

Summary of the Law Governing the Use of Information and Communications Technology in the Preservation of Documents that Private Businesses Perform

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1. Object

In cases where the preservation of documents is legally mandated for private businesses, to determine, in principle, the common elements that will enable the carrying out of preservation by means of electromagnetic records related to the documents in question and to undertake the development of the requisite legislation.

2. Summary of the Law

(1) Purpose (Article 1)

To improve public convenience through the alleviation of the requisite burden for document preservation and consequently to contribute to improvements in the lives of the people and the sound development of the nation's economy.

(2) Definitions (Article 2)

Definitions for the key terms that are used in the law, including private businesses, documents, electromagnetic records, and preservation.

(3) Acceptance of storage by means of electromagnetic records (Article 3)

With regard to those of the items to be stored for which it is deemed that storage must be carried out in writing under individual statutory provisions relating to the storage in question, private businesses may, regardless of the statutory provisions in question, carry out the storage by means of electromagnetic records relating to the documents in question in place of document storage, subject to the measures stipulated in competent ministerial ordinances.

Note 1: Storage by means of electromagnetic records shall include both the electronic saving of documents originally prepared electronically and the imaging and electronic saving of documents prepared in writing.

Note 2: Since the extent of the necessity for tamper-proofing and accurate reproducibility in the event that scanned documents are used may differ in each of the individual statutes that mandate storage, the objects and methods of electronic storage shall be specifically stipulated in competent ministerial ordinances.

(4) Acceptance of preparation, inspections, and deliveries by means of electromagnetic records (Articles 4 through 6)

So that the value of computerized document storage acceptance is not lost, private businesses may perform preparation, inspections, and deliveries by means of electronic records according to the measures stipulated in competent ministerial ordinances for the preparations, inspections, and deliveries of documents performed in association with storage for which it has been deemed that they must be carried out by means of documents under statutory provisions, regardless of the provisions of the law in question.

(5) Documents regarded as stipulated (Articles 3 through 6)

Preservation by means of electronic records, as performed according to (3) and (4), is regarded as that which is performed by means of the documents that are stipulated in individual statutory provisions, and individual statutory provisions identical to the provisions that were applied to the preservation with an original document are to be applied.

(6) Efforts and obligations of local public entities (Article 7)

Capturing the spirit of this law, local public entities shall endeavor to take the steps necessary to enable preservation by means of electromagnetic records that pertains to the preservation that has been mandated to private businesses on the basis of ordinances or regulations to which this law is not applicable.

The nation shall also endeavor to take the steps necessary in the providing of information to local public entities.

(7) Other provisions (Articles 8 and 9)

Delegation of transitional measures to government decrees and ministerial ordinances, definition of competent ministerial ordinances.

3. Date of implementation of the law

This law shall take effect from April 1, 2005.