

Legal Regulation & Education: Doing the Right Thing?

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Protecting the 'Specified Secret'?: A new development in Japan

Relatively recently, the Japanese Parliament passed a new and controversial piece of legislation called the 'Act on Protection of Specified Secrets' (Act No 108 of 2013). The legislation will come into force by December 2014. The main purpose of the Act is to protect 'specified secrets' and prevent this category of information from being disclosed or being obtained by unauthorised third parties. The 'specified secrets' includes governmental information relating to national security, disclosure of which the information can be detrimental to the State. Two particular ambiguities in the legislation present problems of interpretation: (i) there is no clear definition of 'specified secrets'; which could include any governmental confidential information; and (ii) there is no clear definition of information which might be detrimental to the national security when such information is disclosed. Therefore, the questions needing to be answered are: what types of information are, in fact, considered as 'specified secrets' and what type of information is considered to be detrimental to 'national security' due to its disclosure? Although this paper might pose more questions than answers to the questions noted above, the main purpose of the paper is two-fold: (i) to introduce an overview of the Act, and; (ii) to illustrate and examine the possible challenges of the Act arising in the forthcoming Web 3.0 era.