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This English translation of the ACT ON ELECTRONIC SIGNATURES AND CERTIFICATION BUSINESS (Effective April 1, 2001) has been prepared in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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ACT ON ELECTRONIC SIGNATURES AND CERTIFICATION BUSINESS (Act No. 102 of May 31 of 2000)

Chapter 1 General Provisions

Article 1 (Purpose)

The purpose of this Act is to promote the distribution of information by electromagnetic forms and information processing through ensuring the smooth utilization of Electronic Signatures, and thereby to contribute to the improvement of the citizens' quality of life and the sound development of the national economy, by providing the presumption of authentic establishment of electromagnetic records, the accreditation system for designated certification businesses and other necessary matters, with respect to Electronic Signatures.

Article 2 (Definitions)

(1) The term "Electronic Signature" as used in this Act means a measure taken with respect to information that can be recorded in an electromagnetic record (a record that is prepared by an electronic form, a magnetic form or any other form not perceivable by human senses and that is used for information processing by computers; hereinafter the same shall apply in this Act), and which falls under both of the following requirements:

- (i) A measure to indicate that such information was created by the person who has taken such measure; and
- (ii) A measure to confirm whether such information has been altered.

(2) The term "Certification Business" as used in this Act means a service that, in response to either the request of any person who uses the business (hereinafter

referred to as the "User") with respect to the Electronic Signature that he/she himself/herself performs or the request of another person, certifies that an item used to confirm that such User performed the Electronic Signature pertains to such User.

- (3) The term "Specified Certification Business" as used in this Act means a Certification Business that, among Electronic Signatures, is performed with respect to an Electronic Signature that conforms to the criteria prescribed by ordinance of the competent minister as an Electronic Signature that can be performed by that person in response to the method thereof.

Chapter 2 Presumption of Authentic Establishment of Electromagnetic Record

Article 3

Any electromagnetic record that is made in order to express information (except for that prepared by a public official in the course of duties) shall be presumed to be established authentically if the Electronic Signature (limited to that which can be performed by the principal through appropriate management of codes and properties necessary to perform this) is performed by the principal with respect to information recorded in such electromagnetic record.

Chapter 3 Accreditation, etc. of Specified Certification Business

Section 1 Accreditation of Specified Certification Business

Article 4 (Accreditation)

- (1) Any person who intends to perform the Specified Certification Business may obtain accreditation from the competent minister.
- (2) Any person who seeks the accreditation set forth in the preceding paragraph shall submit to the competent minister an application stipulating the matters listed below and other documents as provided by ordinance of the competent minister, pursuant to the provisions of ordinance of the competent minister:
- (i) The name or corporate names, and the address, and if a juridical person, the name of its representative;
 - (ii) The overview of facilities provided for use of the business pertaining to the application; and
 - (iii) The method of implementing the business pertaining to the application.
- (3) The competent minister shall, when he/she grants the accreditation set forth in paragraph 1, make public the fact.

Article 5 (Disqualification Provisions)

Any person who falls under any of the following items may not obtain the accreditation set forth in paragraph 1 of the preceding Article:

- (i) A person who has been punished by a penalty of imprisonment or severer (including an equivalent penalty pursuant to foreign law), or who has been punished by a penalty pursuant to this Act, and for whom less than two (2) years have passed since the day when either the execution of penalty finished or the penalty came to be no longer executed;
- (ii) A person whose accreditation has been withdraw pursuant to the provision of paragraph 1 of Article 14 or paragraph 1 of Article 16, and for whom less than two years have passed since the day of withdrawal; or
- (iii) A juridical person whose executive director or officer falls under either of the preceding two items.

Article 6 (Criteria for Accreditation)

- (1) The competent minister shall, only when he/she finds that an application for the accreditation conforms to all of the following items, grant the accreditation set forth in paragraph 1 of Article 4:
 - (i) The facilities provided for use of the business pertaining to the application conform to the criteria, as provided by ordinance of the competent minister;
 - (ii) The confirmation of identity of the User in the business pertaining to the application is implemented by a method, as provided by ordinance of the competent minister; and
 - (iii) In addition to what is listed in the preceding item, business pertaining to the application is performed by a method that conforms to the criteria, as provided by ordinance of the competent minister.
- (2) In performing an examination for the accreditation set forth in paragraph 1 of Article 4, the competent minister shall perform an on-site investigation of the business system pertaining to the application, pursuant to the provisions of ordinance of the competent minister.

Article 7 (Renewal of Accreditation)

- (1) Unless the accreditation set forth in paragraph 1 of Article 4 is renewed for each period of less than one (1) year provided by Cabinet Order, the accreditation shall become null and void upon the passing of the period.
- (2) The provisions of paragraph 2 of Article 4 and the preceding two Articles shall apply *mutatis mutandis* to the renewal of accreditation set forth in the preceding paragraph.

Article 8 (Succession)

If any person who has obtained the accreditation set forth in paragraph 1 of

Article 4 (hereinafter referred to as the "Accredited Certification Business Operator") transfers the whole of the business pertaining to the accreditation, or a succession, merger or division (limited to what under which the whole of the business pertaining to the accreditation is succeeded) occurs with respect to the Accredited Certification Business Operator, any person who has accepted the whole of the business, or a successor (or a person in cases where there are two or more successors, if a successor to succeed to the business is selected with the consent of all of the successors; hereinafter the same shall apply in this Article), the juridical person surviving after the merger or established by the merger shall succeed to the position of the Accredited Certification Business Operator; provided, however, that this shall not apply to cases where the person who has accepted the whole of the business, the successor, or the juridical person that survives after the merger, is established by the merger, or succeeds to the whole of the business by division falls under any of the items of Article 5.

Article 9 (Accreditation, etc. of Modification)

- (1) If the Accredited Certification Business Operator intends to modify matters set forth in item 2 or item 3 of paragraph 2 of Article 4, it shall obtain the accreditation from the competent minister; provided, however, that this shall not apply to minor modifications as provided by ordinance of the competent minister.
- (2) Any person who seeks the accreditation of modification set forth in the preceding paragraph shall, submit to the competent minister an application stipulating matters pertaining to the modification and other documents as provided by ordinance of the competent minister, pursuant to the provision of ordinance of the competent minister.
- (3) The provisions of paragraph 3 of Article 4 and Article 6 shall apply *mutatis mutandis* to the accreditation of modification set forth in paragraph 1.
- (4) If any modification has occurred to matters set forth in item 1 of paragraph 2 of Article 4, the Accredited Certification Business Operator shall, without delay, notify the competent minister of the fact.

Article 10 (Notification of Abolition)

- (1) If the Accredited Certification Business Operator intends to abolish the business pertaining to the accreditation, it shall, in advance, notify the competent minister of the intention, pursuant to the provisions of ordinance of the competent minister.
- (2) The competent minister shall, when he/she receives the notification set forth in the provision of the preceding paragraph, make public the fact.

Article 11 (Books and Documents Relating to Service)

The Accredited Certification Business Operator shall prepare and preserve books

and documents relating to the business pertaining to the accreditation, pursuant to the provisions of ordinance of the competent minister.

Article 12 (Proper Use of Information Relating to the Confirmation of the Identity of the User)

The Accredited Certification Business Operator shall not use information to which it becomes privy in confirming the identity of Users of the business pertaining to the accreditation, for purposes other than the purpose of provision for use of the business pertaining to the accreditation.

Article 13 (Mark)

- (1) The Accredited Certification Business Operator may place on an electronic certificate, etc. (which means an electromagnetic record prepared for certifying that matters used to confirm that the User has performed the Electronic Signature are pertaining to such User, and others provided by ordinance of the competent minister; the same shall apply in the following paragraph), a mark to the effect that such business has obtained the accreditation, pursuant to the provisions of ordinance of the competent minister.
- (2) Except for cases prescribed in the preceding paragraph, no person shall place the mark set forth in the preceding paragraph or any mark that can be confused with this mark, on any electronic certificate, etc.

Article 14 (Withdrawal of Accreditation)

- (1) If the Accredited Certification Business Operator falls under any of the following items, the competent minister may withdraw the accreditation:
 - (i) If it falls under either item 1 or item 3 of Article 5;
 - (ii) If it fails to conform with any of the items of paragraph 1 of Article 6;
 - (iii) If it violates the provision of paragraph 1 of Article 9, Article 11, Article 12 or paragraph 2 of the preceding Article; or
 - (iv) If it obtains the accreditation set forth in paragraph 1 of Article 4 or the accreditation of modification set forth in paragraph 1 or Article 9, by wrongful means.
- (2) The competent minister shall, when he/she withdraws the accreditation pursuant to the provision of the preceding paragraph, make public the fact.

Section 2 Accreditation of Specified Certification Business in a Foreign Country

Article 15 (Accreditation)

- (1) Any person who intends to perform the Specified Certification Business through

an office located in a foreign country may obtain the accreditation from the competent minister.

- (2) The provisions of paragraph 2 and paragraph 3 of Article 4 and Article 5 to Article 7 inclusive shall apply *mutatis mutandis* to the accreditation set forth in the preceding paragraph, and the provisions of Article 8 to Article 13 inclusive shall apply *mutatis mutandis* to a person who has obtained the accreditation set forth in the preceding paragraph (hereinafter referred to as the "Accredited Foreign Certification Business Operator"). In this case, the term "no person" in paragraph 2 of Article 13 shall be deemed to be replaced with "no Accredited Foreign Certification Business Operator."
- (3) In cases where a person who seeks the accreditation set forth in paragraph 1 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied *mutatis mutandis* pursuant to the preceding paragraph performs the Certification Business through an office located in a foreign country based on a system relating to the Certification Business under the laws and regulations of such foreign country, and is similar to the system for the accreditation set forth in paragraph 1 of Article 4, the competent minister may, when he/she finds it necessary in order for the Japanese government to faithfully perform a treaty entered into with such foreign country and other international agreements, cause those persons to submit documents stipulating matters provided by ordinance of the competent minister, in lieu of the investigation pursuant to the provision of paragraph 2 of Article 6 applied *mutatis mutandis* pursuant to the preceding paragraph (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 7 applied *mutatis mutandis* pursuant to the preceding paragraph, and it is applied *mutatis mutandis* pursuant to paragraph 3 of Article 9).
- (4) In the case referred to in the preceding paragraph, the competent minister shall, when he/she receives such documents from these persons, perform the examination for the accreditation set forth in paragraph 1 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied *mutatis mutandis* pursuant to paragraph 2, in consideration of such documents.

Article 16 (Withdrawal of Accreditation)

- (1) If the Accredited Foreign Certification Business Operator falls under any of the following items, the competent minister may withdraw the accreditation:
 - (i) If it falls under either item 1 or item 3 of Article 5 applied *mutatis mutandis* pursuant to paragraph 2 of the preceding Article;
 - (ii) If it fails to conform to any of the items of paragraph 1 of Article 6 applied *mutatis mutandis* pursuant to paragraph 2 of the preceding Article;
 - (iii) If it violates the provision of paragraph 1 or paragraph 4 of Article 9, Article

- 11, Article 12, or paragraph 2 of Article 13 applied *mutatis mutandis* pursuant to paragraph 2 of the preceding Article;
- (iv) If it obtains the accreditation set forth in paragraph 1 of the preceding article, or the accreditation of modification set forth in paragraph 1 of Article 9 applied *mutatis mutandis* pursuant to paragraph 2 of the preceding Article, by wrongful means;
 - (v) If, in a case where the competent minister makes the Accredited Foreign Certification Business Operator report pursuant to the provision of paragraph 1 of Article 35 applied *mutatis mutandis* pursuant to paragraph 3 of Article 35, it does not make the report or makes a false report; or
 - (vi) If, in a case where the competent minister makes the ministry official perform an inspection at a business office, office or other workplaces of the Accredited Foreign Certification Business Operator pursuant to the provision of paragraph 1 of Article 35 applied *mutatis mutandis* pursuant to paragraph 3 of Article 35, it refuses, precludes or avoids the inspection, or does not answer a question pursuant to the provision of paragraph 1 of Article 35, or gives a false answer.
- (2) The competent minister shall, when he/she withdraws the accreditation pursuant to the provision of the preceding paragraph, make public the fact.

Chapter 4 Designated Investigative Organization, etc.

Section 1 Designated Investigative Organization

Article 17 (Investigation by Designated Investigative Organization)

- (1) The competent minister may make his/her designate person (the "Designated Investigative Organization") perform an investigation (hereinafter referred to as the "Investigation"; except for in the following section), in whole or in part, which is set forth in the provision of paragraph 2 of Article 6 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 7 [including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15], paragraph 3 of Article 9 [including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15], and paragraph 2 of Article 15).
- (2) If the competent minister makes the Designated Investigative Organization perform the Investigation, in whole or in part, pursuant to the provision of the preceding paragraph, he/she shall not perform the Investigation, in whole or in part. In this case, the competent minister shall perform an examination for the accreditation set forth in paragraph 1 of Article 4 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15), or

the accreditation set forth in paragraph 1 of Article 15 or its renewal, in consideration of the results of the Investigation notified by the Designated Investigative Organization pursuant to the provision of paragraph 4.

- (3) If the competent minister makes the Designated Investigative Organization perform the Investigation, in whole or in part, pursuant to the provision of paragraph 1, with respect to the Investigation performed by the Designated Investigative Organization, any person who seeks the accreditation set forth in paragraph 1 of Article 4 or its renewal, the accreditation of modification set forth in paragraph 1 of Article 9 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15), or the accreditation set forth in paragraph 1 of Article 15 or its renewal shall make an application to the Designated Investigative Organization pursuant to the provisions of ordinance of the competent minister, notwithstanding the provisions of paragraph 2 of Article 4 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 7 [including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15], and paragraph 2 of Article 15), and paragraph 2 of Article 9 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15).
- (4) If the Designated Investigative Organization performs the Investigation pertaining to the application set forth in the preceding paragraph, it shall, without delay, notify the competent minister of the results of such Investigation, pursuant to the provision of ordinance of the competent minister.

Article 18 (Designation)

The designation set forth in the provision of paragraph 1 of the preceding Article (hereinafter referred to as the "Designation") shall be made pursuant to the provisions of ordinance of the competent minister, in accordance with the application made by a person who intends to perform the Investigation (except for a person who intends to perform it through an office located in a foreign country).

Article 19 (Disqualification Provisions)

Any person who falls under any of the following items shall not receive the Designation:

- (i) A person who has been punished by a penalty of imprisonment or severer, or who has been punished by a penalty pursuant to this Act, and for whom less than two (2) years have passed since the day when either the execution of the penalty finished or the penalty came to be no longer executed;
- (ii) A person whose Designation has been rescinded pursuant to the provision of paragraph 1 of Article 29 or whose approval has been rescinded pursuant to the provision of paragraph 1 of Article 32, and for whom less than two (2) years

- have passed since the day of the rescission; or
- (iii) A juridical person whose executive director or officer falls under either of the preceding two items.

Article 20 (Criteria for Designation)

The competent minister shall, only when he/she finds that the application for Designation conforms to all of the following items, make the Designation:

- (i) It possesses the financial base and technical capability sufficient for proper and precise, and smooth implementation of the Investigation business;
- (ii) If a juridical person, there is no risk that its director or officer, or constitution of members prescribed by ordinance of the competent minister in proportion to the category of the juridical person interferes with the fair implementation of the Investigation;
- (iii) In a case where it implements businesses other than the Investigation business, there is no risk that the Investigation comes to be unfair by performing the businesses; and
- (iv) Making the Designation does not impede the proper and precise, and smooth implementation of the Investigation pertaining to the application.

Article 21 (Public Notice, etc. of Designation)

- (1) The competent minister shall, when he/she makes the Designation, make public the corporate name and address of the Designated Investigative Organization, and the location of the office performing the Investigation business.
- (2) The Designated Investigative Organization shall, when it intends to modify its corporate name or address, or the location of the office performing the Investigation business, notify the competent minister of the fact at least two (2) weeks prior to the day of the modification.
- (3) The competent minister shall, when he/she receives the notification set forth in the provision of the preceding paragraph, make public the fact.

Article 22 (Renewal of Designation)

- (1) Unless the Designation is renewed for each period of five (5) years to ten (10) years provided by Cabinet Order, the Designation shall become null and void upon the passing of the period.
- (2) Provisions of Article 18 to Article 20 inclusive shall apply *mutatis mutandis* to the renewal of Designation set forth in the preceding paragraph.

Article 23 (Confidentiality Obligation, etc.)

- (1) Any director or officer of the Designated Investigative Organization (or any individual who has received such Designation, if the Designated Investigative

Organization is not a juridical person; the same shall apply in the following paragraph, and Article 43 and Article 45), or any employee or person who has assumed these positions shall not divulge any secret relating to the Investigation business to which they become privy.

- (2) Any director or officer, or employee of the Designated Investigative Organization who is engaged in the Investigation business shall be deemed to be an employee engaged in public service pursuant to the laws and regulations, with respect to the application of the Criminal Code (Act No. 45 of 1907) and other penalties.

Article 24 (Obligation of Investigation)

If the Designated Investigative Organization is requested to perform the Investigation, it shall, without delay, perform the Investigation except for cases where it has any justifiable reason.

Article 25 (Investigation Business Rules)

- (1) The Designated Investigative Organization shall provide rules for the Investigation business (hereinafter referred to as the "Investigation Business Rules"), and receive the approval of the competent minister. The same shall apply to any modification of the Investigation Business Rules.
- (2) Matters to be provided in the Investigation Business Rules shall be provided by ordinance of the competent minister.
- (3) The competent minister may, when he/she finds that the Investigation Business Rules approved in paragraph 1 become inappropriate in the fair implementation of the Investigation, order modification of the Investigation Service Rules.

Article 26 (Entry in Books)

The Designated Investigative Organization shall, pursuant to the provisions of ordinance of the competent minister, prepare and preserve the books upon entering matters as provided by ordinance of the competent minister, with respect to the Investigation business.

Article 27 (Order of Conformity)

The competent minister may, when he/she finds that the Designated Investigative Organization fails to conform to item 1 through item 3 of Article 20, order the Designated Investigative Organization to take necessary measures to conform to these provisions.

Article 28 (Discontinuance and Abolition of Service)

- (1) The Designated Investigative Organization shall not discontinue or abolish the Investigation business, in whole or in part, without the permission of the

competent minister.

- (2) The competent minister shall, when he/she grants the permission set forth in the preceding paragraph, make public the fact.

Article 29 (Rescission, etc. of Designation)

- (1) If the Designated Investigative Organization falls under any of the following items, the competent minister may rescind the designation, or order suspension of the Investigation business, in whole or in part, within a prescribed period of time:
 - (i) If it violates the provisions of this Section;
 - (ii) If it falls under item 1 or item 3 of Article 19;
 - (iii) If it fails to perform the Investigation business in compliance with the approved Investigation Business Rules set forth in paragraph 1 of Article 25;
 - (iv) If it violates orders pursuant to the provision of paragraph 3 of Article 25 or Article 27; or
 - (v) If it receives the Designation by wrongful means.
- (2) The competent minister shall, when he/she rescinds the Designation or orders to suspend the Investigation business, in whole or in part, pursuant to the provision of the preceding paragraph, make public the fact.

Article 30 (Implementation of Investigation Business by the Competent Minister)

- (1) If the Designated Investigative Organization suspends the Investigation business, in whole or in part, pursuant to the provision of paragraph 1 of Article 28, the competent minister orders the Designated Investigative Organization to discontinue the Investigation business, in whole or in part, pursuant to the provision of paragraph 1 of the preceding Article, or the Designated Investigative Organization falls into a difficult state to implement the Investigation business, in whole or in part, due to natural disasters or other reasons, the competent ministry himself/herself shall, when he/she finds necessary, perform the Investigation business, in whole or in part, notwithstanding the provision of paragraph 2 of Article 17.
- (2) The competent minister shall perform the Investigation business pursuant to the provision of the preceding paragraph, or if he/she decides not to perform the Investigation business performed pursuant to the provision of the preceding paragraph, the competent minister shall make public the fact, in advance.
- (3) In cases where the competent minister performs the Investigation business pursuant to the provision of paragraph 1, and permits abolition of the Investigation business pursuant to the provision of paragraph 1 of Article 28, or rescinds the Designation pursuant to the provision of paragraph 1 of the preceding Article, the succession of the investigation service or other necessary matters shall be provided by ordinance of the competent minister.

Section 2 Approved Investigative Organization

Article 31 (Approval, etc. of Approved Investigative Organization)

- (1) If any person who intends to perform (limited to a person who intends to perform through an office located in a foreign country) the Investigation (hereinafter referred to as the "Investigation" in this Section), in whole or in part, pursuant to the provision of paragraph 2 of Article 6 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 7 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15, and paragraph 3 of Article 9) makes an application, the competent minister may approve this application pursuant to the provisions of ordinance of the competent minister.
- (2) If the competent minister has made the approval set forth in the preceding paragraph, with respect to the Investigation performed by a person who has received the approval set forth in the preceding paragraph (hereinafter referred to as the "Approved Investigative Organization"), any person who seeks the accreditation set forth in paragraph 1 of Article 15 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15, may make an application to the Approved Investigative Organization, pursuant to the provision of ordinance of the competent minister, notwithstanding the provisions of paragraph 2 of Article 4 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 7 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15), paragraph 2 of Article 9 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15, and paragraph 3 of Article 17. In this case, the competent minister shall perform the examination for the accreditation set forth in paragraph 1 of Article 15 or its renewal, or the accreditation of modification set forth in paragraph 1 of Article 9 applied *mutatis mutandis* pursuant to paragraph 2 of Article 15, in consideration of the results of the Investigation notified by the Approved Investigative Organization pursuant to the provision of the following paragraph.
- (3) If the Approved Investigative Organization performs the Investigation pertaining to the application set forth in the preceding paragraph, it shall, without delay, notify the competent minister of the results of the Investigation, pursuant to the provisions of ordinance of the competent minister.
- (4) If the Approved Investigative Organization discontinues or abolishes the Investigation business, in whole or in part, it shall, without delay, notify the competent minister of such event.
- (5) The competent minister shall, when he/she receives the notification set forth in

the provision of the preceding paragraph, make public the fact.

- (6) The provisions of Article 19 to Article 22 inclusive shall apply *mutatis mutandis* to the approval set forth in paragraph 1, and the provisions of Article 24 to Article 27 inclusive shall apply *mutatis mutandis* to the Approved Investigative Organization. In this case, the term "order" in paragraph 3 of Article 25, and Article 27 shall be deemed to be replaced with "request."

Article 32 (Rescission of Approval)

- (1) If the Approved Investigative Organization falls under any of the following items, the competent minister may rescind the approval:
- (i) If it violates the provision of paragraph 3 or paragraph 4 of the preceding Article, paragraph 2 of Article 21 applied *mutatis mutandis* pursuant to paragraph 6 of the preceding Article, Article 24, paragraph 1 of Article 25, or Article 26;
 - (ii) If it falls under item 1 or item 3 of Article 19 applied *mutatis mutandis* pursuant to paragraph 6 of the preceding Article;
 - (iii) If it fails to perform the Investigation business in compliance with the approved Investigation Business Rules set forth in paragraph 1 of Article 25 applied *mutatis mutandis* pursuant to paragraph 6 of the preceding Article;
 - (iv) If it does not respond to the request set forth in paragraph 3 of Article 25 applied *mutatis mutandis* pursuant to paragraph 6 of the preceding Article, or Article 27;
 - (v) If it receives the approval set forth in paragraph 1 of the preceding Article, by wrongful means;
 - (vi) If, in a case where the competent minister finds that the Approved Investigative Organization falls under any of the above items, and requests suspension of the Investigation business, in whole or in part, within a prescribed period of time, it does not respond to the request;
 - (vii) If, in a case where the competent minister makes the Approved Investigative Organization report pursuant to paragraph 2 of Article 35 applied *mutatis mutandis* pursuant to paragraph 3 of Article 35, it does not make the report or makes a false report, or
 - (viii) If, in a case where the competent minister makes its ministry official perform an inspection at a business office of the Approved Investigative Organization pursuant to the provision of paragraph 2 of Article 35 applied *mutatis mutandis* pursuant to paragraph 3 of Article 35, it refuses, precludes or avoids the inspection, or does not answer questions pursuant to the provision of paragraph 2, or gives false answers.
- (2) The competent minister shall, when he/she rescinds the approval pursuant to the provision of the preceding paragraph, make public the fact.

Chapter 5 Miscellaneous Provisions

Article 33 (Assistance, etc. for Specified Certification Business)

The competent minister shall endeavor to investigate and research technical opinions pertaining to the Electronic Signature and Certification Business, and provide necessary information, advice and other assistance to the person who performs the Specified Certification Business and its Users, for the purpose of smooth implementation of the accreditation system with respect to the Specified Certification Business.

Article 34 (Measures by the National Government)

The national government shall endeavor to deepen public understanding with respect to the Electronic Signature and Certification Business, through public education activities and public information activities.

Article 35 (Collection of Reports and On-Site Inspection)

- (1) The competent minister may, to the extent necessary to enforce this Act, make the Accredited Certification Business Operator report with respect to the business pertaining to its accreditation, or the ministry official enter the business office, office or other workplaces of the Accredited Certification Business Operator, and inspect the condition of the business pertaining to the accreditation or facilities, books and documents, and other properties or question the relevant person.
- (2) The competent minister may, to the extent necessary to enforce this Act, make the Designated Investigative Organization report on its business, or the ministry official enter the office of the Designated Investigative Organization, and inspect the condition of the business or books, documents, and other properties or question the relevant person.
- (3) The provision of paragraph 1 shall apply *mutatis mutandis* to the Accredited Foreign Certification Business Operator, and the provision of the preceding paragraph shall apply *mutatis mutandis* with respect to the Approved Investigative Organization, respectively.
- (4) The ministry official who performs the on-site inspection pursuant to the provisions of paragraph 1 and paragraph 2 (including cases where each is applied *mutatis mutandis* pursuant to the preceding paragraph) shall carry the certificate indicating his/her status, and present it to the relevant person.
- (5) The authority of on-site inspection pursuant to the provisions of paragraph 1 and paragraph 2 (including cases where they are applied *mutatis mutandis* pursuant to paragraph 3, respectively) shall not be construed as being granted for criminal investigations.

Article 36 (Fees)

- (1) Any person listed in the following items shall pay to the national government the fee provided by Cabinet Order in consideration of the actual cost.
 - (i) A person who seeks the accreditation set forth in paragraph 1 of Article 4 (except for cases where the competent minister makes the Designated Investigative Organization perform the inspection, in whole, pursuant to the provision of paragraph 1 of Article 17);
 - (ii) A person who seeks the renewal of accreditation set forth in paragraph 1 of Article 7 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15);
 - (iii) A person who seeks the accreditation of modification set forth in paragraph 1 of Article 9 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15); and
 - (iv) A person who seeks the accreditation set forth in paragraph 1 of Article 15 (except for cases where the competent minister makes the Designated Investigative Organization perform the inspection, in whole, pursuant to the provision of paragraph 1 of Article 17).
- (2) Any person who seeks the inspection performed by the Designated Investigative Organization shall pay to such Designated Investigative Organization the fee that the Designated Investigative Organization specifies in response to the approval of the competent minister, pursuant to the provisions of the Cabinet Order.

Article 37 (Relationship between the Competent Minister and the National Public Safety Commission)

With respect to the business pertaining to the accreditation of the Accredited Certification Business Operator or the Accredited Foreign Certification Business Operator, the National Public Safety Commission may, when it finds necessary to prevent an occurrence of serious damage pertaining to the certification with respect to its User, request the competent minister to take necessary measures.

Article 38 (Examination Request)

Any person who is dissatisfied with respect to disposition or inaction of the Designated Investigative Organization pursuant to the provisions of this Act may make an examination request to the competent minister pursuant to the Administrative Appeal Act (Act No. 160 of 1962).

Article 39 (Transitional Measures)

In a case where the Cabinet Order or ordinance of the competent minister is established under this Act, or is revised or abolished, the Cabinet Order or ordinance

of the competent minister may provide necessary transitional measures (including transitional measures relating to penalties), to the extent determined as necessary along with its establishment, or revision or abolition.

Article 40 (Competent Minister, etc.)

- (1) The competent minister as used in this Act means the Minister of Public Management, Home Affairs, Posts and Telecommunications, the Minister of Justice, and the Minister of Economy, Trade and Industry, provided, however, that in Article 33, the competent minister means the Minister of Public Management, Home Affairs, Posts and Telecommunications and the Minister of Economy, Trade and Industry.
- (2) Ordinance of the competent minister as used in this Act means an order that is jointly issued by the Minister of Public Management, Home Affairs, Posts and Telecommunications, the Minister of Justice, and the Minister of Economy, Trade and Industry.

Chapter 6 Penal Provisions

Article 41

- (1) Any person who makes a false application and causes the Accredited Certification Business Operator or the Accredited Foreign Certification Business Operator to perform false certification on the User, with respect to the Certification Business pertaining to the accreditation shall be punished by imprisonment for not more than three (3) years or a fine of not more than 2,000,000 yen.
- (2) An attempted crime of the preceding paragraph shall be punished.
- (3) The crimes set forth in the preceding two paragraphs shall be governed by Article 2 of the Criminal Code.

Article 42

Any person who falls under either of the following items shall be punished by imprisonment with work for not more than one (1) year or a fine of not more than 1,000,000 yen:

- (i) A person who violates the provision of paragraph 2 of Article 13; or
- (ii) A person who violates the provision of paragraph 1 of Article 23, and divulges secrets relating to his/her duties to which he/she becomes privy.

Article 43

A director or officer, or an employee of the Designated Investigative Organization who violates the order to suspend the business set forth in the provision of

paragraph 1 of Article 29 shall be punished by imprisonment with work for not more than one (1) year or a fine of not more than 1,000,000 yen.

Article 44

Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) A person who has modified the matters set forth in item 2 or item 3 of paragraph 2 of Article 4 in violation of the provision of paragraph 1 of Article 9;
- (ii) A person who has not prepared or preserved books and documents set forth in the provision of Article 11, or prepared false books and documents; or
- (iii) A person who has not made a report set forth in the provision of paragraph 1 of Article 35 or has made a false report, or has refused, precluded or avoided the inspection set forth in the provision of paragraph 1 of Article 35, or has not answered a question set forth in the provision of paragraph 1 of Article 35, or has given a false answer.

Article 45

In case of falling under any of the following items, a director or officer, or an employee of the Designated Investigative Organization who commits the violation shall be punished by a fine of not more than 300,000 yen:

- (i) If he/she has not made entries in books pursuant to the provision of Article 26, has made false entries in the books, or has not preserved the books;
- (ii) If he/she violates the provision of paragraph 1 of Article 28, and abolishes the whole investigation business; or
- (iii) If he/she has not made a report set forth in the provision of paragraph 2 of Article 35 or has made a false report, or has refused, precluded or avoided the inspection set forth in the provision of paragraph 2 of Article 35, or has not answered a question set forth in the provision of paragraph 2 of Article 35, or has given a false answer.

Article 46

When a representative of a juridical person, or an agent, employee or other worker of a juridical person or an individual commits the violation set forth in item 1 of Article 42 or Article 44 with respect to the business of the juridical person or the individual, not only the offender shall be punished but also the juridical person or individual shall be punished by the prescribed in the respective Articles.

Article 47

Any person who has not made a notification set forth in the provision of paragraph 4 of Article 9 or paragraph 1 of Article 10, or has made a false notification shall be

punished by a non-penal fine of not more than 100,000 yen.

Supplementary Provisions

Article 1 (Effective Date)

This Act shall come into force as from April 1, 2001, provided, however, that the provision of the following Article shall come into force as from March 1, 2001, and the provision of Article 4 of Supplementary Provisions shall come into force as from the day of enforcement of the Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts that Revise Parts of the Commercial Code, etc. (Act No. 91 of 2000).

Article 2 (Preparatory Actions)

The Designation set forth in the provision of paragraph 1 of Article 17, procedures necessary for this, and other actions may be governed by the provisions of Article 18 to Article 20 inclusive, paragraph 1 of Article 21, and paragraph 1 and paragraph 2 of Article 25, even before the enforcement of this Act.

Article 3 (Review)

If five (5) years have passed after the enforcement of this Act, the government shall review the status of enforcement of this Act and take necessary measures based on the results.

Article 4 (Partial Revision of the Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts that Revise Parts of the Commercial Code, etc.)

The Act on the Arrangement of Related Acts that Accompany the Enforcement of Acts that Revise Parts of the Commercial Code, etc. shall be revised, in part, as specified below. The following Article shall be added following Article 150.

Article 150-2 (Partial Revision of the Act on Electronic Signatures and Certification Business)

The Act on Electronic Signatures and Certification Services (Act No. 102 of 2000) shall be revised, in part, as specified below.

In Article 8, the phrase "or merger" shall be revised to "merger or division (limited to what under which the whole of the business pertaining to the accreditation is succeeded)," the phrase "or after merger" shall be revised to the phrase "after the merger," and the phrase "or succeeds to the whole of the business by division" shall be added after the phrase "established by the merger."

(Act on Partial Revision, etc. of the Income Tax Act, etc.)

Article 196 (Partial Revision of the Act on Electronic Signatures and Certification Business)

The Act on Electronic Signatures and Certification Business shall be revised, in part, as specified below. In item 1 of paragraph 1 of Article 36, the phrase "or its renewal" shall be deleted, and the phrase "(except for cases where the competent minister makes the Designated Investigative Organization perform the inspection, in whole, pursuant to the provision of paragraph 1 of Article 17)" shall be added after the phrase "A person who seeks the accreditation set forth in paragraph 1 of Article 4." And, in item 3 of paragraph 1, the phrase "or its renewal" shall be deleted, and the phrase "(except for cases where the competent minister makes the Designated Investigative Organization perform the inspection, in whole, pursuant to the provision of paragraph 1 of Article 17)" shall be added after the phrase "A person who seeks the accreditation of modification set forth in paragraph 1 of Article 9." Furthermore, item 3 of paragraph 1 shall be deemed to be replaced with item 4 of paragraph 1, item 2 of paragraph 1 shall be deemed to be replaced with item 3 of paragraph 1, and the following item shall be added after item 1 of paragraph 1.

(ii) A person who seeks the renewal of accreditation set forth in paragraph 1 of Article 7 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 2 of Article 15);

Supplementary Provisions

This Act shall come into force as from April 1, 2006.