ANNEX II

1. The Government of Japan shall make available to the Government of the United States of America:

(1) the fingerprint data of individuals in the following categories that have been collected from the individuals and are held in its national system for automated fingerprint identification used for the purpose of preventing, detecting, and investigating serious crime, when an automated query indicates that it relates to an identified individual:

(a) individuals who have been convicted and sentenced by a final judgment;

(b) adults who have been arrested and, for the case relevant to the arrest, who have:

(i) been prosecuted but not received a final judgment;

(ii) received a disposition of non-prosecution pursuant to Article 248 of the Japanese Code of Criminal Procedure (Law No. 131 of 1948), as may be amended, and have not been prosecuted; or

(iii) neither been prosecuted nor received a disposition of non-prosecution, except in cases determined to be a petty crime or finally subjected to non-criminal proceedings relating to minors; and

(c) adults for whom a request of arrest has been circulated among police authorities in Japan.

(2) the fingerprint data that have been collected from individuals and are held in its national system for automated fingerprint identification used for the purpose referred to in subparagraph (1) of paragraph 1 of this Annex II, when an automated query indicates that it relates to an unidentified individual.

2. The Government of the United States of America shall make available to the Government of Japan the fingerprint data that are held in its national system for automated fingerprint identification used for the purpose referred to in subparagraph (1) of paragraph 1 of this Annex II, including but not limited to the fingerprint data of individuals in the following categories:

(1) individuals who have been convicted;

(2) adults who have been arrested;

(3) adults for whom a warrant of arrest has been issued; and

(4) known and suspected terrorists.