

Criteria for Reviewing Requests for Use at Osaka University Archives
under the Public Records and Archives Management Act

April 1, 2014
Osaka University Archives

Criteria for reviewing requests for use of Specified Historical Public Records pursuant to the Public Records and Archives Management Act (Act No. 66 of 2009) (“Act”) shall be as set forth below. Whether to accept or reject a particular request shall be decided on a case-by-case basis, based on the result of each review. The criteria shall be re-examined from time to time as appropriate.

1. Basic policy for reviewing

When deciding whether or not the information contained in a Specified Historical Public Record for which a Request for Use under Article 16 of the Act (“Request for Use”) is submitted shall be treated as Usage-restricted Information, the University Archives shall take into consideration the circumstances at the time of making the decision.

There are cases where the passage of time or social changes caused thereby makes it no longer necessary to protect rights and interests of certain individuals, Corporations or the public. In this light, the University Archives, in considering the passage of time pursuant to Paragraph 2 of Article 16 of the Act, shall base its decision on the principle that the period of Usage Restriction shall not exceed thirty (30) years after the preparation or acquisition of the particular Specified Historical Public Record, as stated in Paragraph 3 of Article 11 of the Regulations on the Use of Specified Historical Public Records and Archives Held in the Osaka University Archives. If there remains a good reason for restricting the use of information that is thirty (30) years or older, the University Archives shall apply the minimum necessary restriction on the use thereof.

2. Criteria for deciding the applicability of Items 1 and 2 of Paragraph 1 of Article 16 of the Act to certain information

(1) Personal Information [(a) in Item 2 of Paragraph 1 of Article 16 of the Act (Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)]

(i) Personally identifiable information (Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)

(a) “Personal Information” shall mean any information pertaining to an individual, whether living or dead, including, but not limited to, information concerning the fact, judgment or assessment of the mental or physical state, status, social position and history of the individual. Accordingly, information concerning an individual’s intellectual creations and activities he or she has engaged in as a member of an organization, as well as information concerning his or her attributes, personality, and private life, shall be treated as Personal Information. However, whether to treat information concerning business activities of an individual business operator as Personal Information or not shall be decided based on Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies.

(b) While personally identifiable information generally consists of data that can be traced to a specific individual, such as the name, and data that cannot, such as the record of activities of an individual, the information as a whole shall be treated as Usage-restricted Information.

- (c) “Other descriptions” shall include, but not be limited to, an individual’s address, telephone number, title and code/number assigned to the individual (such as a transfer account number, examinee’s number, health insurance card number). A single description which alone cannot be traced to a specific individual may enable the identification of the individual when combined with other descriptions contained in the information. In this case, the information shall be treated as personally identifiable information.
 - (d) Information which alone cannot be traced to a specific individual but which allows easy reference to other information and thereby enables the identification of the specific individual shall be subject to Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies. “Other information” that can serve as reference information shall include, but not be limited to, information that has been made public, information accessible at libraries and other public facilities, and any other information usually accessible by the general public, as well as information that can be possessed or accessed by close relatives of the individual or residents of the community where the individual lives. On the other hand, information that may be obtained only through special research shall not be included in other information in principle. The scope of other information that can serve as reference information shall be decided on a case-by-case basis, taking into consideration the nature, content and other factors of information pertaining to the specific individual.
 - (e) There are cases where information pertaining to a member of a group, which in a strict sense does not qualify as personally identifiable information, can threaten the rights and interests of other members of said group when disclosed. In such cases, said information shall be treated as personally identifiable information to fully protect the rights and interests of the individual members, in consideration of the nature of the information and the type and size of the group, etc.
 - (f) “Information that can threaten personal rights and interests when disclosed” shall include, but not be limited to, information that is closely related with the personality of an individual and information that is recognized as being likely to threaten the property rights or other legitimate interests of an individual when disclosed, such as anonymously published essays and other creations.
- (ii) Information that is made public under provisions of applicable laws and regulations or by custom [(a) in Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]
- (a) “Provisions of applicable laws and regulations” shall be limited to provisions that obligate all persons to disclose the relevant information equally, and accordingly shall not include provisions that permit the rejection of certain requests for disclosure, depending on who requests the disclosure or for what reason the disclosure is requested.
 - (b) Information that is made public or is scheduled to be made public as a customary practice shall be deemed to be disclosed “by custom,” regardless of whether or not the disclosure is in compliance with the common law. When deciding whether information is made public by custom or not, the procedure stated in Paragraph 1 of Article 18 of the Act shall also be followed. (For details about “a certain period of time” that must be taken into consideration when deciding whether disclosure of particular information is likely to threaten personal rights and interests or not, refer to the appendix, “Handling of Personal Information Contained in Thirty-Year or Older Specified Historical Public Records.”)
 - (c) Information that is in the public domain shall be deemed to have been “made public” regardless of whether or not the information is actually known to the public or not. It shall be noted, however, that

information that was disclosed in the past may not be regarded as being “made public” at the time of making a decision on a Request for Use, by reason of the passage of time.

(d) “Information scheduled to be made public” shall mean information retained by the University Archives that is bound to be disclosed in the future (including information that is to be disclosed on a fixed date and that is provided to anyone if requested). This shall include information that is customarily made public for the reason that other information of the similar nature is disclosed, if there is no rational reason for not disclosing said information.

(iii) Information whose disclosure is deemed necessary for the protection of the life, health, livelihood or property of an individual [(b) in Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

In the case where disclosure of certain Personal Information is necessary to protect an individual from potential danger to his or her life, health, livelihood or property, said information shall be disclosed even if the disclosure thereof is likely to threaten the rights and interests of the individual to whom the Personal Information relates, on condition that the severity of said potential danger is greater than that of the threat to said rights and interests. This shall apply to the case where the danger to the life, health, livelihood or property of an individual is likely to arise in the future, in addition to the case where said danger is already present.

In deciding the degree of severity of said danger in comparison with that of the threat, careful case-by-case consideration is required, in recognition of the diverse range of personal rights and interests and the varying degree of necessity of protecting rights and interests concerning life, health, livelihood or property.

(iv) Information pertaining to public officers [(c) in Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

(a) Information pertaining to public officers shall be treated as Personal Information. However, information concerning duties of public officers and the performance thereof shall not be subject to Usage Restriction.

If information concerning the performance of official duties by a public officer contains Personal Information of another individual who is not a public officer, including, but not limited to, an individual who partners with the public officer in the performance of official duties, then the University Archives shall decide whether the use of the particular information shall be restricted or not from the perspectives of the public officer and said individual separately, and if it is found that any part of the information could adversely affect either of them when disclosed, shall restrict the use thereof.

(b) “Public officers” shall mean individuals engaged in a wide range of official duties, whether as regular staff or professional staff, and whether part-time or full-time, including, but not limited to, staff of national government and local public agencies, ministers of state, National Diet members, and court judges. This provision shall also apply to information of retired public officers and their duties during their service as public officers and to information of board members and staff of independent administrative agencies and local independent administrative agencies.

(c) “Information concerning the performance of official duties” shall mean information concerning the activities undertaken by a public officer to perform the duties assigned to him or her as a member of

the national government, independent administrative agency, local public agency, or local independent administrative agency, including, but not limited to, information concerning: administrative punishment or any other administrative decisions made by the exercise of public powers; and meetings attended, remarks made and action taken as part of the assigned duties. However, the provision of (c) in Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies shall apply only to the information relating directly to the performance of official duties, and therefore, information concerning the health and leaves of absence of board members and staff of the University, which is retained by the University for the purpose of personnel management, shall not be treated as information concerning the performance of official duties.

- (d) The Agreement on Handling of Names of Public Officers at Administrative Organs dated August 3, 2005 (by the Council on Access to Information) stipulates that the names of public officers contained in information concerning the performance of official duties shall be made public, except cases where the disclosure thereof is likely to: (1) result in the disclosure of Usage-restricted Information stated in Paragraphs 1 and 2 of Article 16 of the Act; (2) threaten the rights and interests of an individual; or otherwise cause a problem. Accordingly, it shall be understood that administrative organs shall disclose the name of public officers contained in the information concerning the performance of official duties only when said information is “information that is made public or that is scheduled to be made public by custom” stated in (a) in Item 1 of Article 5 of the Act on Access to Information Held by Administrative Organs.

If positions and names of public officers are customarily made public by an administrative organ or independent administrative agency when announcing personnel changes in official gazettes or for any other purpose, the positions and names of public officers contained in a commercially available personnel directory, which is produced by an administrative organ or independent administrative agency, or which is produced based on the information that the relevant administrative organ or independent administrative agency has offered with the intention of making it public (or knowing that the information will be made public) shall be deemed to be “information that is made public or that is scheduled to be made public by custom.”

- (2) Information concerning business activities of Corporations or other groups or individual business operators [(b) in Item 2 of Paragraph 1 of Article 16 of the Act (Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)]
- (i) Information concerning business activities of Corporations or other groups or individual business operators [Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]
- (a) Corporations or other groups shall include, but not be limited to, stock companies defined in the Commercial Code (Act No. 48 of 1899), general incorporated associations, general incorporated foundations, educational corporations, religious corporations and other private corporations, as well as political organizations, foreign corporations, and organizations without juridical personality (collectively “Corporations”), and shall exclude the national government, independent administrative agencies, local public agencies, and local independent administrative agencies. How to handle

information concerning administrative affairs or projects of the national government, independent administrative agencies, local public agencies, and local independent administrative agencies not covered herein shall be decided in consideration of the provisions of (a) or (e) of Item 6 of Article 5 of the Act on Access to Information Held by Administrative Organs, or (a), (b), (c) or (g) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies.

- (b) “Information concerning a Corporation” shall mean information concerning the organizational and operational affairs of the Corporation as well as information concerning matters associated with the Corporation, including, but not limited to, rights and interests thereof. In handling information concerning the members of a Corporation, the University Archives shall consider whether to subject it to Usage Restriction or not pursuant to Item 1 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies, since said information constitutes not only information concerning the Corporation, but also Personal Information of the members.
- (c) In handling information concerning the business of an individual business operator, the University Archives shall determine the necessity of restricting the use thereof to protect legitimate interests of the individual business operator in his or her business activities, under the same criteria applied to information concerning a Corporation.

- (ii) Information whose disclosure is deemed necessary for the protection of the life, health, livelihood or property of an individual [Proviso of Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

In the case where disclosure of certain Personal Information is necessary to protect an individual from possible danger to his or her life, health, livelihood or property, said information shall not be regarded as Usage-restricted Information stated in Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies, even if the disclosure thereof is likely to threaten the rights and interests of the individual to whom said Personal Information relates, on condition that the severity of said potential danger is greater than that of the threat to said rights and interests. This shall apply to the case where danger to the life, health, livelihood or property of an individual is likely to arise in the future, in addition to the case where said danger is already present.

It shall be noted that there are cases where danger to the life or health of an individual is likely to arise even if the causal relationship between the business activities of a Corporation or an individual business operator and the threat to the life or health of an individual is not proven.

- (iii) Information whose disclosure is likely to threaten the rights, competitive positions or other legitimate interests of a Corporation or individual [(a) in Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

- (a) “Rights” shall mean freedom of religion, freedom of assembly, freedom of association, academic freedom, property right, and all other rights that deserve legal protection. “Competitive positions” shall mean the positions of the Corporation or individual business operator in fair competition. “Other legitimate interests” shall include, but not be limited to, know-how, goodwill and various other operational interests of the Corporation or individual business operator.

- (b) When deciding whether or not there is the likelihood of a threat to rights, competitive positions or other legitimate interests, the University Archives shall be aware that the business of a Corporation or individual can vary largely in type and nature and so can the rights and interests thereof, and shall

take into full consideration the necessity of protecting the constitutional rights of the Corporation or individual, including, but not limited to, freedom of religion and academic freedom, and the relationship between the Corporation or individual and the administrative organ, with an understanding of the characteristics of the Corporation or individual, and the extent and nature of the rights and interests thereof.

The “likelihood of a threat” shall be deemed to be present when there is a good reason to take legal measures against said threat, regardless of whether or not the probability of the threat occurring is high.

(iv) Voluntarily submitted information [(b) in Item 2 of Paragraph 5 of the Act on Access to Information Held by Independent Administrative Agencies]

- (a) Information submitted voluntarily by a Corporation or individual business operator on condition that it shall not be made public shall be treated as Usage-restricted Information if the condition is deemed reasonable, thereby meeting the trust in and expectations of the Corporation and individual who submitted the information.

The decision as to the protection of the authority of independent administrative agencies to collect information shall be based on the provision of (c) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies.

- (b) “Information submitted voluntarily upon request of an independent administrative agency on condition that it shall not be made public” shall not include information submitted by a Corporation or individual business operator without being requested by an independent administrative agency. However, said information shall be included therein if the Corporation or individual business operator requests not to make public the information prior to the submission thereof and the independent administrative agency accepts the request as reasonable and receives the information.
- (c) “Request by an independent administrative agency” shall not include an order to submit a report or information issued under law, except in the case where the head of an independent administrative agency voluntarily requests submission of information without exercising his or her authority to issue said order.
- (d) “On condition that information shall not be made public” shall mean a condition that the independent administrative agency that receives the information shall not disclose the information to any third party, and shall not use the information for any purpose other than the specified one.
- (e) “Condition that information shall not be made public” may be proposed either by the independent administrative agency when requesting submission thereof or by the Corporation or individual business operator, whether explicitly or implicitly. The condition shall be agreed upon by both the independent administrative agency and Corporation or individual business operator.
- (f) “Information not made public customarily by the Corporation or individual” shall mean information not made public by the custom of the industry in which the Corporation or individual operates, not by the custom of the Corporation or individual.
- (g) When deciding whether the condition of not making information public is reasonable or not, the University Archives shall take into consideration, in addition to the nature of the information and circumstances prevailing at the time of submission thereof, the change of circumstances thereafter as appropriate. This provision shall not apply to information that has been submitted on condition that it

shall not be made public but that is already in the public domain.

- (3) Information concerning national security [(b) in Item 2 of Paragraph 1 of Article 16 of the Act ((a) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)]
- (i) “National security” shall mean that the national land, citizens and governing system, which are major components of a nation, are kept peaceful and safe, free from any threat, and the basic national order is maintained smoothly, or to be more specific, that the independence and peace of a nation are protected against any invasion, whether direct or indirect, the lives of citizens are protected against any external threat, and the basic governing system and economic and social order on which a nation stands are maintained.
- “The likelihood of a threat to national security” shall mean the likelihood that the material interests of a nation stated above might be threatened, including the likelihood that the measures taken to maintain said material interests might be disturbed, thus threatening the national security.
- (ii) “Likelihood to cause damage to the relationship of trust with other countries or international organizations” shall mean the likelihood of harm to the normal relationships maintained based on mutual trust with other countries or international organizations, including, but not limited to, regions not recognized by the Japanese government, governmental agencies or the like (such as central banks of other countries), foreign local governments, and secretariats of international conferences and organizations involved in the frameworks for international cooperation (such as Asia-Pacific Economic Cooperation and International Criminal Police Organization). For example, information whose disclosure could: constitute violation of an agreement with other countries or internationally accepted practice; unilaterally reject the intention of other countries; wrongfully inflict disadvantage on other countries; or otherwise adversely affect the relationship between Japan and other countries is likely to cause such damage as stated above.
- (iii) “Likelihood that the Japanese government might be put in a disadvantageous position in negotiations with other countries or international organizations” shall mean the likelihood that the Japanese government might fail to achieve desired results in ongoing or future negotiations with other countries or the Japanese government might be brought to a less important position in international negotiations. For example, this applies to information concerning negotiations on policies (including those conducted in the past) at an international conference whose disclosure is likely to reveal the position that the Japanese government intends to take in ongoing or future negotiations, or allow the other parties to the negotiations to guess said position, thereby adversely affecting the Japanese government in said negotiations.
- (4) Information concerning public safety [(b) in Item 2 of Paragraph 1 of Article 16 of the Act ((b) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)]
- (i) “Crime prevention” shall mean preventing a crime from occurring. Accordingly, information concerning crime prevention activities such as raising public awareness of crime prevention and encouraging the use of crime prevention tools shall not be included in information concerning public safety, because the disclosure of said information does not induce or facilitate criminal activities.
- “Suppression of a crime” shall mean preventing an imminent crime, or, after occurrence of a crime, preventing the proliferation of the crime or terminating the crime.
- “Investigation of a crime” shall mean the action taken by an investigative organization when a crime is deemed to have occurred to identify the criminal, and discover, collect and preserve evidence of the crime, with a view to instituting prosecution therefor (which means initiation of a lawsuit by a prosecutor for court judgment on a criminal case).

- (ii) “Maintenance of prosecution” [(d) in Item 1 of Paragraph 1 of Article 16 of the Act] shall mean the actions taken by prosecutors in the trial process that leads to a final judgment, such as presenting and proving the case in a criminal trial and preparing for trial with a view to achieving the purpose of the prosecution instituted.
- (iii) “Execution of punishment” [(d) in Item 1 of Paragraph 1 of Article 16 of the Act] shall mean executing any of the punishments or disciplinary actions stated in Chapter II of the Penal Code (Act No. 45 of 1907). Probation, detention, juvenile probation, protective detention, correctional guidance, and court-ordered confinement shall be regarded as said punishment, and information concerning execution thereof shall be handled as Usage-restricted Information if said information is likely to adversely affect probation, etc. and disturb the public safety and order if disclosed.
- (iv) “Maintenance of public safety and order” shall mean taking measures under the Penal Code, specifically, prevention, suppression or investigation of crime, maintenance of prosecution, and execution of punishment. The following information shall be handled as Usage-restricted Information if said information is likely to hinder the maintenance of public safety and order when disclosed. Information concerning: investigation of a tax crime for which procedures for official inspection, investigation, seizure, and accusation are stipulated in special laws other than the Code of Criminal Procedure (Act No. 131 of 1948), if said investigation is deemed to be conducted according to the criminal justice procedures and involved in prevention or investigation of a crime; investigation of violation of the Act concerning Prohibition of Private Monopoly and Maintenance of Fair Trade (Act No. 54 of 1947); control of subversive organizations (including organizations that committed indiscriminate mass murder), which is closely associated with prevention or investigation of a crime; prevention of illegal actions by crime syndicate members; control of stalking; and forced displacement procedures.

In addition, the following information shall also be treated as Usage-restricted Information: information, whose disclosure is likely to induce or facilitate criminal activities, including, but not limited to, threats to lives, physical safety and properties caused by terrorists and unauthorized access to or destruction of certain buildings or systems, and whose disclosure is likely to threaten the security of facilities where suspects and defendants are detained.

Whether the following information shall be handled as Usage-restricted Information or not shall be decided based on the provision of (c) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies: information concerning administrative procedures and policing whose disclosure will not hinder the prevention or suppression of crime and police activities, including, but not limited to, permission of adult entertainment business, prevention of infectious diseases, sanitary control of food, the environment, and pharmaceuticals, architectural regulations, and policing against natural disasters.

- (5) Information concerning administrative works or projects of national governmental agencies and independent administrative agencies [(b) in Item 2 of Paragraph 1 of Article 16 of the Act ((c) or (g) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies)]

Administrative works or projects of the national governmental agencies, independent administrative agencies, local public agencies, and local independent administrative agencies are conducted for the public interest. Accordingly, any information concerning said works and projects shall be handled as Usage-restricted Information

if disclosure thereof is likely to hinder proper implementation of the works and projects.

(i) Likelihood of hindering the gaining of a correct understanding of administrative works pertaining to audit, inspection, control, examination or imposition or collection of tax, or to facilitate illegal or otherwise wrongful acts or make it difficult to detect said acts [(c) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

(a) Administrative works pertaining to the following can involve evaluation or judgment based on a correct understanding of the facts for decision-making purposes. Audit (investigation into the performance of administrative works or projects or the state of assets, mainly through observation, to determine the appropriateness thereof); inspection (examination of account ledgers and other documents to ensure compliance with laws and accounting rules, and prove the standards and grades of goods); control (maintenance of lawful or otherwise appropriate state by prohibiting or restricting certain acts for the sake of public administration); examination (testing of the knowledge or competency of persons or performance of products); and “imposition or collection of tax” (imposition of tax on people by the national government or local public agencies or collection of the tax thereby).

(b) Among information concerning said administrative works or projects, there are types of information which, if disclosed in advance, could hinder gaining a correct understanding of facts that is indispensable for making proper and fair evaluation or judgment, including, but not limited to, information concerning objects of audit, date of audit, details of inspection, and examination questions, or whose disclosure could facilitate action that is illegal, or inappropriate if not illegal, by any person, or help said individual commit said action more artfully, thereby allowing easier concealment thereof. Accordingly, such information shall be subject to Usage Restriction. Even after an audit, etc. is over, information concerning details of illegal practices shall also be handled as Usage-restricted Information, if the information could suggest ways of circumventing the law to any person when disclosed.

(ii) Likelihood of causing damage to the legitimate profits from corporate management involving companies run by the national government or local public agencies, or independent administrative agencies or local independent administrative agencies [(g) in Item 4 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies]

Legitimate profits of independent administrative agencies or local independent administrative agencies shall be protected as far as said profits are gained from corporate management, and accordingly, information that is likely to cause damage thereto shall be subject to Usage Restriction. However, the meaning of “legitimate profits from corporate management” shall be decided on a case-by-case basis, taking into consideration the entity responsible for the corporate management and the nature and details of business, and depending on the decision made, the scope of said profits may be more narrowly defined in comparison with the case of information concerning Corporations stipulated in Item 2 of Article 5 of the Act on Access to Information Held by Administrative Organs and Item 2 of Article 5 of the Act on Access to Information Held by Independent Administrative Agencies.

3. Criteria for applying Usage Restriction to Specified Historical Public Records [Item 4 of Paragraph 1 of Article 16 of

the Act]

When a Specified Historical Public Record is donated to or deposited with the University Archives by a Corporation or individual, the University Archives shall comply with the request of the donating or depositing entity as to the handling thereof as much as possible and give special consideration in restricting the use thereof. The “certain period” stated in the above provision shall mean a finite period during which disclosure of the Specified Historical Public Record may cause some problem, and said provision shall not be construed to mean that the University Archives will promise not to make said record public indefinitely.

4. Criteria for applying Usage Restriction to the originals of Specified Historical Public Records [Item 5 of Paragraph 1 of Article 16 of the Act]

“Originals of Specified Historical Public Records” shall mean the Specified Historical Public Records whose contents, materials, and forms are maintained in their original order at the time when said records are made available for public use after undergoing processing for preservation, production of a catalog therefor and shelving.

Specified Historical Public Records shall be subject to Usage Restriction pursuant to Item 5 of Paragraph 1 of Article 16 of the Act in the following cases.

(1) In case where the use of an original may cause damage to or deface said original:

The University Archives may restrict the use of an original of a Specified Historical Public Record if the original is in poor condition, such as sheets sticking together due to moisture, insect damage, acidification, color change, color fading, or any other problem, and if offering the original for general use may cause further damage to the contents, material or form of said record, thereby making it difficult to maintain the original order thereof.

If the original can be repaired at reasonable cost within a reasonable period of time, then the University Archives shall offer said original for use at an appropriate time.

However, Usage Restriction shall be applied to Specified Historical Public Records if offering the originals thereof for general use is likely to cause difficulties in performing the legally mandated responsibility for management thereof. Such Specified Historical Public Records include, but are not limited to, records designated as important cultural properties by the national government.

(2) In case where the original is currently in use:

The University Archives may restrict the use of an original of a Specified Historical Public Record for a period during which a Request for Use cannot be immediately accepted due to unavailability of the original, including, but not limited to, the periods during which said original is being processed for preservation by preventing deterioration or other means, reproduction thereof is being produced, the original is loaned to an external organization for exhibition or any other purpose, and the original is being used by another person for a rational reason.

5. Criteria for deciding whether to permit partial disclosure or not

The following criteria shall apply when deciding whether to permit partial use of Specified Historical Public Records upon Request for Use pursuant to Paragraph 3 of Article 16 of the Act.

(1) Ease of separation and removal

- (i) The University Archives may opt not to permit partial disclosure of a Specified Historical Public Record not only when the Usage-restricted Information cannot be easily separated from the rest of said record but also when, even if said separation is easy, it is technically difficult to remove said

information from said record.

“Separation” shall mean separating the Usage-restricted Information from the rest of the record conceptually, and “removal” shall mean making the Usage-restricted Information unintelligible by covering said information or making a copy of the record and blacking out said information on the copy.

For example, even if no Usage-restricted Information is contained in a hand-written text itself, the writer of the text may be identified from the handwriting. In this case, it is difficult to separate and remove said part from the rest of the text. The same applies to an audio record in which the speaker can be identified from the voice, even if no Usage-restricted Information is contained in his or her remarks.

- (ii) Usage-restricted Information can be removed by making a copy of the record, blacking out said information on the copy, and again making a copy thereof, which is generally considered to be easy to do. However, this is not the case for Specified Historical Public Records that shall be preserved permanently pursuant to Article 15 of the Act and whose use shall be permitted only in a manner that ensures permanent preservation thereof.

In case of a Specified Historical Public Record that is designated as an important cultural property or that has significantly deteriorated, making a copy thereof can be detrimental to said record. In this case, the meaning of “easy” separation and removal stated herein shall be considered carefully on a case-by-case basis.

In case that Usage-restricted Information contained in an electromagnetic record, including, but not limited to, an audio record, video, and database stored in a magnetic disc, cannot be separated therefrom using existing programs, this case shall not be considered to fall under “easy separation and removal.”

- (2) Permission to use a Specified Historical Public Record after removing the Usage-restricted Information

It is the responsibility of the Head of the University Archives to decide how to remove the Usage-restricted Information contained in a Specified Historical Public Record to permit partial use of the rest thereof pursuant to the applicable laws. To be specific, when deciding whether to make a copy and black out the Usage-restricted Information thereon, or cover the entire page, the Head of the University Archives shall compare said options in terms of ease of avoiding the disclosure of the Usage-restricted Information.

- (3) Non-application of the provision if no material information is left in the Specified Historical Public Record after the removal of the Usage-restricted Information

- (i) “No material information is left” shall mean that, after removal of Usage-restricted Information, the Specified Historical Public Record contains information that does not deserve disclosure, including, but not limited to, meaningless enumeration of letters or figures. In deciding the materiality of information, the University Archives shall also take into consideration other information to be disclosed at the same time, if any.
- (ii) Materiality of information shall be decided objectively, without regard to the specific purpose of use of said information by a requesting person.

6. Handling of Personal Information

While personally identifiable information shall be treated as Usage-restricted Information [(a) in Item 1 and (a) in Item 2 of

Paragraph 1 of Article 16 of the Act], a Request for Use of said information submitted by the person to whom the information relates shall be handled pursuant to Article 17 of the Act as an exceptional case. If any of the cases stated in Paragraph 1 of Article 16 of the Act applies, including the case where a person requests use of personally identifiable information concerning both a third person and the Requesting Person, then the decision as to the handling thereof shall be made pursuant to Article 16 of the Act.

7. Criteria for deciding whether a certain Request for Use constitutes an abuse of right or not

Decisions on whether a certain Request for Use constitutes an abuse of rights or not shall be made on a case-by-case basis, in consideration of the manner in which the particular Request for Use was made, and potential problems that may affect the service of the University Archives or Japanese citizens if said Request is accepted, as well as whether said request conforms to socially accepted standards or not. For example, a Request for Use that aims to upset or interrupt the service of the University Archives or otherwise deviates largely from the original purpose of the right to request shall be deemed to constitute an abuse of right.

(Appendix)

Handling of Personal Information Contained in Thirty-Year or Older Specified Historical Public Records

Information contained in Specified Historical Public Record	Period of time (rough estimate)	Type of information
Personal Information whose disclosure is likely to threaten the rights and interests of the individual to whom said information relates for a certain period of time	50 years	(a) Academic background or professional experience (b) Property or income (c) Employment, screening or appointment/dismissal (d) Performance rating or duty (e) Personnel record
Material Personal Information whose disclosure is likely to threaten the rights and interests of the individual to whom said information relates for a certain period of time	80 years	(a) Nationality, race or ethnic group (b) Family, relative or marital status (c) Religious faith (d) Ideology (e) Infectious disease, physical disability, other health condition (f) Criminal record under the Penal Code (fine or lighter penalty)
Material Personal Information whose disclosure is likely to threaten the rights and interests of the individual to whom said information relates or his or her bereaved family for a certain period of time	110 years plus a reasonable period of time	(a) Criminal record under the Penal Code (imprisonment or heavier penalty) (b) Serious genetic disease, mental disorder or other health condition

Notes:

1. "Period of time" in the above table is a rough estimate of the period of time for which disclosure of the information is likely to remain a threat to the rights and interests of the individual concerned. The period shall be reckoned from April 1 of the academic year following the year when the Historical Public Record containing the Personal Information was prepared or acquired.
2. "Type of information" means the types of information that can be generally categorized as "Personal Information" or "material Personal Information" shown in the left column of the above table. However, the applicability of specific information contained in a Specified Historical Public Record to either of the categories shall be decided on a case-by-case basis, taking into consideration the nature of the information and the circumstances under which the information was included in the Historical Public Record.
3. "Criminal record under the Penal Code" includes the record of being a victim of a crime.
4. For "Criminal record under the Penal Code (imprisonment or heavier penalty)," the period of time for which disclosure of the information is likely to remain a threat to the rights and interests of the individual concerned is estimated at

roughly 110 years, and for “serious genetic disease, mental disorder or other health condition,” said period shall be estimated at roughly 140 years, which shall be decided in consideration of the severity of the disease, progress of medical science, and public attitude towards the disease.