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This English translation of the National Public Service Ethics Act has been prepared (up to the revisions of Act No. 102 of 2005 (Effective October 1, 2007)) in compliance with the Standard Bilingual Dictionary (March 2007 edition). This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and the translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations. The Government of Japan will not be responsible for the accuracy, reliability or currency of the legislative material provided on this Website, or for any consequence resulting from use of the information on this Website. For all purposes of interpreting and applying the law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

National Public Service Ethics Act (Act No. 129 of 1999)

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Chapter I General Provisions

Article 1 (Purpose)

The purpose of this Act is to prevent acts of national public officers that may bring about suspicion and distrust from the citizens in regards to the fairness of execution of duty to ensure public trust in public services by taking necessary measures that contribute to the maintenance of ethics pertaining to the duties of national public officers in light of the fact that national public officers are public servants of all citizens and their duty is public service that is entrusted by the citizens.

Article 2 (Definition, etc.)

- (1) The term "officials" as used in this Act (excluding paragraph 2 of Article 21 and paragraph 1 of Article 42) means national public officers belonging to the regular service as provided for in paragraph 2 of Article 2 of the National Public Service Act (Act No. 120 of 1947) (excluding national public officers who assume positions of committee members, advisors or counselors, or the positions designated by the

National Personnel Authority as equivalent to those and do not require full-time service (excluding those who occupy part-time government positions as provided for in paragraph 1 of Article 81-5 of the same Act)).

(2) The term "officials at the rank of assistant director or higher at the headquarters" as used in this Act means the officials listed below:

(i) Officials to whom the Act on Remuneration of Officials in the Regular Service (Act No. 95 of 1950, hereinafter referred to as "Regular Service Remuneration Act") is applied and who are listed below (regarding those who are listed in items (g) or (h), limited to those who receive the payment of Managerial Allowance pursuant to the provision of paragraph 1 of Article 10-2 of the Regular Service Remuneration Act.)

(a) Officials who are at the fifth grade or higher in the service of the Administrative Service (I) Salary Schedule in Appended Table No. 1 (a) of the Regular Service Remuneration Act

(b) Officials who are at the fourth grade or higher in the service of the Professional Administrative Service Salary Schedule in Appended Table No. 2 of the Regular Service Remuneration Act

(c) Officials who are at the fifth grade or higher in the service of the Taxation Service Salary Schedule in Appended Table No. 3 of the Regular Service Remuneration Act

(d) Officials who are at the sixth grade or higher in the service of the Public Security Service (I) Salary Schedule in Appended Table No. 4 (a) of the Regular Service Remuneration Act

(e) Officials who are at the fifth grade or higher in the service of the Public Security Service (II) Salary Schedule in Appended Table No. 4 (b) of the Regular Service Remuneration Act

(f) Officials who are at the fifth grade or higher in the service of the Maritime Service (I) Salary Schedule in Appended Table No. 5 (a) of the Regular Service Remuneration Act

(g) Officials who are at the third grade or higher in the service of the Educational Service (I) Salary Schedule in Appended Table No. 6 (a) of the Regular Service Remuneration Act

(h) Officials who are at the third grade or higher in the service of the Educational Service (II) Salary Schedule in the Appended Table No. 6 (b) of the Regular Service Remuneration Act

(i) Officials who are at the fourth grade or higher in the service of the Research Service Salary Schedule in Appended Table No. 7 of the Regular Service Remuneration Act

(j) Officials who are at the third grade or higher in the service of the Medical Service (I) Salary Schedule in Appended Table No. 8 (a) of the Regular

Service Remuneration Act

- (k) Officials who are at the sixth grade or higher in the service of the Medical Service (II) Salary Schedule in Appended Table No. 8 (b) of the Regular Service Remuneration Act
- (l) Officials who are at the sixth grade or higher in the service of the Medical Service (III) Salary Schedule in Appended Table No. 8 (c) of the Regular Service Remuneration Act
- (m) Officials who are at the fifth grade or higher in the service of the Welfare Service Salary Schedule in Appended Table No. 9 of the Regular Service Remuneration Act
- (n) Officials to whom the Designated Service Salary Schedule in Appended Table No. 10 of the Regular Service Remuneration Act is applied
- (i-ii) Officials to whom the salary schedule provided for in paragraph 1 of Article 7 of the Act on Special Measures of Employment and Remuneration of Officials with Fixed Term of Office in the Regular Service (Act No. 125 of 2000, hereinafter referred to as the "Act on Officials with Fixed Term of Office" in this Article) is applied
- (ii) Officials to whom the salary schedule provided for in paragraph 1 of Article 6 of the Act on Special Measures of Employment, Remuneration and Working Hours of Researchers with Fixed Term of Office in the Regular Service (Act No. 65 of 1997, hereinafter referred to as the "Act on Researchers with Fixed Term of Office") is applied
- (iii) Officials to whom the Act on Special Measures Concerning Remuneration, etc. of Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects (Act No. 141 of 1954) is applied and who are determined by the Minister of Agriculture, Forestry and Fisheries as performing the service and responsibility that shall be deemed equivalent to those of the officials listed in item 1
- (iv) Officials to whom the Act on Remuneration, etc. of Public Prosecutors (Act No. 76 of 1948, hereinafter referred to as the "Public Prosecutor Remuneration Act") is applied and who are listed below:
 - (a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor
 - (b) Public prosecutors who receive salary of the monthly salary in item 16 of the public prosecutor row in Appended Table in the Public Prosecutor Remuneration Act or more
 - (c) Assistant public prosecutors who receive salary of a monthly salary in item 11 of the assistant public prosecutor row in Appended Table in the Public Prosecutor Remuneration Act or more
- (v) Officials of a specified incorporated administrative agency provided for in

paragraph 2 of Article 2 of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999) (hereinafter referred to as "specified incorporated administrative agency") who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that shall be deemed equivalent to those of the officials listed in item 1

(3) The term "officials of designated service or higher" as used in this Act means the officials listed below:

(i) Officials to whom the Designated Service Salary Schedule in Appended Table No. 10 of the Regular Service Remuneration Act is applied

(i-ii) Officials to whom the salary schedule provided for in paragraph 1 of Article 7 of the Act on Officials with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in the same salary schedule or more

(ii) Officials to whom the salary schedule provided for in paragraph 1 of Article 6 of the Act on Researchers with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in the same salary schedule or more

(iii) Officials to whom the Public Prosecutor Remuneration Act is applied and who are listed below:

(a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor

(b) Public prosecutors who receive salary of the monthly salary in item 5 of the public prosecutor row in Appended Table of the Public Prosecutor Remuneration Act or more

(iv) Officials of a specified incorporated administrative agency who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that shall be deemed equivalent to those of the officials listed in item 1

(4) The term "officials at the rank of deputy director general or higher at the headquarters" as used in this Act means the officials listed below:

(i) Officials to whom the Designated Service Salary Schedule in Appended Table No. 10 of the Regular Service Remuneration Act is applied

(i-ii) Officials to whom the salary schedule provided for in paragraph 1 of Article 7 of the Act on Officials with Fixed Term of Office is applied and who receive salary of the monthly salary of the sixth pay step in the same salary schedule or more

(ii) Officials to whom the Public Prosecutor Remuneration Act is applied and who are listed below:

(a) Prosecutor General, Deputy Prosecutor General, and Superintending Prosecutor

(b) Public Prosecutors who receive salary of the monthly salary in item 5 of the

public prosecutor row in Appended Table of the Public Prosecutor Remuneration Act or more

- (iii) Officials of a specified incorporated administrative agency who are determined by the head of the specified incorporated administrative agency as performing service and responsibility that shall be deemed equivalent to those of the officials listed in item 1
- (5) The term "business operators, etc." as used in this Act means juridical persons (including associations or foundations that are not juridical persons and have rules of a representative person or an administrator) and other organizations, and individuals doing business (limited to individuals in case they perform acts for the profit of the business).
- (6) In the application of the provisions in this Act, officers, employees, representatives, and other persons in case they perform the acts for the profits of the business operators, etc. shall be deemed to be the business operators, etc., set forth in the preceding paragraph.
- (7) When the head of the specified incorporated administrative agency determines officials at the rank of assistant director or higher at the headquarters, officials of designated service or higher, or officials at the rank of deputy director general or higher at the headquarters in the specified incorporated administrative agency pursuant to the provisions of item 5 of paragraph 2, item 4 of paragraph 3 or item 3 of paragraph 4, the head shall publicize the scope.

Article 3 (Ethical Principles Pertaining to the Duties Which Officials Shall Observe)

- (1) Officials shall be conscious that they are public servants of all citizens and not just some citizens, shall not give unjust and discriminatory treatment to citizens such as handling information that is available in the course of duties for the mere benefit of only some citizens, and shall always execute the duties fairly.
- (2) Officials shall always make a proper distinction between the public and private, and shall not utilize their duties or positions for private interests of their own or of an organization to which they belong.
- (3) In exercising the authority granted by laws, officials shall not conduct any acts that may bring about suspicion or distrust from the citizens such as receiving any gifts, etc. from any person upon whom the officials exercise their authority.

Article 4 (Reports to the Diet)

The Cabinet shall annually submit to the Diet a report on the state of the maintenance of ethics pertaining to the duties of officials and the measures taken concerning the maintenance of ethics pertaining to the duties of officials.

Chapter II National Public Service Ethics Code

Article 5

- (1) The Cabinet shall provide for a Cabinet Order concerning necessary matters for the maintenance of ethics pertaining to the duties of officials, taking into account the ethical principles listed in Article 3 (hereinafter referred to as the "National Public Service Ethics Code"). In this case, the National Public Service Ethics Code shall include the matters which the officials should observe concerning the prevention of acts that may bring about suspicion and distrust from the citizens such as contacting with those who have interests with the duties of the officials such as the prohibitions and restrictions of receiving gifts, etc. from those who have interests in the duties of the officials.
- (2) The Cabinet shall hear the opinion of the National Public Service Ethics Board in the establishment, revision or abolition of the National Public Service Ethics Code.
- (3) The heads of each ministry and agency (this refers to the Prime Minister, Ministers of each Ministry, the President of the Board of Audit, the President of the National Personnel Authority, Director General of the Cabinet Legislation Bureau, Director General of the National Police Agency, the Grand Steward of the Imperial Household Agency and the heads of each external bureau; the same shall apply hereinafter) may provide for official directives concerning ethics pertaining to the duties of officials who belong to the relevant ministry or agency with the consent of the National Public Service Ethics Board.
- (4) The head of a specified incorporated administrative agency may provide for a code concerning ethics pertaining to the duties of officials who belong to the specified incorporated administrative agency with the consent of the National Public Service Ethics Board.
- (5) When the head of the specified incorporated administrative agency has provided for the code set forth in the preceding paragraph, the head shall notify the competent minister (the competent minister provided for in Article 68 of the Act on General Rules for Incorporated Administrative Agency) . The same shall apply when the head changes it.
- (6) When the National Public Service Ethics Code, the official directives pursuant to item 3 or the code pursuant to item 4 have been established, revised, or abolished, the Cabinet shall report such matters to the Diet.

Chapter III Reports and Disclosure of Gifts, etc.

Article 6 (Reports of Gifts, etc.)

- (1) When officials at the rank of assistant director or higher at the headquarters receive a give of money, article, or other property benefits, or an entertainment or a treat (hereinafter referred to as "gifts, etc.") from business operators, etc., or when

they receive the payment of a reward provided for in the National Public Service Ethics Code as the reward for a personal service offered, based on a relationship between the business operators, etc. and the duties of officials (limited to cases where they were officials at the rank of assistant director or higher at the headquarters when they received the gifts, etc. or the payment of the reward, and limited to cases where a profit received through the gifts, etc. or a value of the reward received in payment exceeds 5,000 yen per case) , the officials shall submit a report of gifts, etc., describing the following items to the heads of each ministry and agency, etc. (this refers to the heads of each ministry and agency and the heads of the specified incorporated administrative agencies; the same shall apply hereinafter) or to a person who is delegated by them within 14 days from the first day of the quarter following the current quarter, with quarters being divided as January through March, April through June, July through September and October through December (hereinafter referred to as "quarter") .

- (i) The profit received through the gifts, etc. or the value of the reward received in payment.
 - (ii) The date of receipt of profit by the gifts, etc. or payment of the reward and the fact of basic cause.
 - (iii) Name and address of the business operators, etc. who gave the gifts, etc. or paid the reward
 - (iv) The matters provided for in the National Public Service Ethics Code in addition to what is listed in the preceding three items.
- (2) When the heads of each ministry and agency or a person who is delegated by them receive the submission of a report of gifts, etc. pursuant to the preceding paragraph, they shall send a copy of the report of gifts, etc. (limited to reports of the officials of designated service or higher and excluding the portions pertaining to the matters provided for in the proviso of paragraph 2 of Article 9) to the National Public Service Ethics Board.

Article 7 (Report of Share Dealings, etc.)

- (1) Officials at the rank of deputy director general or higher at the headquarters shall annually submit a report of share dealings, etc., regarding the acquisition or transfer of share certificates, etc. (this refers to share certificates, certificates of share options or certificates of bond with share options, and in case the share certificates, certificates of share options or certificates of bond with share options are not issued, the rights to be indicated for them are referred to if they had been issued; hereinafter the same shall apply in this paragraph) dealt in the previous year (limited to the share dealings they had while they were officials at the rank of deputy director general or higher at the headquarters, hereinafter referred to as "share dealings, etc."), describing the kinds, names, numbers, and amounts of

consideration pertaining to the share dealings, etc. and the dates of the share dealings, etc. to the heads of each ministry and agency, etc. or to a person who is delegated by them during the period from March 1 to March 31.

- (2) When the heads of each ministry and agency or a person who is delegated by them receive the submission of a report of share dealings, etc. pursuant to the preceding paragraph, they shall send a copy of the report of share dealing, etc. to the National Public Service Ethics Board.

Article 8 (Report of Income, etc.)

- (1) Officials at the rank of deputy director general or higher at the headquarters (limited to those who had been the officials at the rank of deputy director general or higher at the headquarters throughout the previous year) shall annually submit a report of income, etc., describing the amounts and taxation amounts listed below to the heads of each ministry and agency or a person who is delegated by them during the period from March 1 to March 31:

- (i) Amounts listed below pertaining to the incomes in the previous year in case an income tax for the same year is imposed on them (the amount and the fact of the basic cause if the amount exceeds 1,000,000 yen)

- (a) The amount of various types of income (this refers to the amount of various types of income provided for in item 22 of paragraph 1 of Article 2 of the Income Tax Act (Act No. 33 of 1965); the same shall apply hereinafter) pertaining to the aggregate income amount (this refers to the aggregate income amount provided for in paragraph 2 of Article 22 of the same Act) and the amount of timber income (this refers to the amount of the timber income provided for in paragraph 3 of the same Article) .

- (b) The amount of income calculated by dividing other income, notwithstanding the provision of Article 22 of the Income Tax Act, pursuant to the provision of the Act on Special Measures Concerning Taxation (Act No. 26 of 1957) out of the amount of various income (excluding the amount of retirement income (this refers to the amount of retirement income provided for in paragraph 2 of Article 30 of the Income Tax Act) and the amount of timber income (this refers to the amount of the timber income provided for in paragraph 3 of Article 32 of the same Act)).

- (ii) The assessed value of gift tax (this refers to the assessed value of the gift tax provided for in Article 21-2 of the Inheritance Tax Act (Act No. 73 of 1950)) pertaining to the property in case the gift tax for the previous year is imposed on a property acquired by a gift in the same year.

- (2) Officials can submit a report of income, etc. set forth in the preceding paragraph by submitting a copy of the tax return form (this refers to the tax return form provided for in item 6 of Article 2 of the Act on General Rules for National Tax (Act

No. 66 of 1962); the same shall apply hereinafter). In this case, if an amount listed in (a) or (b) of item 1 in the same paragraph exceeds 1,000,000 yen, the fact of the basic cause shall be denoted in the copy of the tax return form.

(3) When the heads of each ministry and agency or a person who is delegated by them receive the submission of a report of income, etc. set forth in paragraph 1 or a copy of the tax return form set forth in the preceding paragraph (hereinafter referred to as the "report of income, etc."), they shall send a copy of the report of income, etc. to the National Public Service Ethics Board.

Article 9 (Preservation and Inspection of Report)

(1) The heads of each ministry and agency, etc. or a person who is delegated by them receiving a report of gifts, etc., a report of share dealings, etc., or a report of income, etc. submitted pursuant to the provisions in the preceding three Articles shall preserve them for 5 years from the day following the last day of the period in which they shall be submitted.

(2) Any person may request the heads of each ministry and agency, etc. or a person who is delegated by them to allow inspection of reports of gifts, etc. preserved pursuant to the provision of the preceding paragraph (limited to portions where the profit received as gifts, etc. or the amount of a reward paid exceeds 20,000 yen per case); provided, however, that this shall not apply to the portion pertaining to a matter approved in advance by the National Public Service Ethics Board as that falls under any of the following items:

(i) A matter that may pose a risk of imperiling the security of the State, damaging trust between the State and other countries or international organizations or suffering disadvantages in negotiations with other countries or international organizations, if made known to the public.

(ii) A matter that may pose a risk of hindering the prevention, crackdowns or investigations of crimes, the maintenance of prosecutions, execution of punishments, or maintenance of other public safety and order, if made known to the public.

Chapter IV National Public Service Ethics Board

Article 10 (Establishment)

The National Public Service Ethics Board (hereinafter referred to as the "Board") shall be established in the National Personnel Authority.

Article 11 (Affairs under the Jurisdiction and Authority)

The affairs under the jurisdiction and authority of the Board shall be as prescribed below in addition to what is provided for in paragraphs 3 and 4 of Article 5, the

proviso of paragraph 2 of Article 9, paragraph 2 of Article 39 and paragraph 3 of Article 42:

- (i) Offering opinions to the Cabinet concerning the establishment, revision or abolition of the National Public Service Ethics Code with a draft.
- (ii) Establishing and changing standards for disciplinary action in case an official violates this Act or orders pursuant to this Act (including official directives pursuant to the provision of paragraph 3 of Article 5 and the regulations pursuant to paragraph 4 of the same Article; the same shall apply hereinafter) .
- (iii) Conducting research and study on and planning matters concerning the maintenance of ethics pertaining to the duties of officials.
- (iv) Planning comprehensively and adjusting matters concerning training for the maintenance of ethics pertaining to the duties of officials.
- (v) Providing guidance and advice to the heads of each ministry and agency, etc. concerning arrangement of system for observance of the National Public Service Ethics Code.
- (vi) Examining reports of gifts, etc., reports of share dealings, etc., and reports of income, etc.
- (vii) Requesting the appointers (this refers to appointers provided for in paragraph 1 of Article 55 of the National Public Service Act and appointers separately provided for by other laws, and a person who is delegated by them; the same shall apply hereinafter) to investigate acts that violate this Act or orders pursuant to this Act, requesting them to report the process of the investigation and stating its opinions thereon, approving the disciplinary actions to be taken by them, and stating its opinions on the publication of outlines of the disciplinary actions.
- (viii) Conducting investigations, based on the authority delegated pursuant to the provision of Article 17-2 of the National Public Service Act.
- (ix) Requesting the appointers to take necessary measures for supervision to maintain ethics pertaining to the duties of officials.
- (x) Initiating disciplinary proceedings against officials by the authority delegated pursuant to the provision of Article 84-2 of the National Public Service Act, and publicizing an outline of the disciplinary action.
- (xi) The affairs under jurisdiction and authority authorized to the Board, pursuant to laws or orders pursuant to laws in addition to what is listed in the preceding items.

Article 12 (Exercise of Authority)

The Chairperson and Board members shall independently exercise their authority.

Article 13 (Organization)

- (1) The Board shall be composed of the Chairperson and four Board members.

- (2) The Chairperson and Board members may be of part-time service.
- (3) The Chairperson shall preside over affairs of the Board and shall represent the Board.
- (4) If the Chairperson is unable to attend his/her duties, a Board member designated in advance by the Chairperson shall represent the service thereof.

Article 14 (Appointment of Chairperson and Board Members)

- (1) Chairperson and Board members other than the Board member provided for in the following paragraph shall be appointed by the Cabinet, with the consent of both Houses of the Diet, from among persons who are of the highest moral character and integrity, can make a fair judgment on the maintenance of ethics pertaining to the duties of officials, have relevant knowledge and experience concerning law or the society, and whose period of previous record as an official (excluding public prosecutors), if any, is not exceeding 20 years.
- (2) One of the Board members shall be appointed from among the Commissioners of National Personnel Authority by the Cabinet.
- (3) The Cabinet may appoint a Chairperson or Board members other than the Board member provided for in the preceding paragraph from among persons who have the qualifications provided for in the paragraph 1 notwithstanding the provision of the same paragraph, if the consent by both Houses of the Diet cannot be obtained due to the closing of the Diet or the dissolution of the House of Representatives, in case the term(s) of office of the Chairperson or the Board members other than the Board member prescribed in the preceding paragraph expire(s) or a position(s) is (are) vacant.
- (4) In the case referred to in the preceding paragraph, ex post facto consent by both Houses of the Diet shall be obtained in the first Diet after the appointment. In this case, if the ex post facto consent cannot be obtained by both Houses of the Diet, the Cabinet shall immediately dismiss the Chairperson or the Board members other than the Board member provided for in paragraph 2.

Article 15 (Term of Office of Chairperson and Board Members)

- (1) The term of office of a Chairperson and each Board member shall be 4 years.
- (2) The term of office of a Board member provided for in paragraph 2 of the preceding Article in case the remaining term as a Commissioner is less than 4 years shall be the remaining term notwithstanding the provision of the preceding paragraph.
- (3) The term of office of a complementary Chairperson and Board members shall be the remaining terms of the predecessors.
- (4) The Chairperson and Board members may be reappointed.
- (5) When the terms of office of the Chairperson and Board members expire, they shall continuously execute their duties until their successors are appointed.

Article 16 (Guarantee of Status)

The Chairperson and Board members (excluding the Board member provided for in paragraph 2 of Article 14; hereinafter the same shall apply in this Article, the following Article, paragraphs 2 and 3 of Article 18, and Article 19) shall not be dismissed against their will while they are in office, except in case they fall under any of the following items:

- (i) if one is given the decision of commencement of bankruptcy proceedings.
- (ii) if one is punished by imprisonment without work or severer punishment.
- (iii) if one is found incapable to perform duties due to a mental or physical disorder or is found to be guilty of breaching his/her obligation in the course of duties and other malfeasance that renders himself/herself unfitting to be the Chairperson or Board members by the Board.

Article 17 (Dismissal)

The Cabinet shall dismiss the Chairperson or any Board member if the Chairperson or the Board member falls under any of the items of the preceding Article.

Article 18 (Service Discipline)

- (1) The Chairperson or Board member shall not divulge any secret which may have come to his/her knowledge in the course of his/her duties. This shall also be applied after he/she has left his/her position.
- (2) The Chairperson or Board member shall neither be an officer of any political party or other political organization nor positively conduct any political activities while he/she is in office.
- (3) The full-time Chairperson or a full-time Board member, while they are in office, shall not operate any profit-making enterprise or conduct any business for the purpose of profit, and he/she shall not be engaged in a business by receiving reward except when they are permitted by the Cabinet.

Article 19 (Remuneration)

The remuneration of the Chairperson and Board members shall be prescribed separately by law.

Article 20 (Meetings)

- (1) The Chairperson calls the Board.
- (2) The Board may neither hold a meeting nor make a resolution unless the Chairperson and two Board members or more attend the meeting.
- (3) Decisions of the Board shall be made by a majority of the attendants, and in the case of a tie, the Chairperson shall make a decision.

(4) In the application of the provision of paragraph 2 in case the Chairperson is unable to attend his/her duties, the Board member provided for in paragraph 4 of Article 13 shall be deemed to be the Chairperson.

Article 21 (Secretariat)

- (1) The Board shall have a Secretariat under its jurisdiction to carry on the administrative affairs of the Board.
- (2) The Secretariat shall have a Secretary General and necessary officials.
- (3) The Secretary General shall take control of the affairs of the Secretariat in accordance with orders of the Chairperson.
- (4) An official who is engaged in the duties of the Board shall not divulge any secret which may have come to his/her knowledge in the course of his/her duties. This shall also be applied after he/she has left his/her position.

Article 22 (Report of Appointer of Clues of Investigation)

If an appointer considers it suspicious for an official to have committed an act that violates this Act or orders pursuant to this Act, the appointer shall report thereon to the Board.

Article 23 (Investigation by Appointer)

- (1) If an appointer considers it suspicious for an official to have committed an act that violates this Act or orders pursuant to this Act, and intends to investigate the act, the appointer shall notify thereon to the Board.
- (2) The Board may request the appointer to report the process of the investigation set forth in the preceding paragraph and state its opinions.
- (3) If the appointer concludes the investigation of paragraph 1, the appointer shall report the results of the investigation to the Board without delay.

Article 24 (Request for Investigation by Appointer, etc.)

- (1) If the Board considers it suspicious for an official to have committed an act that violates this Act or orders pursuant to this Act, the Board may request the appointer to investigate the act.
- (2) The provisions of paragraphs 2 and 3 of the preceding Article shall apply *mutatis mutandis* to the investigation set forth in the preceding paragraph.

Article 25 (Joint Investigation)

The Board may investigate an act that violates this Act or orders pursuant to this Act jointly with the appointer, if the Board finds it necessary to do so in case it receives a report pursuant to the provision of paragraph 2 of Article 23 (including the case where it is applied *mutatis mutandis* pursuant to paragraph 2 of the preceding

Article). In this case, the Board shall notify the appointer that it will jointly investigate the act.

Article 26 (Disciplinary Action by Appointer)

If the appointer intends to take a disciplinary action against an official for reason that the official has committed an act that violates this Act or orders pursuant to this Act, the appointer shall obtain the approval of the Board in advance.

Article 27 (Publication of Outline of Disciplinary Action by Appointer)

- (1) When the appointer has taken a disciplinary action against an official for reason the official has committed an act that violates this Act or orders pursuant to this Act and the appointer finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the appointer may publicize an outline of the disciplinary action (including the publication of a portion about share dealings, etc. pertaining to the disciplinary action in the report of the share dealings, etc. set forth in paragraph 1 of Article 7; the same shall apply hereinafter) .
- (2) If the appointer has taken a disciplinary action set forth in the preceding paragraph and the Board considers it particularly necessary to do so, the Board may state its opinions on the publication of an outline of the disciplinary action to the appointer.

Article 28 (Investigation by Board)

- (1) When the Board considers it suspicious for an official to have committed an act that violates this Act or orders pursuant to this Act by a report pursuant to Article 22 or other methods and the Board finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the Board may decide to start investigating the act. In this case, the Board shall hear an opinion of the appointer of the official who is an object of the investigation in advance.
- (2) If the Board makes a decision set forth in the preceding paragraph, it shall notify the appointer of said paragraph thereon.
- (3) If the appointer receives the notice set forth in the preceding paragraph, the appointer shall cooperate in an investigation that will be conducted by the Board.
- (4) If the appointer receives the notice in paragraph 2 and the appointer intends to take a disciplinary action or disposition pertaining to retirement against the official who is an object of the investigation set forth in paragraph 1, the appointer shall consult with the Board about the matter in advance; provided, however, that this shall not apply to the case where the appointer receives the recommendation of a disciplinary action pursuant to the provision of paragraph 1 of the following Article or receives a notice pursuant to the provision of Article 31.

Article 29 (Recommendation of Disciplinary Action)

- (1) If the Board considers it appropriate for the appointer to take a disciplinary action as a result of the investigation set forth in the preceding Article, the Board may recommend that the appointer should take a disciplinary action.
- (2) The appointer shall report a measure pertaining to the recommendation set forth in the preceding paragraph to the Board.

Article 30 (Disciplinary Action by Board)

If the Board, through the investigation set forth in Article 28, finds it necessary to take a disciplinary action against the official who is an object of the investigation, the Board may initiate disciplinary proceedings against the official.

Article 31 (Notice of Conclusion of Investigation and Disciplinary Action)

If the Board concludes the investigation set forth in Article 28 or has taken a disciplinary action pursuant to the provision of the preceding Article, the Board shall notify the appointer thereof and the content of the disciplinary action.

Article 32 (Publication of Outline of Disciplinary Action by Board)

When the Board has taken a disciplinary action pursuant to the provision of Article 30 and finds it particularly necessary in order to maintain ethics pertaining to the duties of officials, the Board may publicize an outline of the disciplinary action.

Article 33 (Special Provision for Relation with Criminal Court)

In the application of the provision of Article 85 of the National Public Service Act concerning disciplinary proceedings pertaining to an act that violates this Act or orders pursuant to this Act, the term "the National Personnel Authority" in the same Article shall be deemed to be replaced with the "the National Public Service Ethics Board."

Article 34 (Special Provision for Obligation to Preserve Secrecy)

In the application of the provision of paragraph 4 of Article 100 of the National Public Service Act concerning the investigation conducted by the Board, the term "the National Personnel Authority" and the term "investigation or hearing" in the same paragraph shall be deemed to be replaced with "the National Public Service Ethics Board" and "investigation," respectively.

Article 35 (Request for Cooperation to Relevant Administrative Organs)

The Board may request the heads of relevant administrative organs to provide the Board with material or information or other necessary cooperation if the Board finds it necessary in order to carry out the affairs under the jurisdiction.

Article 36 (Request for Enactment of Rules of the National Personnel Authority)

The Board may request the National Personnel Authority to enact rules of the National Personnel Authority with a draft concerning the affairs under the jurisdiction.

Article 37 (Hearing of Report etc. by the National Personnel Authority)

If the National Personnel Authority finds it necessary to maintain fairness in personnel administration, it may request the Board to give reports or may state its opinion to the Board.

Article 38 (Delegation to Rules of the National Personnel Authority)

In addition to what is provided for in this chapter, necessary matters concerning the Board shall be prescribed by rules of the National Personnel Authority.

Chapter V Ethics Supervisory Officer

Article 39

- (1) In order to maintain ethics pertaining to the duties of officials, each organization established inside the Cabinet pursuant to the provisions of laws, each organization established as an organization that takes charge of administrative affairs under the supervision of the Cabinet, each organization established under the jurisdiction of the Cabinet, the Board of Audit, and each specified incorporated administrative agency (hereinafter referred to as "administrative organs, etc.") shall have an ethics supervisory officer.
- (2) The ethics supervisory officer shall provide necessary guidance and advice to officials who belong to the administrative organs, etc. to maintain ethics pertaining to their duties, and shall arrange a system for the maintenance of ethics pertaining to the duties of officials of the administrative organs, etc. in accordance with the instructions of the Board.

Chapter VI Miscellaneous Provisions

Article 40

Deleted

Article 41 (Special Measures Concerning Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects and Officials of Specified Incorporated Administrative Agencies)

- (1) The provisions of Chapter IV shall not apply to officials to whom the Act on

Special Measures Concerning Remuneration, etc. of Officials Who Work for a Corporation Operated by the State Performing National Forestry Projects is applied, and to officials of specified incorporated administrative agencies (excluding the officials holding managerial or supervisory positions provided for by rules of the National Personnel Authority).

- (2) In the application of the provision of item 1 of paragraph 1 of Article 37 of the Act on Labor Relationship of Specified Incorporated Administrative Agency, etc. (Act No. 257 of 1948) to the officials set forth in item 4 of Article 2 of the same Act to whom the provisions of Chapter IV of this Act are applied, the term "from paragraph 2 of Article 3 to paragraph 4 of Article 3-2," the term "Article 17, Article 17-2," the term "paragraph 2 of Article 84, Article 84-2" and the term "paragraph 4 of Article 100" in item 1 of paragraph 1 of Article 37 of the same Act shall be deemed to be replaced with "from paragraph 2 to paragraph 4 of Article 3 (excluding matters concerning the maintenance of ethics pertaining to the duties of officials)," "Article 17 (excluding matters concerning the maintenance of ethics pertaining to the duties of officials)," "paragraph 2 of Article 84 (excluding what is conducted concerning acts that violate the National Public Service Ethics Act (Act No. 129 of 1999) or orders pursuant to this Act (including official directives pursuant to the provision of paragraph 3 of Article 5 of the same Act and regulations pursuant to the provision of paragraph 4 of the same Article))," and "paragraph 4 of Article 100 (excluding what is pertaining to investigations conducted by the National Public Service Ethics Board, to which the authority is delegated pursuant to the provision of Article 17-2) ," respectively.

Article 42 (Measures, etc. Taken by Special Corporations, etc.)

- (1) Among juridical persons which are directly established by laws and juridical persons which are established by a special establishing act pursuant to special laws (excluding those to which the provision of item 15 of Article 4 of the Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999) is not applied), incorporated administrative agencies which are provided for in paragraph 1 of Article 2 of the Act on General Rules for Incorporated Administrative Agency and are not specified incorporated administrative agencies, and other juridical persons which are provided for by a Cabinet Order as equivalent to these, juridical persons in which directors, employees, and other persons being engaged in the business of the juridical persons shall be deemed to be engaged in public services by laws and regulations in an Act that gives ground for establishment of the juridical persons or an Act that grants a juridical personality and which are funded by the government (hereinafter referred to as "special corporations, etc.") shall take measures necessary to maintain ethics pertaining to the duties of employees of the special corporations, etc., equivalent to the measures

taken by the State and the specified incorporated administrative agencies pursuant to this Act.

- (2) Heads of each ministry and agency may supervise special corporations, etc. under the jurisdiction over the measures taken by the special corporations, etc. pursuant to the provision of the preceding paragraph.
- (3) The Board may request heads of each ministry and agency to give reports or to take necessary measures for supervision concerning the measures taken by the special corporations, etc. pursuant to the provision of paragraph 1.

Article 43 (Measures Taken by Local Government, etc.)

Local government and specified local incorporated administrative agencies provided for in paragraph 2 of Article 2 of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003) shall endeavor to take necessary measures to maintain ethics pertaining to the duties of local public officers, equivalent to the measures taken by the State and the specified incorporated administrative agencies pursuant to this Act.

Article 44 (Jurisdiction of This Act)

- (1) Affairs under the jurisdiction of the Prime Minister concerning the maintenance of ethics pertaining to the duties of officials pursuant to this Act shall be limited to those concerning the National Public Service Ethics Code and the Cabinet Orders set forth in paragraph 1 of Article 42 and the following Article, in addition to the affairs provided for in Article 4, paragraph 6 of Article 5, Article 14, Article 17 and paragraph 3 of Article 18.
- (2) The Board shall have jurisdiction over affairs concerning the maintenance of ethics pertaining to the duties of officials pursuant to this Act, except what is provided for in the preceding paragraph and the affairs which are to be executed by other organizations pursuant to this Act.

Article 45 (Delegation to Cabinet Order)

Necessary matters concerning implementing this Act (excluding Chapter IV) shall be prescribed by Cabinet Order after hearing an opinion of the Board, in addition to what is provided for in this Act.

Article 46 (Penal Provision)

Any person who has divulged secrets in violation of the provisions of paragraph 1 of Article 18 or paragraph 4 of Article 21 shall be punished by imprisonment with work for not more than 2 years or a fine of not more than 1,000,000 yen.