

## Introducing ICJ's Information Disclosure Recommendation Database

<http://clearing-house.org/sys/>

### Introduction

This Database provides online access to thousands of Recommendations issued by Information Disclosure Review Boards at local governments throughout Japan. There are two main components: "Basic Data" featuring key elements in each Recommendation (explained below), and the texts of Recommendations themselves. ICJ expects that this database will be an effective means to promote government information disclosure and empower researchers to quickly understand the reach of Japan's information disclosure laws and identify precedents relevant to their work.

This is the only system to enable effective access and study of thousands of local government Recommendations in a searchable database, accessible through the Internet.

### Background

Japan's local governments have more than twenty years of experience administering information disclosure systems. The first local government systems were adopted in the early 1980s. By the end of the 1980s, most prefectures and large cities had adopted disclosure systems. The national government information disclosure system came into effect in 2001. By April 1, 2005, 2,380 local governments (approximately 98% of all local governments) had information disclosure systems in place. All of these systems empowered requesters to demand the disclosure of information in the possession of governments.

A distinctive feature of these systems is the "**Information Disclosure Review Board**," (情報公開審査会) a panel of experts appointed to review administrative appeals of denials of information requests. All Japanese information disclosure rules, including both the national and local governments, feature the appointment of such Review Boards. They are empowered to issue **Recommendations** (*toshin* ; 答申) concerning specific cases. Although the Recommendations are not binding on administrative agencies, they are followed in nearly all cases.

As detailed below, more than ten thousand such Recommendations have already been issued. They serve a role similar to judicial precedent by resolving conflicts that arise in the implementation of the national law and local information ordinances. However, until this Project there has been no significant public or private collection of these Recommendations: they have been scattered among local governments located all over the country.

### Who Uses this Database?

All over Japan, local government officials are charged with deciding whether information should be withheld or disclosed in specific cases. In general, they have limited reference material to assist them in making these decisions. There is a great need for both government officials and information requesters to have good reference materials to understand appropriate application of the information disclosure rules.

Broad distribution of Recommendations issued by Disclosure Review Boards is an ideal means to promote professional and efficient administration of information disclosure systems and to enable citizens to effectively pursue information. The language of each information ordinance is similar. Therefore, Recommendations play a role similar to judicial precedent. A Recommendation issued in Nagano Prefecture for example, may be a valuable reference to government officials charged with deciding on an information request in Kyoto or Fukuoka or elsewhere around the country.

Appeal of initial information disclosure decisions is an effective means to monitor and correct the actions of government officials. More than 8,000 Recommendations have already been issued by local government Review Boards since 1983. ICJ research indicates that the Review Boards recommend expanded information disclosure in more than 50% of the cases.

There is a broad-range of potential users of the system, including researchers, non-profit organizations, individual citizens, local and national government officials who are responsible to implement information disclosures systems, journalists, members of Information Disclosure Review Board and their staffs, and others.

There is also an international dimension. Today, more than sixty countries around the world have adopted information disclosure systems. The U.S. Freedom of Information Act is the most prominent example. ICJ expects that this database will also be used by researchers in the U.S. and elsewhere, including both researchers who are interested in Japan and Japanese society, and those who are interested in comparative study of government transparency, citizen involvement in public policymaking and related issues.

#### Database Content (as of August 2006)

	03 - 04	04 - 05	05 - 06
Recommendations collected	6,000	8,921	10,926
Basic Data (see below) produced	4,872	6,426	7,689
Number of hardcopy Recommendations digitized	400	1,102	3,258
Basic Data uploaded	—	6,426	7,689
Recommendations uploaded	—	2,196	4,789

(“Basic Data” includes: 1) title of records withheld, 2) reason cited for the non-disclosure decision, 3) Recommendation issue date, 4) the conclusion of the Recommendation, and 5) the final decision by government agency, and 6) the name of the local government or national government agency.)

#### Database Components and Special Features

Regarding Recommendations issued by the National Information Disclosure Review Board, the national government provides access to texts of Recommendations through an Internet website. However, this is of limited value because it provides only Recommendations texts and a free keyword search function. The Recommendations are ordered only by case number and date of issue. This database does not provide any organization by topic, action taken, or other useful factor.

The ICJ database provides more advanced functionality through the “Basic Data” feature. Users are able to specify key factors, such as reasons cited for denials of information requests, decisions issued by governments (non-disclosure, partial disclosure, full-disclosure, others), and conclusions of the Recommendations (approving, partial approving, and rejection of appeal). Thus, for example, a researcher interested in studying only cases where disclosure was denied on the ground of commercial confidentiality, can use the ICJ database to obtain a list of relevant cases. Government officials, requesters, researchers and others can quickly identify all cases of relevance to the matter at hand. The database is designed to enable such searches to be done easily. Through the ICJ database, Recommendations will become more authoritative as precedent.