

Recent development of the government information policy in Japan

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Introduction

The author has followed up on Japan's government information policy issues as well as related activities of libraries and archives [1]. It is especially notable that Japan has only recently undergone such radical policy change. This brief paper explores several important topics.

1. Enactment of the Public Records Management Law

The issue of public records management and the related role of the National Archives of Japan (NAJ) has been a much discussed policy topic in Japan for recent years. The background for such keen interest includes strong criticism of poor records management, as revealed by a recent pension records scandal, as well as former Prime Minister Yasuo Fukuda's strong policy leadership for such issues.

After a half-year discussion of legal plans by a commission of researchers and experts under the Cabinet in 2008, the Cabinet submitted a Bill of Public Records Management to the National Diet (Parliament) on March 3, 2009. In June, the Bill was passed unanimously in both Houses of the National Diet—*Shugi-in* (Lower House) and *Sangi-in* (Upper House)—with some revisions requested by the opposition parties. Finally, the Public Records Management Law was enacted on July 1, 2009, and it will come into effect by April 2011 [2].

The main points of this Law can be summarized as follows:

- This Law covers almost the entire lifecycle of records management, from current records management to selection and preservation of archival records.
- This Law regulates the records management of all national government agencies; earlier, each agency had its own records management policy. The Law also regulates the records management of quasi-government agencies, including national universities.
- Citizens have the right of access to current and archival records, with some exceptions (e.g., national security, foreign affairs, privacy of ordinary people).
- The Prime Minister, not the President of the NAJ, is ultimately in charge of the disposition of national government records.
- A Board of Public Records Management, with experts in records management and archival issues, is to be established to supervise government records management and handle public claims concerning access to the records.

While this new law is expected to promote public records management at the national level, concrete results are yet to be seen. The following are some of the challenges accompanying the enactment of the law: (1) the creation of public records for important government activities (as opposed to mere oral communication), (2) management and preservation of electronic records and collaboration and/or cooperation of the National Archives with the IT-oriented departments within the government, and (3) engagement of the staff at the NAJ and the Board of Public

Records Management in order to direct more efficient records management of government agencies. In addition, one of the significant flaws in this law is its failure to ensure education, employment, training, and promotion of professional archivists and records managers.

2. Strengthening the archive of government websites by the National Diet Library

Since 2006, the National Diet Library (NDL) has operated WARP (Web Archiving Program) [3] for archiving select Web content in Japan (a 2004 pilot project). The sites covered by WARP include websites of electronic journals, national and local government agencies, quasi-government bodies, and universities. However, owing to the restrictions of current legislations such as Copyright Law, the NDL needs the permission of government agencies and other organizations to archive their web content for WARP. Such restrictions have curtailed the amount and frequency of web archiving, including archiving government websites, by the NDL [4].

Another recent legislation will partially overcome this limitation: recent revisions of the National Diet Library Law and the Copyright Law, July 10, 2009. The purpose of these revisions is to strengthen the website archiving of national and local government agencies, independent administrative agencies, national universities, and similar organizations. In fact, the publications of such organizations are the object of *Kancho Nohon* (legal deposit system of publications issued by governmental and local public entities), which is given special treatment as the deposit system of NDL, in terms of the number of copies and purpose of deposit (including international exchange)[5][6]. In this sense, the strengthened web archiving system is an extension of *Kancho Nohon*. The NDL will operate a web crawler system for the websites in order to conduct automatic web archiving; this is different from the current permission-based WARP system. In addition, the revised Copyright Law grants the NDL permission to copy (crawl) the websites without obtaining consent from government and similar agencies. It should be noted, however, that access to the archived content is a separate matter. In principle, access will be limited within the buildings of the NDL in Tokyo and Kyoto (Kansai-kan), and the NDL will need to get permission from the originating government and similar agencies to post the archived contents on the web and allow Internet users access to the contents. The abovementioned revisions came into effect on April 1, 2010.

3. Enhancing the effectiveness of Sec. 9 of the Library Law

The Library Law in Japan, enacted in 1950, mainly covers the activities and management of public libraries. This law provides national and local governments' responsibility for disseminating its publications to public libraries in Section 9. The section states (the information within parentheses has been added by the author) [7]:

1. The [national] Government shall furnish public libraries established by prefectures two copies of the Official Gazette and other documents which are made available for public information published by the printing agency.
2. Agencies of the state [national] and of local public bodies may furnish public libraries free of charge, upon request, publications and other data and materials which they

publish.

This section has not been effectively complied with since the enactment. It was finally the target of criticism at the National Diet in 2008, when the revision of Library Law was discussed. Section 9 was not the object of the revision realized in June 2008, but the Japan Library Association (JLA) took advantage of this opportunity to promote the importance of free access to government publications at libraries and called for action to ensure effectiveness of this section. It is expected that such promotion by the JLA will result in greater compliance with Section 9 by national and local governments. In the author's view, however, the more important challenge will be to ensure preservation of and access to government publications on the web and other e-government contents. In addition, this challenge will have a lot to do with the NDL's web archiving activities concerning government and similar agencies, discussed above.

4. Conclusion

As discussed above, very recent legislations and policy changes in Japan promote the management of and access to government information such as records, publications, and websites. One of the reasons for such legislations could be that the public, including the congressmen and government officials, have realized the importance of government information as evidence of the activities of the national and local government as well as society. This realization may have come about through scandals such as the mismanagement of pension records. It is important to note that whether the abovementioned legislations are reflected in real governmental activities, including financial backup and treatment of professions, will affect the trustworthiness of government information as well as the national and local governments themselves. Moreover, the Democratic Party of Japan (DPJ) won the lower house election in August 2009, thereby realizing the unlikely reality of a political power shift from the long-reigning Liberal Democratic Party. Given this political change, we need to look carefully at how the new government (under the DPJ and coalition parties) will deal with the many policy issues concerning the management of and access to government information.

Finally, the author hopes to conduct more detailed analyses on the issues briefly described in this paper and to share the results in the form of presentations and/or papers in the near future.

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Notes and References

[1] See for examples: Koga, Takashi. "Innovation beyond institutions: New projects and challenges for government information service institutions in Japan." A paper for World Library and Information Congress: 71st IFLA General Conference and Council (Government Libraries Section), Radisson SAS Plaza Hotel, Oslo, Norway, Aug. 15, 2005. <http://hdl.handle.net/2433/70380>, (accessed 2010-04-27); Koga, Takashi. "Overview of Archives and Archival Issues in Japan." A

paper for the Archives & Records Association of New Zealand (ARANZ) 2007 Conference, University of Auckland, Auckland, New Zealand, Jul. 12-14, 2007. <http://hdl.handle.net/2433/72837>, (accessed 2010-04-27).

[2] For comments on this bill and law, see for example: “Accessibility to official documents.” The Japan Times, June 18, 2009; “Editorial: New archive law marks start of major change.” The Daily Yomiuri, Jun. 25, 2009.

See also, Tadaaki Matsuoka. “The architecture of archives.” The Japan Journal, June 2008 Issue. http://www.japanjournal.jp/tije/show_art.php?INDyear=08&INDmon=06&artid=c5ef46f31f31ddd1c559d1006ad5d849a, (accessed 2010-04-27).

[3] National Diet Library (Japan). “WARP: Web Archiving Program.” <http://warp.ndl.go.jp/search/>, (in Japanese, accessed 2010-04-27).

[4] Koga, “Innovation beyond institutions...” “op. cit., p. 6-7.

[5] Ibid, p. 3

[6] See also, National Diet Library. “National Diet Library Law.” <http://www.ndl.go.jp/en/aboutus/laws.html>, (accessed 2010-04-27). However, this text in English is as of Mar 31, 2002, and does not reflect later revisions of the law, such as the expansion of *Kancho Nohon*, including publications of independent administrative agencies, national universities, and similar organizations.

[7] Japan Library Association. “Library Law” <http://www.jla.or.jp/law-e.html>, (accessed 2010-04-27). This text in English does not reflect the recent revisions either, although Section 9 remains the same.

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