

Main Points of the Act on the Protection of Specially Designated Secrets

Provisional
Translation

Specially Designated Secrets – designated by the heads of administrative organs

Secrets under the existing National Public Service Act, etc.

Specially Designated Secrets

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Shall be information that pertains to national security and

Falls under the following categories detailed in the act:

- (1) Defense
- (2) Foreign Affairs
- (3) Prevention of Designated Harmful Activities (e.g. Counter-Intelligence)
- (4) Prevention of Terrorism,

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Requires special need for secrecy

- * The term of designation shall be up-to-five years (renewable) and not longer than 30 years in total unless the Cabinet approves the extension. Even in such a case, the term shall not be extended any longer than 60 years in total except for such cases as involving information on cryptology and human intelligence sources.
- * Guidelines for designation of SDS, etc. shall be drafted by the Prime Minister and decided by the Cabinet after hearing opinions of non-governmental experts.
- * The Prime Minister may order the heads of administrative organs, etc. to improve implementation, such as relating to designation, as the necessity arises.
- * An annual report on implementation, such as relating to designation, shall be made to the non-governmental experts, and later submitted to the Diet with their opinions attached as well as made available to the public.

Limitations on access to SDS

Only those granted security clearance shall be authorized to have access to SDS.

Establishment of a framework to provide or share SDS within and outside administrative organs

Punishment for unauthorized disclosure of SDS (imprisonment for not more than 10 years, etc.)

- * The act stipulates that stretching the interpretation of the act to unduly infringe on the fundamental human rights of the citizens shall be prohibited, and that due consideration be given to freedom of the press and news gathering that contributes to guaranteeing the people's right to know.
- * The act also stipulates that news gathering by those engaged in publishing and the press shall be lawful as long as it is intended exclusively to serve the public interest and is not judged to be done through violations of laws or grossly unreasonable means.