

# **Law Concerning Electronic Signatures and Certification Services (Unofficial Translation)**

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## **Chapter 1: General provisions**

### Article 1    Purpose

This law aims to promote the diffusion of information using electronic methods and information processing through securing the smooth utilization of electronic signatures, and thereby to contribute to the improvement of the citizen's quality of life and the sound development of the national economy, by establishing such provisions as the presumption of the authenticity of electro-magnetic records, the provisions for accreditation with regard to designated certification services and the prescription of other necessary matters concerning electronic signatures.

### Article 2    Definitions

For the purpose of this law, "electronic signature" shall mean a measure taken with regard to information that can be recorded in an electro-magnetic record (here and hereinafter, any record which is produced by electronic, magnetic, or any other means

unrecognizable by natural perceptive function, and is used for data-processing by a computer) and to which both of the following requirements applies:

- i. is a measure to indicate that the information was created by the person who performed the measure; and
- ii. is a measure that can confirm whether or not any alteration of the information has been performed.

2. For the purpose of this law, “certification service” shall mean a service that, in compliance with either the request of a person who uses such service (hereinafter referred to as “user”) with regard to the electronic signature that he himself performs or the request of another person, certifies that an item used to confirm that the user performed an electronic signature belongs to the user.

3. For the purpose of this law, “designated certification service” shall mean a certification service that is performed with regard to those electronic signatures that conform to the standards prescribed by the ordinance of the related ministries as ones that, according to the method thereof, can only be substantially performed by that person.

## **Chapter 2: Presumption of the authenticity of an electro-magnetic record**

### Article 3

An electro-magnetic record which is made in order to express information (with the exception of one drawn by a public official in the exercise of his official functions) shall be presumed to be authentic if an electronic signature (limited to those that, if based on the proper control of the codes and objects necessary to perform the signature, only that person can substantially perform) is performed by the principal in relation to information recorded in the electro-magnetic record.

## **Chapter 3: Accreditation, etc. of designated certification services**

### **Section 1: Accreditation of designated certification services**

#### **Article 4    Accreditation**

A person seeking to perform or has been performing designated certification service may receive an accreditation from the related ministers.

2. A person seeking to receive an accreditation stipulated in the preceding paragraph shall, in accordance with the prescriptions of the ordinance of the related ministries, file with the related ministers an application form that states the following facts as well as other documents prescribed by the ordinance of the related ministries:
  - i. the name and address, and if a organization, the name of its representative;
  - ii. an outline of the facilities used for the service applied for accreditation, and
  - iii. the method of implementation of the service applied for accreditation.
3. When the related ministers have granted the accreditation stipulated in paragraph 1, the ministers shall make an announcement of that fact.

#### **Article 5    Disqualification provisions**

A person to whom any of the following numbered items applies may not receive the accreditation stipulated in paragraph 1 of the preceding article:

- i. a person who has been sentenced to a penalty of imprisonment or greater (including an equivalent penalty pursuant to the laws and regulations of a foreign country) or who has been sentenced to a penalty pursuant to this Law and with respect to whom fewer than two years have passed since the day on which either the enforcement of said penalty finished or the person came to be no longer subject thereto;
- ii. a person whose accreditation has been revoked pursuant to the provisions of either Article 14, paragraph 1 or Article 16, paragraph 1, and with respect to whom fewer than two years have passed since the day of the revocation; or
- iii. an organization for whom either of the preceding numbered items applies to any director performing the service.

## Article 6    Requirements of accreditation

The related ministers shall grant an accreditation only when they find that the application for accreditation stipulated in Article 4, paragraph 1 conforms to all of the following requirements:

- i. the facilities including (hardware, and software) used for the service applied for accreditation conform to requirements prescribed by the ordinance of the related ministries;
  - ii. the confirmation in the service applied for accreditation of the identity of the user is performed through a method prescribed by the ordinance of the related ministries; and
  - iii. in addition to the facts listed in the preceding numbered items, the service applied for accreditation is performed through a method that conforms with requirements prescribed by the ordinance of the related ministries.
2. In conducting the review for the purposes of the accreditation stipulated in Article 4, paragraph 1, the related ministers shall, in accordance with the prescriptions of the ordinance of the related ministries, perform on-site investigation of the system involved in the implementation of the service applied for accreditation.

## Article 7    Renewal of accreditation

If the accreditation stipulated in Article 4, paragraph 1 is not renewed for each term of no less than one year prescribed by Cabinet Order, the accreditation shall become null and void upon the passing of the term.

2. The provisions of Article 4, paragraph 2 and those of the preceding two articles shall be applied, mutatis mutandis, to the renewal of accreditation provided for in the preceding paragraph.

## Article 8    Succession

If a person who has received the accreditation stipulated in Article 4, paragraph 1 (hereinafter referred to as an “accredited certification service provider”) transfers all of the business that performs the accredited certification service, or if there is a

succession or merger with respect to the accredited certification service provider, the person who obtained all of such business by transfer, the successor (here and hereinafter in this article, in a case where there are two or more successors, if, by the agreement of all such successors, a successor is chosen to succeed to the business, that person), or the organization that continues in existence after the merger or the organization established by the merger shall succeed to the standing of such accredited certification service provider. However, the foregoing shall not apply if any of the numbered items of Article 5 apply to the person who obtained all of such business by transfer, the successor, or the organization that continues in existence after the merger or the organization established by the merger.

#### Article 9     Accreditation, etc. of changes

If an accredited certification service provider seeks to change an item stipulated in Article 4, paragraph 2, numbered item 2 or numbered item 3, it must receive the accreditation of related ministers. However, the foregoing shall not apply with respect to slight changes prescribed by order of the related ministries.

2. A person seeking to receive the accreditation of change stipulated in the preceding paragraph shall, in accordance with the prescriptions of the ordinance of the related ministries, file with the related ministers an application form that states the facts concerning the change as well as other documents prescribed by the ordinance of the related ministries.
3. The provisions of Article 4, paragraph 3 and those of Article 6 shall be applied, mutatis mutandis, to the accreditation of change provided for in paragraph 1.
4. If there is a change in a fact provided for in Article 4, paragraph 2, numbered item 1, an accredited certification service provider shall give notice of that fact to the related ministers without delay.

#### Article 10     Discontinuance

If an accredited certification service provider seeks to discontinue its accredited service, it must, in accordance with the prescriptions of the ordinance of the related ministries, give advance notice of that fact to the related ministers without delay.

2. When the related ministers have received the notice pursuant to the provision of the preceding paragraph, they shall make an announcement of that fact.

Article 11      Books and records

An accredited certification service provider shall, in accordance with the prescriptions of the ordinance of the related ministries, create and preserve books and records relating to its accredited service.

Article 12      Proper use of information relating to the confirmation of the identity of users

An accredited certification service provider shall not use the information it learns through the confirmation of the identity of users for its accredited service for any purpose other than those necessary for the provision of the accredited service.

Article 13      Mark

An accredited certification service provider may, in accordance with the prescriptions of the ordinance of the related ministries, place a mark to the effect that its service has received accreditation on an electronic certificate, etc. (here and in the following paragraph, this shall mean an electro-magnetic record or other means prescribed by the ordinance of the related ministries as one used for the sake of the certification service, created to verify that an item used to confirm that a user performed an electronic signature belongs to the user.)

2. Except for the cases stipulated in the preceding paragraph, no person shall place the mark provided for in the preceding paragraph or any mark not clearly distinguishable therefrom on any electronic certificate, etc.

Article 14      Revocation of accreditation

If any of the following numbered items applies to an accredited certification service provider, the related ministers may revoke such accreditation:

- i. if Article 5, numbered item 1 or numbered item 3 becomes applicable;
- ii. if the accredited certification service provider fails to conform to any numbered

- item of Article 6, paragraph 1; or
  - iii. if the accredited certification service provider violates any provision of Article 9, paragraph 1, Article 11, Article 12, or Article 13, paragraph 2; or
  - iii. if the accredited certification service provider receives the accreditation provided for in Article 4, paragraph 1 or the accreditation of change stipulated in Article 9, paragraph 1 through any improper means.
2. When related ministers have revoked an accreditation pursuant to the provisions of the preceding paragraph, they shall make an announcement of that fact.

**Section 2: Accreditation of designated certification service located in foreign countries**

Article 15      Accreditation of foreign certification service etc.

A person seeking to perform the designated certification service by means of an office located in a foreign country may receive the accreditation from the related ministers.

2. The provisions of Article 4, paragraph 2 and paragraph 3 as well as those of Article 5 through Article 7 shall be applied mutatis mutandis to the accreditation provided for in the preceding paragraph, and the provisions of Article 8 through Article 13 shall be applied mutatis mutandis to the person who has received the accreditation provided for in the preceding paragraph (hereinafter referred to as “accredited foreign certification service provider”). In such a case, the term “no person” in Article 13, paragraph 2 shall be read as “no accredited foreign certification service provider”.
3. If the related ministers find that persons seeking to receive the accreditation provided for in paragraph 1, a renewal thereof or the accreditation of change stipulated in Article 9, paragraph 1 as applied mutatis mutandis in the preceding paragraph are persons who perform certification service by means of offices in the foreign country pursuant to provisions concerning certification service based on the laws and regulations of the foreign country that are similar to the provisions for accreditation stipulated in Article 4, paragraph 1, and that it is necessary to

faithfully perform a treaty that Japan has entered into with said foreign country or another international agreement(including administrative agreement) , they may require such persons to file documents that state facts prescribed by the ordinance of the related ministries instead of the investigation pursuant to the provisions of Article 6, paragraph 2 (including cases where they are applied mutatis mutandis in Article 7, paragraph 2 and Aeticle 9, paragraph 3, as applied mutatis mutandis in the preceding paragraph).

4. When, in the case as stipulated in the preceding paragraph, the documents are received from such persons, the related ministers shall, taking the documents into account, perform an examination for the purpose of the accreditation provided for in paragraph 1, a renewal thereof or the accreditation of change provided for Article 9, paragraph 1 as applied mutatis mutandis in paragraph 2.

#### Article 16      Revocation of accreditation

If any of the following numbered items applies to an accredited foreign certification service provider, the related ministers may revoke such accreditation:

- i. if Article 5, numbered item 1 or numbered item 3, as applied mutatis mutandis in the preceding article, paragraph 2, becomes applicable;
- ii. if the accredited certification service provider fails to conform to any numbered item of Article 6, paragraph 1 as applied mutatis mutandis in the preceding article, paragraph 2;
- iii. if the accredited foreign certification service provider violates any provision of Article 9, paragraph 1 or paragraph 4, Article 11, Article 12, or Article 13, paragraph 2 as applied mutatis mutandis in the preceding article, paragraph 2;
- iv. if the accredited certification service provider receives the accreditation stipulated in the preceding article, paragraph 1 or the accreditation of change provided for in Article 9, paragraph 1 as applied mutatis mutandis in the preceding article, paragraph 2 through any improper means.
- v. in a case where the related ministers have sought to compel the report of an accredited foreign certification service provider pursuant to the provisions of Article 35, paragraph 1 as applied mutatis mutandis in Article 35, paragraph 3, and either such report is not filed or a false report is filed; or
- vi. in a case where the related ministers have sought to have their staff member conduct an inspection at the business office, administrative office or other place



of business of an accredited foreign certification service provider pursuant to the provisions of Article 35, paragraph 1 as applied mutatis mutandis in Article 35, paragraph 3, and said accredited foreign certification service provider either refuses, obstructs, or evades such inspection or refuses to answer or provides false answers in response to questions posed pursuant to the provisions of the same paragraph.

2. When they have revoked an accreditation pursuant to the provisions of the preceding paragraph, the related ministers shall make an announcement of that fact.

#### **Chapter 4: Designated investigating organization, etc.**

##### **Section 1: Designated investigating organization**

###### **Article 17**     **Investigation by a designated investigating organization**

The related ministers may have the person they designate (hereinafter referred to as “designated investigating organization”) conduct the whole or part of the investigation pursuant to the provisions of Article 6, paragraph 2 (including cases where they are applied mutatis mutandis in Article 7, paragraph 2 [including cases where it is applied mutatis mutandis in Article 15, paragraph 2], Article 9, paragraph 3 [including cases where it is applied mutatis mutandis in Article 15, paragraph 2], and Article 15, paragraph 2) (hereinafter referred to, with the exception of the following section, as “investigation”).

2. If related ministers have the designated investigating organization conduct the whole or part of the investigation pursuant to the provisions of the preceding paragraph, they shall not conduct the whole or part of said investigation. In this case, the related ministers shall perform an examination in consideration of the results of the investigation that the designated investigating organization gives notice of pursuant to the provisions of paragraph 4 for the purpose of the accreditation provided for in Article 4, paragraph 1 or a renewal thereof, the accreditation of change provided for Article 9, paragraph 1 (including cases where it is applied mutatis mutandis in Article 15, paragraph 2) or the accreditation provided for in Article 15, paragraph 1 or renewal thereof.

3. When the related ministers have the designated investigating organization conduct the whole or part of the investigation pursuant to the provisions of paragraph 1, the person seeking to receive the accreditation provided for in Article 4, paragraph 1 or a renewal thereof, the accreditation of change provided for Article 9, paragraph 1 (including cases where it is applied mutatis mutandis in Article 15, paragraph 2) or the accreditation stipulated in Article 15, paragraph 1 or renewal thereof shall, in accordance with the prescriptions of the ordinance of the related ministries, file with the designated investigating organization an application with respect to the investigation that the designated investigating organization performs notwithstanding the provisions of Article 4, paragraph 2 (including cases where they are applied mutatis mutandis in Article 7, paragraph 2 [including cases where this is applied mutatis mutandis in Article 15, paragraph 2] and Article 15, paragraph 2) and Article 9, paragraph 2 (including cases where they are applied mutatis mutandis in Article 15, paragraph 2).
4. When the designated investigating organization has conducted the investigation upon the application provided for in the preceding paragraph, it shall, in accordance with the prescriptions of the ordinance of the related ministries, give notice of the results of the investigation to the related ministers without delay.

#### Article 18      Designation

Designation pursuant to the provisions of the preceding article, paragraph 1 (hereinafter referred to as “designation”) shall, in accordance with the prescriptions of the ordinance of the related ministries, be made upon the application of the person seeking to conduct the investigation (with the exception of a person seeking to conduct it by means of an office located in a foreign country).

#### Article 19      Disqualification provisions

A person to whom any of the following numbered items applies may not receive designation:

- i. a person who has been sentenced to a penalty of imprisonment or greater or who has been sentenced to a penalty pursuant to this Law and with respect to whom fewer than two years have passed since the day on which either the enforcement

- of the penalty finished or the person came to be no longer subject thereto;
- ii. a person whose designation has been revoked pursuant to the provisions of Article 29, paragraph 1, or whose approval has been revoked pursuant to the provisions of Article 32, paragraph 1, and with respect to whom fewer than two years have passed since the day of said revocation; or
- iii. an organization for whom either of the preceding numbered items applies to any director performing said service.

#### Article 20      Standards of designation

The related ministers shall grant designation upon the application only when they find that it conforms to all of the following numbered items:

- i. it possesses the financial base and technological ability sufficient to competently and smoothly implement the investigation service;
- ii. if an organization, there is no risk that its board members or the makeup of constituents prescribed by the ordinance of the related ministries in accordance with organization type will interfere with the fair implementation of the investigation;
- iii. if it performs a service other than the investigation service, there is no risk that the investigation will become unfair through the performance of such a service; and
- iv. a proper and smooth implementation of the investigation upon the application will not be impeded as a result of designation.

#### Article 21      Announcement, etc. of designation

When they have made a designation, the related ministers shall announce the name and address of the designated investigating organization and the location of its office performing the investigation service.

- 2. If the designated investigation organization seeks to change its name, address or the location of its office performing the investigation service, it must give notice of such fact to related ministers two weeks in advance of the day on which it seeks to make such change.
- 3. Upon the receipt of the notice stipulated in the preceding paragraph, the related

ministers shall make an announcement of that fact.

#### Article 22      Renewal of designation

If the designation is not renewed for each term of five years or more but less than ten years prescribed by Cabinet Order, the designation shall become null and void upon the passing of said term.

2. The provisions of Article 18 through Article 20 shall be applied, mutatis mutandis, to the renewal of designation provided for in the preceding paragraph.

#### Article 23      Duty of confidentiality, etc.

The board members (here, in the following paragraph as well as in Article 43 and Article 45, if the designated investigating organization is not an organization, the person who received said designation) and staff members of the designated investigating organization, as well as persons who formerly held such positions, shall not disclose any secrets that they learned in connection with the investigation service.

2. For the purposes of the application of the Criminal Law (Law No. 45 of 1907) and other penalties, the directors and staff members of a designated investigating organization engaging in the investigation service are deemed public officials pursuant to laws and regulations.

#### Article 24      Duty of investigation

When the designated investigating organization is requested to conduct an investigation, it shall conduct the investigation without delay unless there is a valid reason not to.

#### Article 25      Investigation service regulations

The designated investigating organization shall prescribe rules concerning the investigation service (hereinafter referred to as “investigation service rules”) and obtain the authorization of the related ministers. The same procedure shall apply to amendments to the investigation service rules.

2. Matters to be prescribed in the investigation service rules shall be prescribed by the ordinance of the related ministries.
3. If the related ministers find that investigation service rules authorized pursuant to paragraph 1 have become inappropriate for the fair implementation of investigations, they may order that such investigation service rules be amended.

Article 26      Books and records

The designated investigating organization shall, in accordance with the prescriptions of the ordinance of the related ministries, prepare and preserve books and record facts concerning the investigation service as being prescribed by the ordinance of the related ministries.

Article 27      Order to conform

If related ministers find that a designated investigating organization is not in conformity with Article 20, numbered items 1 through 3, they may order that such designated investigating organization take measures necessary to conform to these provisions.

Article 28      Suspension and abrogation of service

Unless it receives the authorization of related ministers, a designated investigating organization may not suspend or abrogate the whole or part of its investigation service.

2. When he has given the authorization stipulated in the preceding paragraph, the related ministers shall make an announcement of that fact.

Article 29      Revocation, etc. of designation

If the related ministers find that any of the following numbered items apply to a designated investigating organization, they may revoke such designation, or they may order that the whole or part of the investigation service be suspended for a prescribed period:

- i. if there is a violation of any provision of this section;
  - ii. if Article 19, numbered item 1 or numbered item 3 becomes applicable;
  - iii. if investigation service is performed in violation of the investigation service regulations authorized pursuant to Article 25, paragraph 1;
  - iv. if there is a violation of any order pursuant to the provisions of Article 25, paragraph 3 or Article 27; or
  - v. if designation is received by any improper means.
2. When they have revoked a designation or ordered that the whole or part of the investigation service be suspended for a prescribed period pursuant to the provisions of the preceding paragraph, the related ministers shall make an announcement of that fact.

Article 30     Implementation of the investigation service by related ministers

If the designated investigating organization suspends the whole or part of the investigation service pursuant to the provisions of Article 28, paragraph 1; if the designated investigating organization is ordered to suspend the whole or part of the investigation service pursuant to the provisions of the preceding article, paragraph 1; or if the designated investigating organization becomes unable to conduct the whole or part of the investigation service due to a natural disaster or other ground, the related ministers shall, notwithstanding the provisions of Article 17, paragraph 2, conduct the whole or part of the investigation service when they find it necessary.

2. When the related ministers decide to conduct the investigation service pursuant to the provisions of the preceding paragraph, or decide to no longer conduct the investigation service that it is conducting pursuant to the provisions of the same paragraph, they shall make an announcement of that fact in advance.
3. For the cases when the related ministers decide to conduct the investigation service pursuant to the provisions of paragraph 1, permit the abrogation of the investigation service pursuant to the provisions of Article 28, paragraph 1, or revoke a designation pursuant to the provisions of the preceding article, paragraph 1, the ordinance of the related ministries shall prescribe necessary matters including taking over of the investigation service.

## **Section 2: Approved investigating organization**

### **Article 31 Approval, etc. of approved investigating organization**

When the related ministers receive an application from a person (limited to one seeking to conduct its business by means of an office located in a foreign country) seeking to conduct the whole or part of the investigation pursuant to the provisions of Article 6, paragraph 2 as applied mutatis mutandis in Article 15, paragraph 2 (including cases where they are applied mutatis mutandis in Article 7, paragraph 2 and Article 9, paragraph 3 as applied mutatis mutandis in Article 15, paragraph 2) (hereinafter in this section referred to as “investigation”), they may approve such petition in accordance with the prescriptions of the ordinance of the related ministries

2. When the related ministers grant the approval provided for in the preceding paragraph, a person seeking to receive the accreditation stipulated in Article 15, paragraph 1, a renewal thereof or the accreditation of change provided for Article 9, paragraph 1 as applied mutatis mutandis in Article 15, paragraph 2 may, in accordance with the prescriptions of the ordinance of the related ministries, apply the person who received the approval provided for in the preceding paragraph (hereinafter referred to as “approved investigating organization”) with respect to the investigations that the approved investigating organization conducts notwithstanding the provisions of Article 4, paragraph 2 as applied mutatis mutandis in Article 15, paragraph 2 (including cases where they are applied mutatis mutandis in Article 7, paragraph 2 as applied mutatis mutandis in Article 15, paragraph 2) and those of Article 9, paragraph 2 and Article 17, paragraph 3 as applied mutatis mutandis in Article 15, paragraph 2. In this case, the related ministers shall perform a review in consideration of the results of the investigation that the approved investigating organization gives notice of pursuant to the provisions of the following paragraph for the purpose of the accreditation provided for in Article 15, paragraph 1, a renewal thereof or the accreditation of change provided for Article 9, paragraph 1 as applied mutatis mutandis in Article 15, paragraph 2).
3. When the approved investigating organization has conducted the investigation associated with the petition provided for in the preceding paragraph, it shall, in accordance with the prescriptions of the orders of the related ministries, give notice

of the results of said investigation to the related ministers without delay.

4. If an approved investigative organ suspends or abrogates the whole or part of the investigation service, it must give notice of that fact to related the ministers without delay.
5. When they have received the notice provided for in the preceding paragraph, related ministers shall make an announcement of that fact.
6. The provisions of Article 19 through Article 22 shall be applied mutatis mutandis to the approval provided for in paragraph 1, and the provisions of Article 24 through Article 27 shall be applied mutatis mutandis to the approved investigating organization. In this case, the term “order” in Article 25 paragraph 3 and in Article 27 shall be read as “request”.

#### Article 32      Revocation of approval

If any of the following numbered items applies to an approved investigation organ, related ministers may revoke such approval:

- i. if there is a violation of a provision of the preceding article, paragraph 3 or 4, or a provision of Article 21, paragraph 2, Article 24, Article 25, paragraph 1, or Article 26 as applied mutatis mutandis in the preceding article, paragraph 6;
- ii. if Article 19, numbered item 1 or numbered item 3, as applied mutatis mutandis in the preceding article, paragraph 6, becomes applicable;
- iii. if investigation service is performed in violation of the investigation service regulations authorized pursuant to Article 25, paragraph 1 as applied mutatis mutandis in the preceding article, paragraph 6;
- iv. if there is a failure to comply with any request pursuant to the provisions of Article 25, paragraph 3 or Article 27 as applied mutatis mutandis in the preceding article, paragraph 6;
- v. if the approval stipulated in the preceding article, paragraph 1 is received by any improper means;
- vi. in a case where the related ministers find that any of the preceding numbered items applies to the approved investigating organization and requests that the whole or part of the investigation service be suspended for a prescribed period,



- the approved investigating organization fails to comply with such request;
- vii. in a case where the related ministers have sought to compel the report of an approved investigating organization pursuant to the provisions of Article 35, paragraph 2 as applied mutatis mutandis in Article 35, paragraph 3, and either such report is not filed or a false report is filed; or
  - viii. in a case where the related ministers have sought to have its staff member conduct an inspection at the administrative office of an approved investigating organization pursuant to the provisions of Article 35, paragraph 2 as applied mutatis mutandis in Article 35, paragraph 3, and said approved investigating organization either refuses, obstructs, or evades such inspection or refuses to answer or provides false answers in response to questions posed pursuant to the provisions of the same paragraph.
2. When the related ministers has revoked a approval pursuant to the provisions of the preceding paragraph, the related ministers shall make an announcement of that fact.

## **Chapter 5: Miscellaneous provisions**

### Article 33      Support, etc. for designated certification service

In order to promote the smooth implementation of the accreditation provisions concerning the designated certification service, the related ministers shall conduct surveys and research with respect to the evaluation of the technologies associated with electronic signatures and certification services and strive to provide necessary information, advice and other support to persons performing designated certification service and users.

### Article 34      Measures by the national government

Through public education activities and public information activities, the national government shall strive to deepen the citizens' understanding of electronic signatures and certification services.

### Article 35      Collection of reports and on-site inspections

The related ministers may, to the extent necessary to enforce this Law, compel an

accredited certification service provider to report on its accredited service or have its staff official enter the business office, administrative office or other place of business of an accredited certification service provider, and inspect the status of service, facilities, books and records and other objects associated with its accredited business as well as ask questions of the persons concerned.

2. The related ministers may, to the extent necessary to enforce this Law, compel a designated investigating organization to report on its service or have its staff official enter the administrative office of a designated investigating organization and inspect the status of service, books and records and other objects as well as ask questions of the persons concerned.
3. The provisions of paragraph 1 shall be applied mutatis mutandis to accredited foreign certification service providers and the provisions of the preceding paragraph shall be applied mutatis mutandis to approved investigating organizations.
4. A staff official who conducts an on-site inspection pursuant to the provisions of paragraph 1 or paragraph 2 (including cases where they are applied respectively in the preceding paragraph) shall carry a proof of his/her identity and present it to persons concerned.
5. The authority to conduct on-site inspections pursuant to the provisions of paragraph 1 and paragraph 2 (including cases where they are applied respectively in paragraph 3) shall not be interpreted as recognized for the purpose of criminal investigations.

#### Article 36      Fees

Persons listed in the following numbered items shall pay to the national government fees in the amounts prescribed by Cabinet Order, which will be determined in consideration of actual costs,

- i. a person seeking to receive an accreditation stipulated in Article 4, paragraph 1 or renewal thereof;
- ii. a person seeking to receive an accreditation of change stipulated in Article 9, paragraph 1 (including cases where it is applied mutatis mutandis in Article 15,

- paragraph 2); and
- iii. a person seeking to receive an accreditation stipulated in Article 15, paragraph 1 or renewal thereof.
2. A person seeking to receive an investigation performed by a designated investigating organization shall, in accordance with the prescription of a Cabinet Order, pay to the designated investigating organization a fee in the amount that the organization prescribes with the authorization of the related ministers.

Article 37      Relationship between related ministers and the National Public Safety Commission

When the National Public Safety Commission finds it necessary to prevent serious harm associated with the verification of users from occurring in connection with the accredited service of an accredited certification service provider or an accredited foreign certification service provider, the Commission may request the related ministers to take necessary measures.

Article 38      Request for review

A person who objects with respect to a disposition or omission a designated investigating organization pursuant to the provisions of this Law may request that the related ministers conduct a review pursuant to the Administrative Appeal Law (Law No. 160 of 1962)

Article 39      Interim measures

In the event that a Cabinet Order or ordinance of the related ministries pursuant to the provisions of this Law is enacted, amended or repealed, necessary interim measures (including interim measures pertaining to penalties) in the respective forms of Cabinet Order and ordinance of the related ministries may be prescribed within a scope determined to be reasonably necessary in accordance with such enactment, amendment or repeal.

Article 40      The related ministers, etc.

The term “the related minister” as used in this Law refers to the Minister of General Affairs, the Minister of Justice, and the Minister of Economy and Industry; however, the reference “the related ministers” in Article 33 refers to the Minister of General Affairs and the Minister of Economy and Industry.

2. The term “ordinance of the related ministries” as used in this Law refers to an ordinance jointly issued by the Minister of General Affairs, the Minister of Justice, and the Minister of Economy and Industry.

## **Chapter 6: Penalties**

### Article 41

A person who makes a false application before an accredited certification service provider or accredited foreign certification service provider in connection with its accredited certification service and thereby causes an untrue certification shall be punished with penal servitude for not more than three years or a fine of not more than two million yen.

2. Attempts of the crimes mentioned in the preceding paragraph shall be punished.
3. The crimes mentioned in the preceding two paragraphs shall comply with the precedents of the Criminal Law, Article 2.

### Article 42

A person to whom any of the following numbered items applies shall be punished to no more than one year of penal servitude or a fine of not more than one million yen:

- i. a person who violates a provision of Article 13, paragraph 2;
- ii. a person who discloses a secret that he learned in connection with his duties in violation of a provision of Article 23, paragraph 1.

### Article 43

If an order to suspend service pursuant to the provisions of Article 29, paragraph 1 is violated, an officer or staff member of a designated investigative organ that commits

the act of violation shall be punished to no more than one year of penal servitude or a fine of not more than one million yen.

#### Article 44

A person to whom any of the following numbered items applies shall be punished to a fine of not more than three hundred thousand yen:

- i. a person who changes a fact provided for in Article 4, paragraph 2, numbered item 2 or numbered item 3 in violation of a provision of Article 9, paragraph 1;
- ii. a person who fails to create or preserve the accounting books and records pursuant to the provisions of Article 11, or who creates false accounting books and records; or
- iii. a person who fails to file a report pursuant to the provisions of Article 35, paragraph 1, or files a false such report, or who refuses, obstructs, or evades an inspection pursuant to the provisions of the same paragraph, or who refuses to answer or provides false answers in response to questions posed pursuant to the provisions of the same paragraph.

#### Article 45

If any of the following numbered items apply, an officer or staff member of a designated investigating organization that commits the act of violation shall be punished to a fine of not more than three hundred thousand yen:

- i. when the designated investigative organ fails to create accounting book records pursuant to the provisions of Article 26, creates false records, or fails to preserve the accounting books;
- ii. when the designated investigating organization abrogates all of its investigation service in violation of a provision of Article 28, paragraph 1; or
- iii. when the designated investigative organ fails to file a report pursuant to the provisions of Article 35, paragraph 2, or files a false such report, or refuses, obstructs, or evades an inspection pursuant to the provisions of the same paragraph, or refuses to answer or provides false answers in response to questions posed pursuant to the provisions of the same paragraph.

#### Article 46

If any representative of an organization or any agent, servant or other employee of any of a organization or person commits, in connection with the service of such organization or person, an act in violation of Article 42, paragraph 1 or Article 44, then

in addition to the punishment of the actor, the monetary penalties provided for in each above provision shall be imposed against such organization or person.

#### Article 47

A person who fails to give notice pursuant to the provisions of Article 9, paragraph 4 or Article 10, paragraph 1, or who gives a false notice shall be punished to a non-penal fine of no more than one hundred thousand yen.

### **Supplemental provisions**

#### Article 1    Date of enforcement

This Law shall be enforced from April 1, 2001; provided that the provisions of the following article shall be enforced from March 1, 2001, and the provisions of Supplemental Article 4 shall be enforced from the date of enforcement of the Law Concerning the Arrangement of Related Laws That Accompany the Enforcement of Laws That Revise Parts of the Commercial Code, etc. (Law No. ---- of 2000)

#### Article 2    Preparatory actions

Prior to the enforcement of this Law, designation pursuant to the provisions of Article 17, paragraph 1 and necessary procedures and other actions in connection therewith may be performed pursuant to the precedents of Article 18 through Article 20, Article 21, paragraph 1, and Article 25, paragraph 1 and paragraph 2.

#### Article 3    Examination

When five years have passed since the enforcement of this Law, the government shall examine the status of enforcement hereof and take necessary measures based on the results of such examination.

#### Article 4    Partial revision of the Law Concerning the Arrangement of Related Laws That Accompany the Enforcement of Laws That Revise Parts of the

Commercial Code, etc.

A part of the Law Concerning the Arrangement of Related Laws That Accompany the Enforcement of Laws That Revise Parts of the Commercial Code, etc. shall be revised as follows.

The following article shall be added following Article 150:

Article 150-2 Partial revision of the Law Concerning Electronic Signatures and Certification Services

A part of the Law Concerning Electronic Signatures and Certification Services (Law No. \_\_\_\_ of 2000) shall be revised as follows.

Throughout the text of Article 8, the phrase “or merger” shall be changed to , “merger or partition (limited to one that would cause succession of the whole of the business that performs service associated with such accreditation)”; the phrase “or the organization that continues in existence after the merger” shall be changed to “the organization that continues in existence after the merger”; and the phrase “or the organization that succeeds to the whole of such business through partition” shall be added after the phrase “the organization established by the merger”.