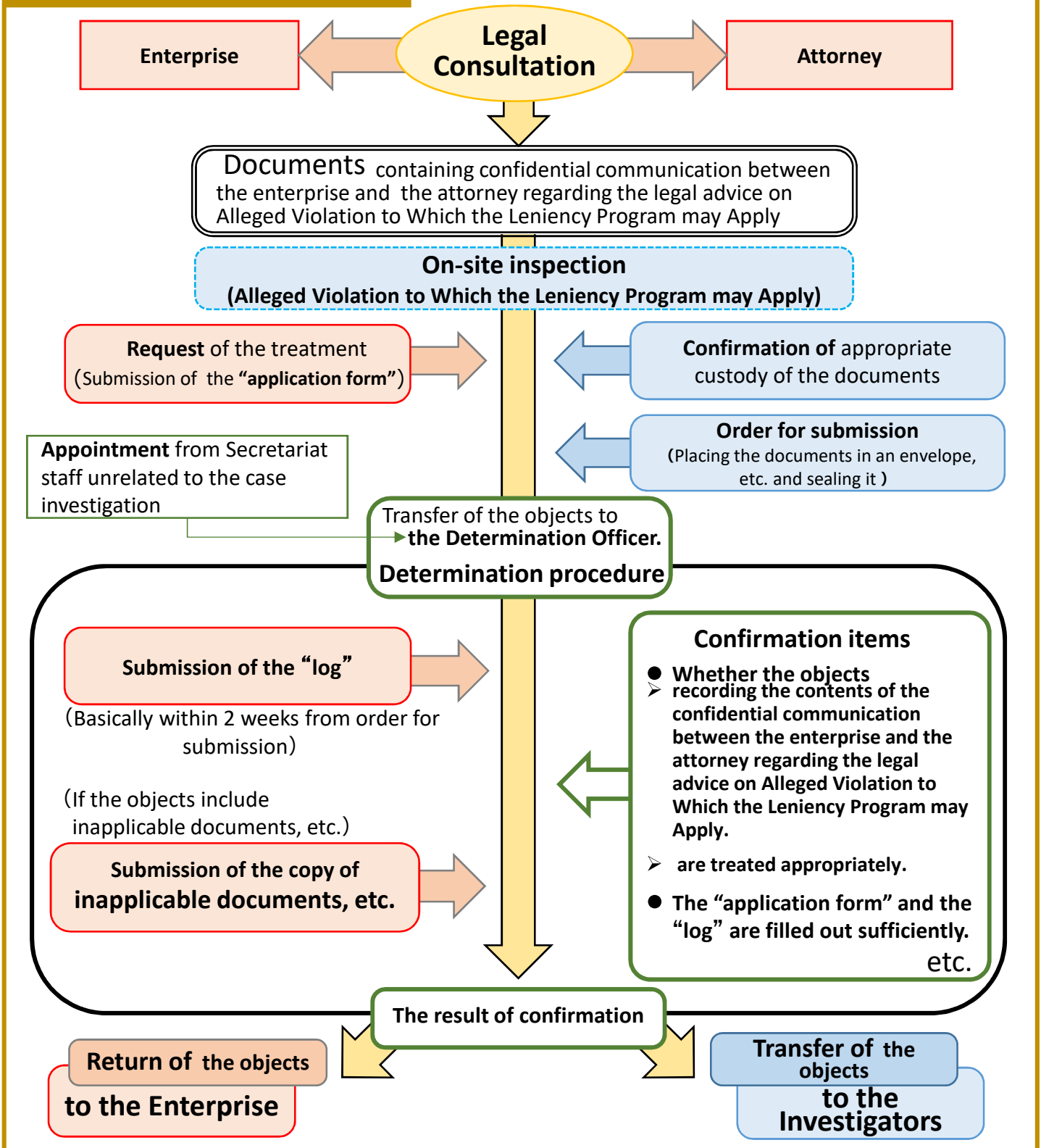


Treatment of confidential communication between an enterprise and an attorney (the point of Determination procedure)

Reference

In relation to administrative investigation procedures regarding Alleged Violation to Which the Leniency Program may Apply in AMA, JFTC will amend “Rules on Investigations” pursuant to the Article 76 of AMA and establish guidelines as for treatment of objects recording contents of confidential communication between an enterprise and an attorney (hereinafter referred to as “the treatment”).

The flow of the treatment



Treatment of confidential communication between an enterprise and an attorney (the point of Determination procedure)



If the Determination Officer decides that the objects meet all of requirements as a result of the determination procedure, the objects will be returned to the enterprise promptly without investigators' access.

◆ Points in determination procedure

➤ Attorney

- ✓ The attorney engages in legal practices independently from the enterprise.

➤ Communication

- ✓ Confidential communication between the enterprise and the attorney regarding legal advice on Alleged Violation to Which the Leniency Program may Apply .
* except for something regarding obstruction of Inspection, etc.

➤ Objects

Examples of applicable documents	Examples of inapplicable documents
<ul style="list-style-type: none">• consultation document from the enterprise to the attorney• responding document from the attorney to the enterprise• report stating the legal advice based on the internal investigation performed by the attorney	<ul style="list-style-type: none">• employee's pocketbook or note stating the details of the meetings• report on internal questionnaire• record of interview against employee

* If the objects include inapplicable documents, JFTC will treat the objects as applicable as long as the copy of inapplicable documents are submitted by the enterprise.

➤ Appropriate custody of the objects

- ✓ Indicated on an easily visible place on the object body that they are applicable (specific examples are listed in the guideline)
- ✓ Had been Stored at a specific place of storage managed by the enterprise and had been distinguished in appearance from another place in which inapplicable objects had been stored
- ✓ The scope of persons who should know the contents of the objects had been restricted to those who need to know

➤ Submission of the "application form" and the "log"

Electronic data

- Electronic data(e-mail, attached files, etc.) is treated in the same way as paper documents in principle. However, considering the nature of electronic data, the following is conducted in the determination procedure.
 - ✓ The Determination Officer shall request the enterprise to provide electronic data which can be viewed or paper documents as necessary
 - ✓ The Determination Officer shall request the enterprise to provide information to identify the electronic data(hash value, etc.) as necessary
 - ✓ In the case inapplicable electronic data is included, the Determination Officer shall treat it as applicable data when the enterprise provides electronic data identified as the inapplicable data and submits a document ensuring the identification, (also shall treat as applicable data when the enterprise requests that the Determination Officer should allow the investigators to access the inapplicable electronic data, instead)