

(research in progress)

Protecting the Public Interest: Toward Reform of the Whistleblower Protection Act in Japan

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Key Words: public interest, disclosure, obligation of confidentiality, freedom of the press, anonymity

Disclosure of information by whistleblowing promotes the public interest. In Japan, the Whistleblower Protection Act was enacted to protect whistleblowers in 2004 but it has limitations. Consequently the Consumer Affairs Agency began to move toward legal reform in 2015. This paper examines the problems that whistleblowers are facing with this act, for example the leakage of personal information, retaliation from organizations, violation of the obligation of confidentiality and the burden of lawsuits (Section 1). In addition, it presents several stipulations for law amendments from the perspective that whistleblowing is necessary as a contribution to the public interest, specifically the protection of life, body, property, and other interests of citizens (Section 2 and 3).

This research is conducted from an interdisciplinary viewpoint. It analyzes judicial and administrative documents in the public domain (court judgments, the report of the survey on the actual situation, and results of hearings by the Consumer Affairs Agency). These establish clear problems with the existing Act. These findings were then compared with the situation with whistleblower protection laws in the United States, the United Kingdom, and the Republic Korea. By contrast with Japan, it was found that their laws provide progressive provisions for whistleblower protection, especially securing anonymity, prohibition of disadvantages, whistleblowers' responsibility reduction of fraud, and compensation for unfair dismissal.

This research concluded that the Japanese Whistleblower Protection Act should offer more protection to whistleblowers providing information to the press because effective reporting informed by whistleblowers advances the public interest based on the right to know.