

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

Provisional
Translation

Specially Designated Secrets – designated by the Heads of Administrative Organs

Secrets under the existing
National Public Service Act, etc.

**Specially
Designated
Secrets**

Specially Designated Secrets

Shall be information that pertains to national security and

Falls under the following categories detailed in the act:

- (1) Defense
- (2) Diplomacy
- (3) Prevention of Specified Harmful Activities (e.g. Counter-Intelligence)
- (4) Prevention of Terrorist Activities

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Is particularly required to be kept secret

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

Restriction on persons who handle SDS

Only those granted security clearance shall be authorized to handle SDS.

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

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

- * The act stipulates that ,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 news coverage that contributes to guaranteeing the right of citizens to know.
- * The act also stipulates that 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 benefit of the public and they are not found to have been performed through violation of laws or regulations or by extremely unreasonable means.