Law shall apply. In this case, "Article 4, paragraph 2" in Article 10, paragraph 1 of the Incorporate Administrative Agencies, etc. Information Disclosure Law is to be read as "Article 4, paragraph 2 of the Law Concerning Access to Information Held by Administrative Organs(Law No. 42 of 1999)" and "The person who makes a disclosure request and the person" is to be read as "The person" and "respectively a fee for the disclosure request and a fee" is to be read as "a fee".

3. When under paragraph 1 a case is transferred and the incorporated administrative agency, etc. which has received the transfer implements disclosure, the head of an administrative organ which has transferred the case shall cooperate as necessary in the implementation of disclosure.

Article 13

Granting Third Persons an Opportunity to Submit a Written Opinion, Etc.

1. When information regarding a person other than the State, an incorporated administrative agency, etc., a local public entity, a local incorporated administrative agency or the requester (Hereinafter in this Article, Article 19, and Article 20 referred to as a "third person.") is recorded in the administrative documents concerned with a disclosure request, the head of the administrative organ, when undertaking disclosure decisions, etc., may communicate to the third person concerned with the information a representation of the administrative documents concerned with the disclosure request and other items determined by Cabinet Order, and may provide the opportunity to submit a written opinion.

2. In the event that either of the following subparagraphs apply, before making a decision to disclose, the head of the administrative organ shall communicate in writing to the third person concerned with the information a representation of the documents concerned with the disclosure request and other items determined by Cabinet Order, and shall provide the opportunity to submit a written opinion. However, this shall not apply in the case that the third person's whereabouts are unknown.

(1) Where, in the case that the intention is to disclose administrative documents in which information relating to a third person is recorded, it is deemed that said information will fall within the information provided for in Article 5, subparagraph (1)(b), or within the proviso contained in subparagraph (2) of the same Article.

(2) When administrative documents within which information concerning a third person is recorded

are to be disclosed under Article 7.

3. In the case that the third party who was provided an opportunity to submit a written opinion as provided for by the preceding two paragraphs submits a written opinion indicating opposition to disclosure of the administrative documents concerned, the head of the administrative organ, when making a decision to disclose, shall place at least two weeks between the day of the decision to disclose and the day that disclosure will be implemented. In this case, upon making the decision to disclose the head of the administrative organ shall immediately notify in writing the third person who submitted the written opinion (In Article 18 and Article 19 referred to as an "opposition written opinion.") to the effect that the decision to disclose was made, the reason, and the date of implementation of disclosure.

Article 14

Implementation of Disclosure

1. The disclosure of administrative documents shall take place by inspection or by the provision of copies for documents or drawings, and for electromagnetic records by methods determined by Cabinet Order that take into consideration their classification and the state of development, etc. of information technology. However, when disclosure of an administrative document is to take place by the inspection method, if the head of the administrative organ considers that there is a risk that difficulties in the preservation of the administrative document will arise, or for other justifiable reasons, a copy of the document may be provided for inspection.

2. The person who will obtain disclosure of administrative documents based upon a disclosure decision, as provided for by Cabinet Order, shall request the desired method of implementation of disclosure and other items determined by Cabinet Order to the head of the administrative organ who made the disclosure decision.

3. The request as provided for by the preceding paragraph shall be made within thirty days after the notification provided for in Article 9, paragraph 1. However, this shall not apply when there is a justifiable reason for being unable to make the request within this time limit.

4. The person who has obtained disclosure of administrative documents based upon a disclosure decision, within thirty days after first obtaining disclosure, may request to the head of the administrative organ to the effect of again obtaining disclosure. In this case the proviso in the preceding paragraph shall apply *mutatis mutandis*.

Article 15

Coordination with Disclosure Implementation by Other Laws

1. In the case that under the provisions of another law, administrative documents concerned with a disclosure request are to be disclosed to any person by a method the same as provided for in the text of the preceding Article, paragraph 1 (When the time limit for disclosure is provided for, limited to within that time limit.), irrespective of the text of said paragraph, the head of the administrative organ shall not disclose those administrative documents by that same method. However, this shall not apply when within the other law's provisions there is a provision to the effect that in specific circumstances disclosure shall not take place.

2. When the disclosure method designated by provisions of the other law is public inspection, said public inspection shall be regarded as inspection in the text of the preceding Article, paragraph 1, and the preceding paragraph shall apply.

Article 16

Fees

1. The person who makes a disclosure request, and the person who obtains the disclosure of administrative documents, as provided for by Cabinet Order, shall pay respectively a fee for the

disclosure request and a fee for the implementation of disclosure of an amount determined by Cabinet Order and within the limits of actual expenses.

2. In determining the amount of the fee of the preceding paragraph consideration shall be given to see that it is as affordable an amount as possible.

3. When it is deemed that there is economic hardship or other special reasons, as provided for by Cabinet Order, the head of an administrative organ may reduce or exempt the fee of paragraph 1.

Article 17

Delegation of Authority and Functions

As provided for by Cabinet Order (In the case of organs under Cabinet jurisdiction and the Board of Audit, orders of said organs.), the head of an administrative organ may delegate to an employee of said administrative organ the authority and functions provided for in this Chapter.

Chapter 3 Appeals, Etc.

Section 1

References, Etc.

Article 18

References to the Review Board

When there is an appeal of a disclosure decision, etc. in accordance with the Administrative Complaint Investigation Law (Law No. 160 of 1962), the head of the administrative organ who is expected to make a ruling or decision on the appeal, excluding cases that fall within either of the following subparagraphs, shall make a reference to the Information Disclosure Review Board (When the head of the administrative organ who is expected to make a ruling or decision on the appeal is head of the Board of Audit, a review board separately provided for by law. In Section 3 generically referred to as the "Review Board.").

(1) When the appeal is unlawful and is rejected.

(2) When upon a ruling or decision the disclosure decision, etc. (Excluding decisions to the effect of disclosing all the administrative documents concerned with a disclosure request. Hereinafter in this subparagraph and in Article 20 the same.) concerned with the appeal is revoked or altered, and all the administrative documents concerned with the appeal are to be disclosed. However, this shall exclude cases in which an opposition written opinion regarding the disclosure decision, etc. has been submitted.

Article 19

Notification of Reference

The head of an administrative organ who makes a reference according to the provisions of the preceding Article shall notify the following listed persons to the effect that the reference was made.

(1) The appellant and intervenor.

(2) The requester (Excluding cases in which the requester is the appellant or intervenor.).

(3) Third persons who have submitted an opposition written opinion about the disclosure decision, etc. that is concerned with the appeal (Excluding cases in which the third person is the appellant or an intervenor.).

Article 20

Procedures in the Case that an Appeal from a Third Person is Dismissed, Etc.

The provisions of Article 13, paragraph 3, shall apply mutatis mutandis in a case in which the ruling or decision falls within either of the following subparagraphs.

(1) A ruling or decision to reject or dismiss an appeal from a third person regarding a decision to disclose.

(2) A ruling or decision altering the disclosure decision, etc. concerned with an appeal to the effect of disclosing administrative documents concerned with a disclosure decision, etc. (Limited to cases in which an intervenor who is a third person has expressed an intention to oppose the disclosure of the administrative documents.).

Section 2 Information Disclosure Review Board

Article 21 Establishment

An Information Disclosure Review Board shall be established within the Cabinet Office in order to examine and deliberate appeals in response to references as provided for in Article 18 and in Article 18, paragraph 2 of the Incorporated Administrative Agencies, etc. Information Disclosure Law.

Article 22 Organization

1. The Information Disclosure Review Board shall be composed of twelve members.
2. Members shall serve part-time. However, not more than four members may serve full-time.

Article 23 Members

1. The Prime Minister shall appoint members from among those people of superior judgment who have been approved by both Houses.
2. In the case that a member's term expires or a vacancy occurs, and when the consent of both Houses cannot be obtained due to Diet adjournment or dissolution of the House of Representatives, the Prime Minister may, notwithstanding the preceding paragraph, appoint members from among those holding the qualifications as provided for in the same paragraph.
3. In the case of the preceding paragraph, ex post facto approval by both Houses shall be obtained during the first Diet session following the appointment. In this case, when the ex post facto approval of both Houses cannot be obtained, the Prime Minister shall immediately dismiss the member.
4. Members' terms of office shall be three years. However, the term for a member filling a vacancy shall be the remaining portion of the former member's term.
5. Members may be re-appointed.
6. When a member's term expires, that member shall continue to discharge his or her duties until a replacement is appointed.
7. When the Prime Minister concludes that a member is not able to carry out his or her duties due to a physical or mental difficulty, or concludes that a member has acted in contravention of official duties or that there has been some other misconduct unbecoming of a member, he or she, on

receiving the approval of both Houses, may dismiss that member.

8. Members shall not disclose secrets they have come to know in the course of their official duties. The same shall apply after resigning from office.

9. While in office a member shall not be an officer of a political party or other political association, or actively take part in a political movement.

10. Full-time members, while in office, except where they have received the Prime Minister's permission, shall not engage in another job for remuneration, run a commercial enterprise, or conduct any other business the purpose of which is to profit financially.

11. Members' salaries are to be determined by a separate law.

Article 24

Chairperson

1. The position of Chairperson shall be established in the Information Disclosure Review Board, and the members shall elect that person from among themselves.

2. The Chairperson shall direct the affairs of and represent the Information Disclosure Review Board.

3. In the event that the Chairperson has an accident, the member who has been designated in advance by the Chairperson shall perform the duties of the Chairperson.

Article 25

Collegiate Body

1. The Information Disclosure Review Board shall examine and deliberate matters concerned with an appeal in collegiate bodies composed of three nominated members.

2. Notwithstanding the preceding paragraph, in cases designated by the Information Disclosure Review Board, matters concerned with an appeal shall be examined and deliberated in a collegiate body comprised of all members.

Article 26

Secretariat

1. A Secretariat shall be established within the Information Disclosure Review Board to manage the affairs of the Information Disclosure Review Board.

2. In addition to a secretary-general, the necessary staff shall be employed within the Secretariat.

3. The secretary-general shall direct the affairs of the Secretariat according to the Chairperson's orders.

Section 3

The Review Board's Investigative and Deliberative Procedures

Article 27

The Review Board's Investigative Authority

1. When it is deemed necessary, the Review Board may request the reference agency (Meaning the head of the administrative agency making a reference to the Review Board under Article 18 or the incorporated administrative agency, etc. making a reference to the Review Board under Article 18, paragraph 2 of the Incorporated Administrative Agencies, etc. Information Disclosure Law. Hereinafter the same in this Article.) to present the administrative documents or corporate

documents concerned with the disclosure decision, etc. (Including the disclosure decision as provided for in Article 10, paragraph 1 of the Incorporated Administrative Agencies, etc. Information Disclosure Law. Hereinafter the same in the third paragraph). In this case, no one may request to the Review Board the disclosure of those administrative documents or corporate documents presented to the Review Board.

2. The reference agency shall not turn down a request made in accordance with the preceding paragraph.

3. When it is deemed necessary, the Review Board may request to the reference agency that it produce and submit to the Review Board materials classifying or arranging in a manner specified by the Review Board the contents of the information recorded in the administrative documents or corporate documents concerned with the disclosure decision, etc.

4. In addition to the provisions of the first paragraph and the preceding paragraph of this Article, the Review Board may, in relation to the matter concerned with an appeal, request the appellant, intervenor, or the reference agency (hereinafter referred to as "appellant, etc.") to submit written opinions or other materials, and may have persons deemed appropriate make statements about facts of which they have knowledge or request expert opinions or make any other necessary investigations.

Article 28

Statements of Opinion

1. When there is a petition from an appellant, etc., the Review Board shall provide an opportunity for that appellant, etc. to orally deliver his or her opinion. However, this shall not apply when the Review Board deems that it is not necessary.

2. As regards the text of the preceding paragraph, upon receiving the Review Board's permission, an appellant or an intervenor may appear together with assistants.

Article 29

Submission of Written Opinions, Etc.

Appellants, etc. may submit written opinions or other materials to the Review Board. However, when the Review Board fixes a suitable period of time within which written opinions or other materials should be submitted, the submission shall take place within that time period.

Article 30

Procedure for Investigations by Board Members

When it is deemed necessary, the Review Board may have a designated member inspect the administrative documents and corporate documents that were submitted in accordance with Article 27, paragraph 1, investigate in accordance with the same Article, paragraph 4, or hear statements of opinion by the appellant, etc. in accordance with the text of Article 28, paragraph 1.

Article 31

Inspection of Submitted Materials

1. The appellant, etc. may request the Review Board to inspect written opinions or materials that were submitted to the Review Board. In this case, if it is not deemed that there is a risk that a third party's interests will be harmed, or if there is not another justifiable reason, the Review Board shall not refuse inspection.

2. The Review Board may fix the time, date and place for inspection as provided for in the preceding paragraph.

Article 32

Non-disclosure of Investigative and Deliberative Proceedings

The investigative and deliberative proceedings undertaken by the Review Board shall not be disclosed.

Article 33

Restriction on Appeals

It shall not be possible under the Administrative Complaint Investigation Law to appeal the dispositions made by the Review Board or its members according to the provisions of this section.

Article 34

Forwarding, Etc. of Report

When the Review Board submits its report regarding a reference, it shall forward a copy of its report to the appellant and intervenor, and also make public the substance of its report.

Article 35

Delegation to Cabinet Order

In addition to that which is provided for in this section, other necessary items related to the Review Board's investigative and deliberative procedures shall be determined by Cabinet Order (In the case of a Review Board that is separately provided for by law as referred to in Article 18, rules of the Board of Audit.).

Section 4

Exceptions, Etc. for the Jurisdiction of Lawsuits

Article 36

Exceptions, Etc. for the Jurisdiction of Lawsuits

1. In regard to lawsuits demanding the revocation of a disclosure decision, etc. or the revocation of a ruling or decision regarding the appeal of a disclosure decision, etc. (In the following paragraph and in paragraph 2 of the Additional Provisions referred to as an "information disclosure lawsuit."), in addition to the court provided for by Article 12 of the Administrative Case Litigation Law (Law No. 139 of 1962), cases may also be brought before the district court (In the next paragraph referred to as a "specific jurisdiction court.") that has jurisdiction over the seat of the high court that has jurisdiction over the seat of the plaintiff's general forum.

2. When a suit is brought before a specific jurisdiction court as provided for by the preceding paragraph, and in the case that an information disclosure lawsuit involving the same or the same type or otherwise similar administrative documents is pendent in another court, the specific jurisdiction court, having given consideration to the addresses or whereabouts of the parties, the addresses of witnesses who should be examined, and characteristics common to the points in contention or the evidence along with other matters, when it deems it appropriate, may in response to a petition or on its own authority transfer the whole lawsuit or a part of it to the other court or a court provided for by Article 12 of the Administrative Case Litigation Law.

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.

Article 38

The Provision, Etc. of Information to Persons Who Intend to Request Disclosure

1. So that it is possible for persons who intend to request disclosure easily as well as accurately, the heads of administrative organs shall provide information helpful in specifying the administrative documents held by the administrative organs and take other appropriate steps that take into account the convenience of the persons intending to request disclosure.
2. In order to secure the smooth application of this law, the Minister of Public Management, Home Affairs, Posts and Telecommunications shall provide for general inquiry offices.

Article 39

Publication of the State of Enforcement

1. The Minister of Public Management, Home Affairs, Posts and Telecommunications may request reports on the state of enforcement of this law from the heads of the administrative organs.
2. The Minister of Public Management, Home Affairs, Posts and Telecommunications shall annually collect, arrange, and publish a summary of the reports of the preceding paragraph.

Article 40

Enhancement of Measures for the Provision of Information Held by Administrative Organs

In order to comprehensively promote disclosure of the information it holds, the government shall strive to enhance measures concerned with the provision of information held by administrative organs, making clear to the people through timely as well as appropriate methods the information that administrative organs hold.

Article 41

Information Disclosure by Local Public Entities

In keeping with the spirit of this law, local public entities shall strive to formulate and implement measures necessary for the disclosure of the information that they hold.

Article 42

Delegation to Cabinet Order

Apart from the provisions of this law, items necessary for implementation of this law shall be determined by Cabinet Order.

Article 43

Punitive Provision

The person who in violation of Article 23, paragraph 8, discloses secrets shall be sentenced to a

maximum of one year of imprisonment with hard labor, or a maximum fine of 300,000 yen.

Additional Provisions

1. This law shall come into effect on a date to be provided for by Cabinet Order, but not more than two years from the date of promulgation. However, the provisions of the part of Article 23, paragraph 1, concerning receiving of the consent of both Houses, Article 40 through Article 42, and the following paragraph, shall come into effect from the date of promulgation.
2. Approximately four years after this law comes into effect, the government shall examine the state of enforcement of this law along with the manner of jurisdiction for information disclosure lawsuits, and shall take necessary measures based upon those results.

This is the English version of the "Law Concerning Access to Information Held by Administrative Organs" and the "Law Concerning Access to Information Held by Incorporated Administrative Agencies, Etc.", translated by Mr. Katsuya UGA, Professor of the University of Tokyo, at the request of the Ministry of Public Management, Home Affairs, Posts and Telecommunications.