

A Summary of FOI Cases Filed in Local Governments

Information Clearinghouse Japan

(a) Survey of Objects in Danger of Falling Off Buildings

Topic: Public Safety

Local Government: Tokyo

Document Title: Survey of Objects in Danger of Falling Off of Buildings

Request: 1995

Disclosure: 1995

Degree of Disclosure: Partial disclosure (exemption for agency operations)

Case Summary:

In order to promote earthquake safety, the Tokyo metropolitan government undertook from 1980 to 1990 a survey of objects in danger of falling off buildings. The investigation focused on buildings located along wide area evacuation routes. Investigators noted the presence of window glass, sign boards, mortar walls, air conditioning units and other devices attached to building exteriors and that were in danger of falling in an intensity four or five earthquake. Where such objects were found, the government recommended that the building undergo improvements. In response to these recommendations, the 74.4 percent of the endangered buildings were renovated, leaving one quarter of the buildings the way they were.

This meant that these buildings still posed danger to the public, and not only during earthquakes. In one case, a mortar wall blown off a building by a typhoon killed several people. The public, however, remained oblivious to the danger.

A request was filed to disclose information on these dangerous buildings in order to create an “avoidance map” that would alert residents. Also, it was hoped that by informing as many people as possible about the dangers they faced, the building owners would be forced to make improvements.

Tokyo released the requested document, but made significant deletions. ([Click here to see a page from the list of unimproved buildings](#)). As the list shows, while the ward and area names are disclosed, the actual building names and addresses are blacked out. The reason for nondisclosure is that the survey was carried out through the voluntary cooperation of the building owners, and if the information were to be disclosed, it would cause difficulties when undertaking future surveys and information gathering.

In contrast, information concerning dangerous animals was disclosed. Under Tokyo’s Dangerous Animal Management Ordinance, anyone who keeps a dangerous animal such as a tiger, crocodile or snake should register it with the local public health center. Those registrations were completely disclosed in response to a disclosure request submitted by pet dealers.

The difference between the two cases lies in whether or not participation in the survey was voluntary. Because the registration of dangerous animals is obligatory, there will be no future difficulties in obtaining information concerning such animals. But because participation in the survey on dangerous buildings was voluntary, it was thought that disclosure would make future such surveys difficult to carry out.

(b) Pharmaceutical Additives

Topic: Medical: Pharmaceutical Additives

Local Government: Tokyo

Document Title: Names, Amounts, and Concentrations of Additives Noted in Copies of Applications for Approval of Pharmaceutical Products

Request and Decision: 1988 (exact dates unknown)

Degree of Disclosure: Partial Disclosure (exemption for corporate information)

Case Summary:

Article 20 of the National Pharmaceuticals Law requires that applications for the licensing and approval of pharmaceutical products “must be made through the governor of the prefecture in which the pharmaceutical maker is located.” Prefectural governments keep copies of such applications and these documents are subject to disclosure under prefectural disclosure ordinances. The attached documents ([click here to view the documents](#)) are parts of applications that were disclosed by the Tokyo metropolitan government.

Additives are used in pharmaceutical products to give them color and to make them into pills. Some additives can have serious side effects such as shock or respiratory disorders. In the past, however, only the active ingredients were listed in the packaging of pharmaceuticals; there was no requirement to disclose additives. A group of doctors who had misgivings about these additives asked pharmaceutical companies and the Health and Welfare Ministry to disclose the names and amounts of additives in pharmaceutical products. The doctors were unable to get adequate information from those sources, so they requested Tokyo, Kanagawa, and Osaka prefectures to disclose their copies of the approval applications.

The Tokyo and Kanagawa prefectures released the information. However, the prefectures decided that the amount of additives used was exempted (privileged) corporate information as this was not disclosed. However, the amounts of additives were disclosed in the case of injected products on the ground that the information is necessary to protect human life. Like Tokyo and Kanagawa, Osaka disclosed the requested information in the same way, but only after an initial denial was appealed to the Osaka review board.

At about the same time that these requests were being processed, the Health and Welfare Ministry sent out a notification including additives among the requirements for the listing of ingredients in the packaging of pharmaceutical products.

(c) Selection Standards for Day Care Facilities

Topic: Public Education and Welfare Services

Local Government: Kawasaki City (Kanagawa)

Document Title: Standards for Selection of Children to Day Care Facilities

Request: March 9, 1999

Decision: March 23, 1999

Degree of Disclosure: Full Disclosure

Case Summary:

In general, day care is provided for children in the lower levels of primary school (grades 1 to 3) whose parents, either due to work or other reasons, are not at home during the day. In Kawasaki, these kinds of facilities are mainly operated by the city. Acceptance into these day-care programs is based upon the parents' employment and other factors, but because only a limited number can be accommodated, many children are kept on a waiting list. The attached document ([click here](#)) states Kawasaki's “criteria” for selecting children to enter day-care programs. It is attached to the instructions for the entrance selection meetings held in each of the city's wards.

The request for disclosure of reasons for acceptance into the city's day-care programs was filed by a parent whose child was denied entry. Because parents were not informed why their children were on the waiting list, rumors began circulating that “if the child has a brother or sister, he or she will not be admitted to the day care program.” The motive of the request was to try to learn the actual selection criteria.

The city fully disclosed that the selection was based on criteria A to E, with each child ranked on a scale of 1 to 5 for each criterion. Those with the highest total numbers were accepted. The rumored question of whether or not there is a sister or brother is referred to in criterion C, but it does not greatly effect a child's ranking and it is clear that this alone would not be the basis for selecting a child. The rumors died down after the resident who applied for disclosure distributed the information to other parents.

(d) Door-to-Door Consumer Products Subject to Complaints

Topic: Consumer Products: Customer Complaints

Local Government: Kanagawa Prefecture

Document Title: List of Products Sold Door-to-Door Which are Subject to Many Complaints (and Company Names)

Request: April 1983

Decision: April 1983

Degree of Disclosure: Full Disclosure

Case Summary:

This request, filed in April 1983, was the first request filed in Kanagawa Prefecture, the first prefecture in Japan to adopt an information disclosure ordinance. Kanagawa gathered data concerning complaints received by the Consumer Consulting Center regarding door-to-door sales and created a summary document.

Ordinarily, response to an information request requires disclosure of existing documents only and does not require creation of a summary document. In order to commemorate the first information request, the Prefecture created this document. ([Click here to view the summary.](#))

The request was filed by a member of a consumer group in Kanagawa who wanted information on complaints about door-to-door sales as a warning to consumers. Because this was Japan's first information request, it was widely reported in the press and similar requests followed. Later the names of companies and products sold through high-pressure group sales tactics were disclosed.

Similar documents were disclosed in Hokkaido, but Tochigi officials decided to delete company names. It is possible other local governments did this as well, even if consumers can make intelligent decisions on products and services only if they have the information they need, including names of companies and products.

(e) Foreign Trips Taken by Local Legislators

Topic: Public Spending: Government-Owned Property

Local Government: Tokyo

Document Title: Receipts for Expenses related to Local Legislators Foreign Trips

Request: 1996

Decision: 1999

Degree of Disclosure: Full Disclosure

Case Summary:

An official signing ceremony sealing a friendship agreement between Tokyo and Rome was conducted in Rome in July 1996. Governor Aoshima and a group of Tokyo legislators attended the ceremony. Following the event, the legislators visited Munich and Berlin. A requester wished to know how much this event cost.

At that time, the Tokyo legislature was not the subject of Tokyo's disclosure ordinance. The request was filed with the Expense Chief, who had possession of the documents. But the Tokyo legislature opposed disclosure on the ground that this would damage relations between the Governor and the legislature. The Tokyo prefecture therefore withheld all documents.

Subsequently, however, the Tokyo District Court and the Tokyo High Court both granted judgments in favor of overturning the prefecture's decision, stating that "determination of whether the relationship of trust will be damaged or not must be objectively rational when viewed by residents of Tokyo. The determination of Tokyo prefecture, based solely on its assessment of the subjective relationship between the parties, is not acceptable to Tokyo residents."

The Tokyo prefecture appealed the case to the Supreme Court. In April 1999, the Court refused the case and the Tokyo High Court decision became final. The documents were released, excluding only the signatures of persons issuing the receipts. ([Click here for sample documents.](#))

As a result, numerous items that appear to have been forged, such as handwritten receipts, were discovered and legislators were found to have padded their bills. Based on the information in these documents, the requester filed a demand for an audit, which identified more Y800,000 in losses due to falsified receipts. As a result, legislators and prefectural staff reimbursed the prefecture about Y1 million.