

MN/UN/305

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights, and with reference to the letter Ref: UA C/SO 214 (67-17) Health (2002-7) JPN 1/2013 dated 19 November 2013, which was jointly sent by Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and Mr. Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, has the honour to transmit to the latter the Provisional Translation of the “Act on the Protection of Specially Designated Secrets” for their consideration.

The Permanent Mission of Japan would also like to emphasize the fact that this Provisional Translation of the “Act on the Protection of Specially Designated Secrets” has been prepared for the purpose of contributing to an accurate understanding of this legislation for foreigners and that the Japanese text remains to be the official text of the legislation.

The Permanent Mission of Japan to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 20 June 2014

OHCHR REGISTRY

Enclosure mentioned.

25 JUN 2014

Recipients :.....S.P.O.....
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Act on the Protection of Specially Designated Secrets

Act No. 108 of December 13, 2013

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Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that, under the situation where the increasingly complex international situation has enhanced the importance of information related to securing the safety of Japan and its citizens and where the development of an advanced information and telecommunications network society has given rise to concern over the risk of unauthorized disclosure of such information, it is important to establish a system for properly protecting information, among information concerning Japan's National Security (meaning assuring the safety of the nation and its citizens from any invasion from outside, etc. which might affect the nation's existence; the same shall apply hereinafter), which is particularly required to be kept secret, and then to gather, sort out and utilize said information, this Act is aimed at preventing unauthorized disclosure of such information by providing for the designation of specially designated secrets, restriction on the persons who handle them, and other necessary matters with regard to the protection of such information, and thereby contribute to securing the safety of Japan and its citizens.

(Definitions)

Article 2 The term "Administrative Organ" as used in this Act means the following organs:

- (i) organs within the Cabinet (excluding the Cabinet Office) and organs under the jurisdiction of the Cabinet, that have been established pursuant to the provisions of law;

- (ii) the Cabinet Office, the Imperial Household Agency and organs provided in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (among these organs, in the case of the National Public Safety Commission, excluding the National Police Agency, and in the case of organs where organs specified by Cabinet Order as referred to in item (iv) are established, excluding such organs specified by Cabinet Order);
- (iii) organs provided in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) (in the case of organs where organs specified by Cabinet Order as referred to in item (v) are established, excluding such organs specified by Cabinet Order);
- (iv) organs referred to in Articles 39 and 55 of the Act for Establishment of the Cabinet Office and organs referred to in Article 16, paragraph (2) of the Imperial Household Agency Act (Act No. 70 of 1947), as well as extraordinary organs referred to in Articles 40 and 56 of the Act for Establishment of the Cabinet Office (including the cases where applied mutatis mutandis pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act), which are the National Police Agency and other organs specified by Cabinet Order;
- (v) organs such as facilities referred to in Article 8-2 of the National Government Organization Act and extraordinary organs referred to in Article 8-3 of said Act, which are specified by Cabinet Order; and
- (vi) the Board of Audit.

Chapter II Designation of Specially Designated Secrets and Other Matters

(Designation of Specially Designated Secrets)

Article 3 (1) The Head of an Administrative Organ (provided that the relevant Administrative Organ is an organ under the collegial system, such Administrative Organ; and provided that the relevant Administrative Organ is an organ specified by Cabinet Order set forth in items (iv) and (v) of the preceding Article (excluding an organ under the collegial system), the person specified for each such organ by Cabinet Order; hereinafter the same shall apply except in Article 11, item (i)) shall designate, as a specially designated secret, information concerning the matters set forth in the Appended Table in connection with the affairs under the jurisdiction of the Administrative Organ, which is publicly undisclosed and which, if disclosed without authorization, has the risk of causing severe damage to Japan's National Security and therefore which is particularly required to be kept secret (excluding information which falls within the category of special defense secrets provided in Article 1, paragraph (3) of the Act on Protection of Secrets Incidental to the "Mutual Defense Assistance Agreement Between Japan and the United States of America" (Act No. 166 of 1954)); provided, however, that this shall not apply to the

Head of an Administrative Organ specified by Cabinet Order after the Prime Minister hears opinions from the persons provided in Article 18, paragraph (2).

- (2) When the Head of an Administrative Organ has made the designation under the preceding paragraph (hereinafter simply referred to as the "Designation" except in Article 5 of the Supplementary Provisions), the Head of the Administrative Organ shall prepare a record concerning the Designation as provided by Cabinet Order, and in order to clarify the scope of a specially designated secret subject to said Designation, take any of the measures set forth in the following items with regard to information that is a specially designated secret:
- (i) marking (in the case of an Electromagnetic Record, including a record of said marking), as a specially designated secret, the document, picture, Electromagnetic Record (meaning a record made by an electronic form, a magnetic form or any other form not recognizable to human perception; hereinafter the same shall apply in this item) or object which records the information that is a specially designated secret, or any object which embodies said information, as provided by Cabinet Order; or
 - (ii) where it is difficult to take the measure set forth in the preceding item due to the nature of the information that is a specially designated secret, giving notice to a person who handles such information of the fact that such information is subject to the preceding paragraph, as provided by Cabinet Order.
- (3) Where the Head of an Administrative Organ has taken the measure set forth in item (ii) of the preceding paragraph with regard to information that is a specially designated secret, when it becomes possible to take the measure set forth in item (i) of said paragraph with regard to such information, the Head of the Administrative Organ shall take said measure immediately.

(Effective Period and Termination of Designation)

- Article 4 (1) When making the Designation, the Head of an Administrative Organ shall specify its effective period not exceeding five years from the date of said Designation.
- (2) If, at the time of the expiration of the effective period of the Designation (including the effective period extended pursuant to this paragraph), the information for which said Designation has been made meets the requirements provided in paragraph (1) of the preceding Article, the Head of an Administrative Organ shall extend the effective period for up to five years, as provided by Cabinet Order.
 - (3) The effective period of the Designation shall not exceed 30 years in total.
 - (4) Notwithstanding the provisions of the preceding paragraph, the Head of an Administrative Organ may extend the effective period of the Designation for more than 30 years in total if the Head of the Administrative Organ obtains the Cabinet's approval (excluding the case where the Administrative Organ is the

Board of Audit) of the fact that, even when viewed from the perspective of the accountability of the government to the citizens for its various activities, it is actually unavoidable to keep the information subject to the Designation publicly undisclosed in order to secure the safety of Japan and its citizens, by stating the reasons therefor; provided, however, that the effective period of said Designation shall not exceed 60 years in total, except with regard to the information concerning the matters set forth in the following items:

- (i) weapons, ammunition, aircraft and any other goods provided for use in defense (including vessels; the same shall apply in item (i) of the Appended Table);
 - (ii) information which is likely to be detrimental to the negotiations currently being conducted with the government of a Foreign Country (meaning a country or region outside the territory of Japan; the same shall apply hereinafter) or an international organization;
 - (iii) methods or capabilities of information collecting activities;
 - (iv) information concerning human intelligence sources;
 - (v) cryptology;
 - (vi) information provided by the government of a Foreign Country or an international organization on condition that it will be subject to the Designation for more than 60 years; and
 - (vii) material information specified by Cabinet Order, which is equivalent to information concerning the matters set forth in the preceding items.
- (5) When the Head of an Administrative Organ intends to obtain the Cabinet's approval referred to in the preceding paragraph, the Head of the Administrative Organ may provide the Cabinet with the specially designated secret subject to the relevant Designation after taking the measure specified by Cabinet Order as measures necessary for the protection of said specially designated secret.
- (6) Notwithstanding the provisions of Article 8, paragraph (1) of the Public Records and Archives Management Act (Act No. 66 of 2009), if the Head of an Administrative Organ has failed to obtain the Cabinet's approval referred to in paragraph (4), the Head of the Administrative Organ shall transfer the Administrative Document Files, etc. (meaning the Administrative Document Files, etc. provided in Article 5, paragraph (5) of said Act) in which the information subject to the relevant Designation is recorded to the National Archives of Japan, etc. (meaning the National Archives of Japan, etc. provided in Article 2, paragraph (3) of said Act), upon the expiration of the retention period of said Administrative Document Files, etc.
- (7) The Head of an Administrative Organ shall terminate a Designation promptly as provided by Cabinet Order even before the expiration of the effective period when the information for which the Head of the Administrative Organ made the Designation no longer meets the requirements provided in paragraph (1) of the preceding Article.

(Protective Measures for Specially Designated Secrets)

- Article 5 (1) When the Head of an Administrative Organ has made the Designation, the Head of the Administrative Organ shall determine the scope of officials at the Administrative Organ who are assigned to perform the duty of handling a specially designated secret subject to said Designation among those who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and take other measures specified by Cabinet Order as measures necessary for the protection of said specially designated secret, in addition to the measures provided in Article 3, paragraph (2).
- (2) Where the Commissioner General of the National Police Agency has made the Designation, if any specially designated secret subject to said Designation (excluding one provided pursuant to Article 7, paragraph (1)) is held by a Prefectural Police, the Commissioner General of the National Police Agency shall give notice to such Prefectural Police of the fact that said Designation has been made.
- (3) In the case referred to in the preceding paragraph, the Commissioner General of the National Police Agency shall give instructions to the Prefectural Police with regard to the scope of officials who are assigned to the duty of handling a specially designated secret held by the Prefectural Police and other measures specified by Cabinet Order as measures necessary for the protection of the specially designated secret by the Prefectural Police. In this case, the Superintendent General or the Chief of the Prefectural Police Headquarters (hereinafter referred to as the "Chief of the Prefectural Police Headquarters") shall, in accordance with said instructions, take measures necessary for the appropriate protection of said specially designated secret and assign its officials to perform the duty of handling the specially designated secret.
- (4) Where the Head of an Administrative Organ has made the Designation, and when he/she finds it particularly necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table, the Head of the Administrative Organ may, based on a contract with a person who is engaged in manufacturing goods or providing services and who has in place facilities and equipment necessary for the protection of specially designated secrets and conforms to other criteria specified by Cabinet Order (hereinafter referred to as an "Eligible Contractor"), have such Eligible Contractor hold the specially designated secret subject to said Designation (excluding secrets to be provided pursuant to Article 8, paragraph (1)) after giving notice thereto of the fact that said Designation has been made.
- (5) The contract referred to in the preceding paragraph shall provide for the scope of the representatives, agents, employees and other workers (hereinafter simply referred to as "Workers") who are nominated and assigned by the Eligible

Contractor that holds a specially designated secret pursuant to said paragraph to perform the duty of handling the specially designated secret from among those who are qualified to perform the duty of handling specially designated secrets pursuant to Article 11, and other matters specified by Cabinet Order as matters necessary for the protection of the specially designated secret by said Eligible Contractor.

- (6) The Eligible Contractor that is to hold a specially designated secret pursuant to paragraph (4) shall take measures necessary for the appropriate protection of the specially designated secret and assign its Workers to perform the duty of handling the specially designated secret, in accordance with the contract referred to in said paragraph.

Chapter III Provision of Specially Designated Secrets

(Provision of Specially Designated Secrets due to Necessity for Japan's National Security)

Article 6 (1) The Head of an Administrative Organ that holds a specially designated secret may provide the specially designated secret to another Administrative Organ when the Head of the Administrative Organ finds it necessary for the other Administrative Organ to use the specially designated secret in order to execute the affairs concerning Japan's National Security which pertain to the matters set forth in the Appended Table; provided, however, that if the Head of an Administrative Organ other than the Administrative Organ that holds the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided by the Head of the Administrative Organ that holds it pursuant to this paragraph), consent must be obtained from the Head of the Administrative Organ who has made said Designation.

- (2) The Head of the Administrative Organ who provides a specially designated secret to another Administrative Organ pursuant to the preceding paragraph shall consult with the Head of the other Administrative Organ in advance with regard to the scope of officials who are assigned to perform the duty of handling the specially designated secret and other matters specified by Cabinet Order as matters necessary for the protection of the specially designated secret by said other Administrative Organ.

- (3) The Head of the other Administrative Organ that receives a specially designated secret provided thereto pursuant to paragraph (1) shall take measures necessary for the protection of the specially designated secret and assign its officials to perform the duty of handling the specially designated secret in accordance with the consultation under the preceding paragraph.

Article 7 (1) The Commissioner General of the National Police Agency may provide a specially designated secret that the National Police Agency holds to Prefectural Police when the Commissioner General finds it necessary to have such Prefectural Police use the specially designated secret in order to execute the affairs under the jurisdiction of the National Police Agency which pertain to the matters set forth in the Appended Table.

(2) In the case of providing a specially designated secret to Prefectural Police pursuant to the preceding paragraph, Article 5, paragraph (3) shall apply *mutatis mutandis*.

(3) The Commissioner General of the National Police Agency may request the Chief of a Prefectural Police Headquarters to provide the specially designated secret which said Prefectural Police holds and which is subject to the notice under Article 5, paragraph (2).

Article 8 (1) The Head of an Administrative Organ that holds a specially designated secret may provide the specially designated secret to an Eligible Contractor based on a contract with the Eligible Contractor when the Head of the Administrative Organ finds it particularly necessary to have the Eligible Contractor use the specially designated secret in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table; provided, however, that if the Head of an Administrative Organ other than the Administrative Organ that holds the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided by the Head of the Administrative Organ that holds it pursuant to Article 6, paragraph (1)), consent must be obtained from the Head of the Administrative Organ who has made said Designation.

(2) Article 5, paragraph (5) shall apply *mutatis mutandis* to the contract referred to in the preceding paragraph, and paragraph (6) of said Article shall apply *mutatis mutandis* to the Eligible Contractor that receives a specially designated secret provided thereto pursuant to the preceding paragraph. In this case, the term "the preceding paragraph" and the phrase "holds a specially designated secret" in paragraph (5) of said Article shall be deemed to be replaced with "Article 8, paragraph (1)" and "receives a specially designated secret provided thereto," respectively.

(3) The Head of the Administrative Organ who has an Eligible Contractor hold a specially designated secret pursuant to Article 5, paragraph (4) may request the Eligible Contractor to provide the specially designated secret based on the contract referred to in said paragraph.

Article 9 The Head of an Administrative Organ that holds a specially designated secret may provide the specially designated secret to the government of a Foreign Country or an international organization which takes measures equivalent to the measures that an Administrative Organ is supposed to take in order to protect the specially designated secret pursuant to this Act when the Head of the Administrative Organ finds it necessary in order to execute the affairs under the jurisdiction of the Administrative Organ which pertain to the matters set forth in the Appended Table; provided, however, that if the Head of an Administrative Organ other than the Administrative Organ that holds the specially designated secret has made the Designation with regard to the specially designated secret (excluding the case where the specially designated secret has been provided by the Head of the Administrative Organ that holds it pursuant to Article 6, paragraph (1)), consent must be obtained from the Head of the Administrative Organ who has made said Designation.

(Provision of Specially Designated Secrets due to Necessity for Other Public Interest)

Article 10 (1) In addition to the cases provided in Article 4, paragraph (5), Article 6 through the preceding Article, and the second sentence of Article 18, paragraph (4), the Head of an Administrative Organ shall provide a specially designated secret only in the following cases:

(i) where a person who receives a specially designated secret provided thereto is to use the specially designated secret for any of the following duties or duties equivalent thereto which are found to be particularly necessary for the public interest (excluding the cases set forth in the following item through item (iv)), and such person limits the scope of persons who are to use or know the specially designated secret, disallows the use of the specially designated secret for purposes other than such duties, and takes other measures specified by the Diet pursuant to Article 10 of the Supplementary Provisions with regard to the duties set forth in (a), or measures specified by Cabinet Order with regard to duties other than those set forth in (a), as measures necessary for ensuring the protection of the specially designated secret by the persons who use or know it, and the Head of the Administrative Organ finds that the provision of the specially designated secret has no risk of causing severe damage to Japan's National Security:

(a) the examination or research conducted by each House or by a committee of each House or research committee of the House of Councillors pursuant to Article 104, paragraph (1) of the Diet Act (Act No. 79 of 1947) (including the cases where applied *mutatis mutandis* pursuant to Article 54-4, paragraph (1) of said Act) or Article 1 of the Act on Witnesses' Oath, Testimony, etc. Before

Both Houses of the Diet (Act No. 225 of 1947), where it is decided not to make such examination or research open to the public pursuant to Article 52, paragraph (2) of the Diet Act (including the cases where applied mutatis mutandis pursuant to Article 54-4, paragraph (1) of said Act) or Article 62 of said Act; and

- (b) the investigation of a criminal case or maintenance of prosecution, where it is found that the specially designated secret will not be provided to persons other than those who are engaged in the duties necessary for said investigation or maintenance of prosecution, in addition to the case where the specially designated secret is presented to the court pursuant to Article 316-27, paragraph (1) of the Code of Criminal Procedure (Act No. 131 of 1948) (including the cases where applied mutatis mutandis pursuant to paragraph (3) of said Article and Article 316-28, paragraph (2) of said Code);
 - (ii) where the specially designated secret is presented to the court pursuant to Article 223, paragraph (6) of the Code of Civil Procedure (Act No. 109 of 1996);
 - (iii) where the specially designated secret is presented to the Information Disclosure and Personal Information Protection Review Board pursuant to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board (Act No. 60 of 2003); and
 - (iv) where the specially designated secret is presented to the Information Disclosure and Personal Information Protection Review Board of the Board of Audit pursuant to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board as applied mutatis mutandis pursuant to Article 19-4 of the Board of Audit Act (Act No. 73 of 1947) after deemed replacement.
- (2) In addition to the case of providing a specially designated secret to the National Police Agency at its request under Article 7, paragraph (3), the Chief of a Prefectural Police Headquarters may provide a specially designated secret only in the case set forth in item (i) of the preceding paragraph (in cases other than the case where the Chief of the Prefectural Police Headquarters is to provide a specially designated secret that has been provided thereto to be used for the duties set forth in (b) of said item, limited to cases where consent has been obtained from the Commissioner General of the National Police Agency, for the Chief of the Prefectural Police Headquarters to find that the provision of the specially designated secret has no risk of causing severe damage to Japan's National Security as provided in said item), the case set forth in item (ii) of said paragraph, or the case where, pursuant to the provisions of an ordinance of a prefecture concerning the right of inhabitants, etc. to demand the disclosure of information held by said prefecture (including a prefectural ordinance concerning the establishment of a prefectural organization to conduct deliberation in response to

the consultation under said prefectural ordinance), which are equivalent to Article 9, paragraph (1) of the Act for Establishment of the Information Disclosure and Personal Information Protection Review Board, the specially designated secret is presented to such prefectural organization.

- (3) In addition to the case of providing a specially designated secret to an Administrative Organ at its request under Article 8, paragraph (3), an Eligible Contractor may provide a specially designated secret only in the case set forth in paragraph (1), item (i) (limited to cases where consent has been obtained from the Head of the Administrative Organ who has made the Designation with regard to the specially designated secret that the Eligible Contractor is to provide, for the Eligible Contractor to find that the provision of the specially designated secret has no risk of causing severe damage to Japan's National Security as provided in said item) or the cases set forth in item (ii) or item (iii) of said paragraph.

Chapter IV Restriction on Persons Who Handle Specially Designated Secrets

Article 11 No person may perform the duty of handling a specially designated secret unless, in the security clearance process referred to in paragraph (1) of the following Article or Article 15, paragraph (1) which was conducted most recently for the person by the Head of an Administrative Organ who assigns said duty to the person, the Head of an Administrative Organ who has an Eligible Contractor that assigns said duty to the person hold the specially designated secret or provides such Eligible Contractor with the specially designated secret, or the Commissioner General of the National Police Agency who assigns said duty to the person (limited to such security clearance process for which five years have not elapsed since the day on which the notice under Article 13, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 15, paragraph (2)) was given), the person has been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling a specially designated secret (excluding the person to whom notification has been made under paragraph (3) of the following Article applied directly or applied mutatis mutandis pursuant to Article 15, paragraph (2) after deemed replacement, as the person set forth in paragraph (1), item (iii) of the following Article or Article 15, paragraph (1), item (iii)); provided, however, that the following persons shall not be required to undergo the security clearance process referred to in paragraph (1) of the following Article or Article 15, paragraph (1):

- (i) the Head of an Administrative Organ;
- (ii) Ministers of State (excluding those set forth in the preceding item);
- (iii) Deputy Chiefs Cabinet Secretary;
- (iv) Special Advisors to the Prime Minister;

- (v) Parliamentary Senior Vice-Ministers;
- (vi) Parliamentary Vice-Ministers; and
- (vii) in addition to those set forth in the preceding items, a person specified by Cabinet Order as a person who may perform the duty of handling a specially designated secret without undergoing the security clearance process referred to in paragraph (1) of the following Article or Article 15, paragraph (1), in consideration of the nature of such person's duties and other circumstances concerned.

Chapter V Security Clearance Process

(Conduct of Security Clearance Process by Head of Administrative Organ)

Article 12 (1) The Head of an Administrative Organ shall conduct an assessment of each of the following persons as provided by Cabinet Order to verify that the person has no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling a specially designated secret (such assessment shall hereinafter be referred to as the "Security Clearance Process"):

- (i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of said Administrative Organ (if said Administrative Organ is the National Police Agency, including as a Chief of a Prefectural Police Headquarters; the same shall apply in the following item) or as a Worker of an Eligible Contractor that holds a specially designated secret or receives a specially designated secret provided thereto based on the contract referred to in Article 5, paragraph (4) or Article 8, paragraph (1) (simply referred to as a "Contract" in the following item) concluded with the Administrative Organ (excluding a person who, in the Security Clearance Process which the Head of the Administrative Organ conducted most recently for said person and for which five years have not elapsed since the day on which he/she gave the notice under paragraph (1) of the following Article, has been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling a specially designated secret, and is found to continue to be free from the risk of unauthorized disclosure);
- (ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of said Administrative Organ or as a Worker of an Eligible Contractor that holds a specially designated secret or receives a specially designated secret provided thereto based on a Contract concluded with the Administrative Organ, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official or a Worker on and after the day on which five years have elapsed from the day on which the notice under paragraph (1) of the following Article

was given in relation to the Security Clearance Process which the Head of the Administrative Organ conducted most recently for said person; and

(iii) a person who, in the Security Clearance Process which the Head of said Administrative Organ conducted most recently for said person, has been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling specially designated secrets, and where there are circumstances that raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.

(2) The Security Clearance Process shall be conducted based on the results of an examination with regard to the following matters for a person to be assessed through the Security Clearance Process (hereinafter referred to as a "Person subject to Assessment"):

- (i) matters concerning the relationship of the Person subject to Assessment with any Specified Harmful Activities (meaning activities intended to obtain publicly undisclosed information which, if disclosed without authorization, has the risk of causing damage to Japan's National Security, activities intended to import or export nuclear weapons, chemical warfare agents or bacterial warfare agents or devices for spraying such agents, rockets or unmanned aerial vehicles capable of transporting these, or goods which are found to be highly likely to be used for the development, manufacture, use or storage of any of these, and any other activities, all of which are carried out for the purpose of promoting the interest of a Foreign Country and which are extremely harmful or are likely to be extremely harmful to the safety of Japan and its citizens; the same shall apply in item (iii) of the Appended Table) and with any Terrorist Activities (meaning activities intended to kill or injure people or destroy important facilities or any other objects for the purpose of forcing a political or any other principle or belief upon a State or other persons or causing fear or terror in society based on such principle or opinion; the same shall apply in item (iv) of said table) (including the names, dates of birth, nationalities (including any former nationality) and addresses of Family Members of the Person subject to Assessment (meaning the Spouse of the Person subject to Assessment (including a person for whom notification of marriage has not been made but who is in a de facto marital relationship; hereinafter the same shall apply in this item), parents, children and siblings, as well as the Spouse's parents and children other than these persons; hereinafter the same shall apply in this item) and any person living with the Person subject to Assessment (excluding the Family Members));
- (ii) matters concerning criminal and disciplinary records;
- (iii) matters concerning records of improper conduct in connection with the handling of information;
- (iv) matters concerning abuse and the influence of drugs;

- (v) matters concerning mental disorders;
 - (vi) matters concerning moderation in drinking alcohol; and
 - (vii) matters concerning credit status and any other financial situation.
- (3) The Security Clearance Process shall be conducted after notifying the Person subject to Assessment of the following matters and obtaining his/her consent in advance, as provided by Cabinet Order:
- (i) that an examination will be conducted with regard to the matters set forth in the items of the preceding paragraph;
 - (ii) that questions may be asked or submission of materials may be requested, or inquiries may be made to request a report pursuant to the following paragraph, to the extent necessary for conducting the examination referred to in the preceding paragraph; and
 - (iii) if the Person subject to Assessment is the person set forth in paragraph (1), item (iii), a statement to that effect.
- (4) The Head of an Administrative Organ may have officials of the Administrative Organ ask questions to the Person subject to Assessment or any acquaintances of the Person subject to Assessment or any other persons concerned or request the Person subject to Assessment to submit materials, or may make inquiries to public offices or public or private organizations and request reports on the necessary matters from such entities, to the extent necessary for conducting the examination referred to in paragraph (2).

(Notice of Results of Security Clearance Process)

- Article 13 (1) When the Head of an Administrative Organ has conducted the Security Clearance Process, the Head of the Administrative Organ shall give notice of its results to the Person subject to Assessment.
- (2) When the Head of an Administrative Organ has conducted the Security Clearance Process of a Worker of an Eligible Contractor, the Head of the Administrative Organ shall give notice of its results to the Eligible Contractor, and when the Security Clearance Process of said Worker has not been conducted due to the Worker's refusal to give consent as referred to in paragraph (3) of the preceding Article, the Head of the Administrative Organ shall give notice of this fact to the Eligible Contractor.
- (3) Where an Eligible Contractor has received notice under the preceding paragraph, if said Person subject to Assessment is a Dispatched Worker (meaning the dispatched worker provided in Article 2, item (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers (Act No. 88 of 1985); the same shall apply in Article 16, paragraph (2)) who engages in work under the instruction of the Eligible Contractor, the Eligible Contractor shall give notice of the content of the notice received to the business operator who employs the Person subject to Assessment.

(4) When the Head of an Administrative Organ gives notice to the Person subject to Assessment pursuant to paragraph (1) with regard to the fact that the Person subject to Assessment has not been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the Person subject to Assessment performs the duty of handling a specially designated secret, the Head of the Administrative Organ shall also give notice to the Person subject to Assessment of the reasons for not finding that such risk does not exist, to the extent that this will not interfere with ensuring the smooth conduct of the Security Clearance Process; provided, however, that this shall not apply where the Person subject to Assessment has notified in advance that he/she does not wish to receive notice of the reasons.

(Filing Complaints to Head of Administrative Organ)

Article 14 (1) A Person subject to Assessment may file a complaint in writing to the Head of an Administrative Organ with regard to the results of the Security Clearance Process of which notice has been given pursuant to paragraph (1) of the preceding Article or other Security Clearance Process conducted for the Person subject to Assessment.

(2) When the Head of an Administrative Organ has received the complaint filed under the preceding paragraph, the Head of the Administrative Organ shall process the complaint sincerely and give notice of the results of the processing to the person who filed the complaint.

(3) No Person subject to Assessment shall be subjected to adverse treatment on the grounds that the Person subject to Assessment has filed a complaint under paragraph (1).

(Conduct of Security Clearance Process by Chief of Prefectural Police Headquarters)

Article 15 (1) The Chief of a Prefectural Police Headquarters shall conduct the Security Clearance Process of the following persons, as provided by Cabinet Order:

(i) a person who is expected to be newly assigned to perform the duty of handling a specially designated secret as an official of the relevant Prefectural Police (excluding the Chief of the Prefectural Police Headquarters; the same shall apply in the following item) (excluding a person who, in the Security Clearance Process which the Chief of the Prefectural Police Headquarters conducted most recently for said person and for which five years have not elapsed since the day on which he/she gave the notice under Article 13, paragraph (1) as applied mutatis mutandis pursuant to the following paragraph, has been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling a specially designated secret, and is found to continue to be free from the risk of unauthorized disclosure);

- (ii) a person who is currently engaged in performing the duty of handling a specially designated secret as an official of the relevant Prefectural Police, and who is expected to continue to be engaged in performing the duty of handling a specially designated secret as such an official on and after the day on which five years have elapsed from the day on which the notice under Article 13, paragraph (1) as applied mutatis mutandis pursuant to the following paragraph was given in relation to the Security Clearance Process which the Chief of the Prefectural Police Headquarters conducted most recently for said person; and
 - (iii) a person who, in the Security Clearance Process which said Chief of the Prefectural Police Headquarters conducted most recently for said person, has been found to have no risk of unauthorized disclosure of any specially designated secret in the case where the person performs the duty of handling specially designated secrets, and where there are circumstances that raise doubts as to whether it would be found that said person will continue to be free from the risk of unauthorized disclosure.
- (2) The preceding three Articles (excluding Article 12, paragraph (1) and Article 13, paragraphs (2) and (3)) shall apply mutatis mutandis to the Security Clearance Process conducted by the Chief of a Prefectural Police Headquarters pursuant to the preceding paragraph. In this case, the phrase "paragraph (1), item (iii)" in Article 12, paragraph (3), item (iii) shall be deemed to be replaced with "Article 15, paragraph (1), item (iii)."

(Restriction on Use and Provision of Personal Information Concerning Security Clearance Process)

Article 16(1) The Head of an Administrative Organ and the Chief of a Prefectural Police Headquarters shall not use by him/herself or provide others with, for purposes other than the protection of specially designated secrets, such information as to the fact that a Person subject to Assessment did not give consent as referred to in Article 12, paragraph (3) (including the cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article after deemed replacement), the results of the Security Clearance Process of a Person subject to Assessment, or any other Personal Information (meaning information about a living individual, which can identify the specific individual by name, date of birth and other description contained in such information (including information that can be compared with other information and thereby identify the specific individual); hereinafter the same shall apply in this paragraph) of a Person subject to Assessment acquired in the course of conducting the Security Clearance Process; provided, however, that this shall not apply if, as a result of conducting the Security Clearance Process, doubts have arisen that the specific individual to whom the Personal Information pertains falls under any of the following: the items of Article 38 of the National Public Service Act (Act No. 120 of 1947), the

clauses provided for by rules of the National Personnel Authority as provided in Article 75, paragraph (2) of said Act, the items of Article 78, the items of Article 79 or the items of Article 82, paragraph (1) of said Act; the items of Article 20 of the Public Prosecutor's Office Act (Act No. 61 of 1947); the category of persons provided in Article 7, paragraph (1) of the Diplomats Act (Act No. 41 of 1952); the items of Article 38, paragraph (1), the items of Article 42, the items of Article 43 or the items of Article 46, paragraph (1) of the Self-Defense Forces Act (Act No. 165 of 1954), the cases provided in Article 48, paragraph (1) of said Act, or the items of paragraph (2) or paragraph (3) of said Article; the items of Article 16, the items of Article 28, paragraph (1) or the items of paragraph (2) of said Article, or the items of Article 29, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950); or the grounds specified by Cabinet Order as equivalent to these.

- (2) An Eligible Contractor and a business operator who employs a Dispatched Worker who engages in work under the instruction of an Eligible Contractor shall not use by itself or provide others with, for purposes other than the protection of specially designated secrets, such information as to the content of the notice given pursuant to Article 13, paragraph (2) or paragraph (3).

(Delegation of Authority or Affairs)

Article 17 The Head of an Administrative Organ may delegate his/her authority or affairs provided in this Chapter to the officials of the Administrative Organ, as provided by Cabinet Order (in the case of an organ established under the jurisdiction of the Cabinet and in the case of the Board of Audit, as provided by the order of said organ or the Board of Audit).

Chapter VI Miscellaneous Provisions

(Implementation Standards for Designation of Specially Designated Secret)

Article 18 (1) The government shall formulate standards to ensure uniform implementation in connection with the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process.

- (2) When it is intended to formulate or revise the standards referred to in the preceding paragraph, the Prime Minister shall prepare a draft of the standards after hearing opinions from persons with distinguished insight with regard to the protection of information concerning Japan's National Security, disclosure of information held by Administrative Organs, etc., the management of public records, etc. and other matters, and shall seek a Cabinet decision thereon.

- (3) The Prime Minister shall annually report the status of the implementation of the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process based on the standards referred to in paragraph (1) to the persons provided in the preceding paragraph and hear their opinions.

(4) With regard to the status of the implementation of the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process, in order to ensure that these affairs are implemented properly, the Prime Minister, representing the Cabinet, shall exercise control and supervision over administrative branches, based on the standards referred to in paragraph (1). In this case, in order to ensure that the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process comply with said standards, the Prime Minister may, when he/she finds it necessary, request the Head of an Administrative Organ (excluding the Board of Audit) to submit materials including the information that is a specially designated secret and to explain, and may give instructions to the same to improve the implementation of the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process.

(Report to the Diet)

Article 19 The government shall annually report the status of implementation of the Designation of specially designated secrets and termination thereof as well as the conduct of the Security Clearance Process with the opinions referred to in paragraph (3) of the preceding Article, to the Diet and publicize the report.

(Cooperation of Related Administrative Organs)

Article 20 The Heads of the related Administrative Organs shall cooperate with each other in connection with the Designation of specially designated secrets, conduct of the Security Clearance Process and other measures to be taken pursuant to this Act, in order to prevent the unauthorized disclosure of information, among information concerning Japan's National Security, which is particularly required to be kept secret.

(Delegation to Cabinet Order)

Article 21 In addition to what is provided for in this Act, the procedures for the implementation of this Act and other matters necessary for the enforcement of this Act shall be provided by Cabinet Order.

(Interpretation and Application of This Act)

Article 22 (1) When applying this Act, expanding its interpretation to unfairly violate the fundamental human rights of citizens shall be prohibited, and due consideration shall be paid to freedom of news reporting or freedom of news coverage that contributes to guaranteeing the right of citizens to know.

(2) News coverage activities performed by persons engaged in publishing or news reporting shall be treated as activities in the pursuit of lawful business as long as they are conducted solely for the purpose of promoting the public interest and they

are not found to have been performed through violation of laws or regulations or by extremely unreasonable means.

Chapter VII Penal Provisions

Article 23 (1) If a person who is engaged in the duty of handling a specially designated secret discloses, without authorization, the specially designated secret which he/she has come to know in the course of performing the duty, such person shall be punished by imprisonment with work for not more than ten years, or in light of the circumstances, shall be punished by imprisonment with work for not more than ten years and a fine of not more than ten million yen. The same shall apply when such person is no longer engaged in the duty of handling a specially designated secret.

(2) With regard to the specially designated secret provided pursuant to Article 4, paragraph (5), Article 9, Article 10 or the second sentence of Article 18, paragraph (4), if a person has come to know said specially designated secret in the course of performing the duty for which the secret was provided, and then discloses it without authorization, such person shall be punished by imprisonment with work for not more than five years, or in light of the circumstances, shall be punished by imprisonment with work for not more than five years and a fine of not more than five million yen. The same shall apply when, with regard to a specially designated secret presented in the case provided in Article 10, paragraph (1), item (i), (b), a person to whom the specially designated secret has been presented discloses it without authorization.

(3) An attempt of the crimes prescribed under the preceding two paragraphs shall be punished.

(4) A person who commits the crime prescribed under paragraph (1) by negligence shall be punished by imprisonment without work for not more than two years or by a fine of not more than 500,000 yen.

(5) A person who commits the crime prescribed under paragraph (2) by negligence shall be punished by imprisonment without work for not more than one year or a fine of not more than 300,000 yen.

Article 24 (1) A person who acquires a specially designated secret by an act of deceiving, assaulting or intimidating a person, or by theft or destruction of property, trespassing on a facility, interception of wire telecommunications, an act of unauthorized computer access (meaning the act of unauthorized computer access provided in Article 2, paragraph (4) of the Act on Prohibition of Unauthorized Computer Access (Act No. 128 of 1999)) or any other act that violates the control of a person who holds a specially designated secret, for the purpose of using such secret to promote the interest of a Foreign Country or

acquire an illicit personal gain or to cause harm to Japan's safety or to the lives or bodies of its citizens, shall be punished by imprisonment with work for not more than ten years, or in light of the circumstances, shall be punished by imprisonment with work for not more than ten years and a fine of not more than ten million yen.

- (2) An attempt of the crime prescribed under the preceding paragraph shall be punished.
- (3) The provisions of the preceding two paragraphs shall not preclude the application of the Penal Code (Act No. 45 of 1907) or any other penal provisions.

Article 25 (1) A person who conspires with, induces or incites other person(s) to commit any of the acts provided in Article 23, paragraph (1) or paragraph (1) of the preceding Article shall be punished by imprisonment with work for not more than five years.

- (2) A person who conspires with, induces or incites other person(s) to commit the act provided in Article 23, paragraph (2) shall be punished by imprisonment with work for not more than three years.

Article 26 If a person who has committed the crime prescribed under Article 23, paragraph (3) or Article 24, paragraph (2), or a person who, among those who have committed the crime prescribed under the preceding Article, has conspired with other person(s) to commit the act provided in Article 23, paragraph (1) or paragraph (2) or Article 24, paragraph (1) surrenders him/herself, the punishment for the person shall be reduced or the person shall be exculpated.

Article 27 (1) The crime prescribed under Article 23 shall apply to a person who commits the crime prescribed under said Article outside Japan.

- (2) The crimes prescribed under Articles 24 and 25 shall be governed by Article 2 of the Penal Code.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that Article 18, paragraphs (1) and (2) (excluding the part concerning the revision), and Articles 9 and 10 of the Supplementary Provisions shall come into effect as of the date of promulgation.

(Transitional Measures)

Article 2 Until the day preceding the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation of this Act, with regard to the application of Article 5, paragraph (1), and paragraph (5) of said Article (including the cases where applied mutatis mutandis pursuant to Article 8, paragraph (2) after deemed replacement; hereinafter the same shall apply in this Article), the phrase "at the Administrative Organ... among those who are qualified to perform the duty of handling a specially designated secret pursuant to Article 11" in Article 5, paragraph (1) shall be deemed to be replaced with "at the Administrative Organ," and the phrase "pursuant to said paragraph from among those who are qualified to perform the duty of handling a specially designated secret pursuant to Article 11" in paragraph (5) of said Article shall be deemed to be replaced with "pursuant to said paragraph," and Article 11 shall not apply.

(Administrative Organ On or After Day Following Date of Lapse of Five-Year Period from Day of Coming into Effect)

Article 3 With regard to the application of Article 2 on or after the day following the day on which five years have elapsed from the day on which this Act comes into effect (hereinafter referred to as the "Day of Coming into Effect"), the phrase "the following organs" in said Article shall be deemed to be replaced with "the following organs (excluding those specified by Cabinet Order as organs which have never held any specially designated secrets designated pursuant to paragraph (1) of the following Article (including defense secrets consisting of the matters that shall be deemed to be the information which is designated by the Minister of Defense as specially designated secrets pursuant to Article 5 of the Supplementary Provisions; hereinafter simply referred to as "Specially Designated Secrets" in this Article) during the period from the day on which this Act comes into effect until five years have elapsed from that day (excluding those specified by Cabinet Order as organs which come to need to hold Specially Designated Secrets after that day of lapse of the five-year period, after the Prime Minister hears opinions from the persons provided in Article 18, paragraph (2) at the request of said organs)."

(Partial Revision of the Self-Defense Forces Act)

Article 4 The Self-Defense Forces Act shall be partially revised as follows.

In the table of contents, "Authority of Self-Defense Forces, etc. (Articles 87 to 96-2)" shall be revised as "Authority of Self-Defense Forces (Articles 87 to 96)," and "Article 126" shall be revised as "Article 125".

The title of Chapter VII shall be revised as follows:

Chapter VII Authority of Self-Defense Forces

Article 96-2 shall be deleted.

Article 122 shall be deleted.

Article 123 shall be moved to Article 122.

Article 124 shall be moved to Article 123, Article 125 shall be moved to Article 124, and Article 126 shall be moved to Article 125.

Appended Table 4 shall be deleted.

(Transitional Measures upon Partial Revision of the Self-Defense Forces Act)

Article 5 Except in the case provided in the second sentence of the following Article, the matters which are designated, on the day preceding the Day of Coming into Effect, by the Minister of Defense as defense secrets pursuant to Article 96-2, paragraph (1) of the Self-Defense Forces Act prior to the revision under the preceding Article (hereinafter referred to as the "Former Self-Defense Forces Act" in this Article and the following Article) shall be deemed to be the information which is designated, as of the Day of Coming into Effect, by the Minister of Defense as specially designated secrets pursuant to Article 3, paragraph (1), and the marking affixed pursuant to Article 96-2, paragraph (2), item (i) of the Former Self-Defense Forces Act or the notice given pursuant to item (ii) of said paragraph by the Minister of Defense with regard to the matters which have been designated as said defense secrets prior to the Day of Coming into Effect shall be deemed to be the marking affixed pursuant to Article 3, paragraph (2), item (i) or the notice given pursuant to item (ii) of said paragraph by the Minister of Defense with regard to the specially designated secrets as of the Day of Coming into Effect. In this case, the phrase "When making the Designation, the Head of an Administrative Organ shall...from the date of said Designation" in Article 4, paragraph (1) shall be deemed to be replaced with "Without delay on and after the day on which this Act comes into effect, the Head of an Administrative Organ shall...from said day."

Article 6 With regard to the application of penal provisions to acts committed prior to the Day of Coming into Effect, the provisions then in force shall remain applicable. The same shall apply to an act committed after the Day of Coming into Effect by a person who has been engaged in the duty of handling a defense secret provided in Article 122, paragraph (1) of the Former Self-Defense Forces Act and has come to no longer be engaged in the duty of handling the defense secret by the Day of Coming into Effect, where such act is committed with regard to the defense secret which the person has come to know in the course of performing the duty.

(Partial Revision of the Cabinet Act)

Article 7 The Cabinet Act (Act No. 5 of 1947) shall be partially revised as follows.

The phrase "and the Cabinet Public Relations Secretary" in Article 17, paragraph (2), item (i) shall be revised as ", the Cabinet Public Relations Secretary and the Director of Cabinet Intelligence".

In Article 20, paragraph (2), the phrase "the affairs set forth in Article 12, paragraph (2), items (ii) through (v) which pertain to the protection of specially designated secrets (meaning the specially designated secrets provided in Article 3, paragraph (1) of the Act on the Protection of Specially Designated Secrets (Act No. 108 of 2013)) (excluding those under the jurisdiction of the Cabinet Public Relations Secretary) and" shall be inserted after the term "administer".

(Delegation to Cabinet Order)

Article 8 In addition to what is provided for in Articles 2, 3, 5 and 6 of the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act shall be provided by Cabinet Order.

(Ensuring Proper Designation and Termination)

Article 9 The government shall consider the establishment of a new organ that is capable of verifying and overseeing, from an independent and impartial standpoint, whether or not the standards, etc. concerning the Designation of specially designated secrets and termination thereof by the Heads of Administrative Organs are truly conducive to National Security, and other necessary steps to ensure proper Designation of specially designated secrets and termination thereof, and shall take required measures based on the results of such consideration.

(Policy for Provision of Specially Designated Secrets to the Diet and Protection Thereof at the Diet)

Article 10 With regard to the provision of specially designated secrets to the Diet, the government shall implement this Act in accordance with the spirit of the Constitution of Japan, which provides that the Diet shall be the highest organ of state power and that each House has the power to establish its rules pertaining to meetings, proceedings and internal discipline, and of the Diet Act, etc. enacted thereunder, and how to protect the specially designated secrets provided to the Diet shall be considered at the Diet and necessary measures shall be taken by the Diet based on the results of such consideration.

Appended Table (Re.: Articles 3 and 5 to 9)

(i) Matters concerning defense

- (a) operation of the Self-Defense Forces or assessments, plans or studies relevant thereto
- (b) signal information, image information and other important information collected in relation to defense
- (c) collection and sorting of the information set forth in (b) or the capacity thereof

- (d) assessments, plans or studies relevant to the defense capability build-up
- (e) type or quantity of weapons, ammunition, aircraft and other goods provided for use in defense
- (f) structure of the communications network or means of communications provided for use in defense
- (g) cryptology provided for use in defense
- (h) specifications, performance or method of use of weapons, ammunition, aircraft and other goods provided for use in defense or of those in the research and development stage
- (i) methods of production, inspection, repair or test of weapons, ammunition, aircraft and other goods provided for use in defense or of those in the research and development stage
- (j) designs, performance or internal use of facilities provided for use in defense (excluding those set forth in (f))
- (ii) Matters concerning diplomacy
 - (a) policies or contents of negotiations or cooperation with the government of a Foreign Country or an international organization which are important to National Security, such as the protection of the lives and bodies of citizens or territorial integrity
 - (b) prohibition of import or export or other measures taken by Japan for National Security or the policy thereof (excluding those set forth in item (i), (a) or (d), item (iii), (a), or item (iv), (a))
 - (c) important information pertaining to the protection of the lives and bodies of citizens, territorial integrity or peace and security of the international community or information that requires protection based on treaties and other international agreements, which has been collected in relation to National Security (excluding those set forth in item (i), (b), item (iii), (b), or item (iv), (b))
 - (d) collection and sorting of the information set forth in (c) or the capacity thereof
 - (e) cryptology provided for use in communications between the Ministry of Foreign Affairs and overseas diplomatic establishments and other diplomatic purposes
- (iii) Matters concerning prevention of Specified Harmful Activities
 - (a) measures to prevent the occurrence or spread of damage that is caused by Specified Harmful Activities (hereinafter referred to as "Prevention of Specified Harmful Activities" in this item) or plans or studies relevant thereto
 - (b) important information pertaining to the protection of the lives and bodies of citizens or information from the government of a Foreign Country or an international organization, which has been collected in relation to Prevention of Specified Harmful Activities

- (c) collection and sorting of the information set forth in (b) or the capacity thereof
- (d) cryptology provided for use in the Prevention of Specified Harmful Activities
- (iv) Matters concerning the prevention of Terrorist Activities
 - (a) measures to prevent the occurrence or spread of damage that is caused by Terrorist Activities (hereinafter referred to as "Prevention of Terrorist Activities" in this item) or plans or studies relevant thereto
 - (b) important information pertaining to the protection of the lives and bodies of citizens or information from the government of a Foreign Country or an international organization, which has been collected in relation to the Prevention of Terrorist Activities
 - (c) collection and sorting of the information set forth in (b) or the capacity thereof
 - (d) cryptology provided for use in the Prevention of Terrorist Activities