

# Basic Act on the Advancement of Public and Private Sector Data Utilization

(Act No. 103 of December 14, 2016)

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## Chapter I General Provisions

(Purpose)

Article 1 By appropriately and effectively utilizing the wide variety and large amount of information that circulates via the Internet and other advanced information and telecommunications networks, and in consideration of the importance of further development of an environment that contributes to the solution of problems faced by Japan, such as response to the rapid progress of the declining birth rate and aging population, the purpose of this Act is to determine the responsibilities of the State, local public entities, and companies by providing for basic principles with respect to the advancement of the appropriate and effective use of public and private sector data (hereinafter referred to as "public and private sector data utilization"), to provide for matters that form the basis of the formulation of the basic plan for the advancement of public and private sector data utilization and other measures for the advancement of public and private sector data utilization, and to comprehensively and effectively promote measures for the advancement of public and private sector data utilization by establishing the Strategic Conference for the Advancement of Public and Private Sector Data Utilization, thereby contributing to the realization of a society in which the citizens are able to live safely and free of anxiety and to a comfortable living environment.

(Definitions)

Article 2 (1) The term "public and private sector data" as used in this Act means information (excluding information that is likely to damage national security, hinder the maintenance of public order, or be an obstacle to the protection of

public safety) recorded in an electronic or magnetic record (meaning a record created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies to Article 13, paragraph (2)), which is managed, used or provided by the State or a local public entity, or an incorporated administrative agency (meaning an incorporated administrative agency provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999); the same applies in Article 26, paragraph (1)) or any other company in performing its function or business.

- (2) The term "artificial intelligence-related technology" as used in this Act means technology for the realization of intelligent functions, such as learning, inference, and judgment, by artificial means, and utilization of the relevant functions realized by artificial means.
- (3) The term "internet of things utilization-related technology" as used in this Act means technology for the utilization of a large amount of information which is sent from or to various and many objects connected to the internet, which brings improvement in the management efficiency and productivity of companies, creation of new businesses and increase of employment opportunities through creation of added value by utilizing the information, thereby contributing to improvement of the citizens' lives and sound development of the national economy.
- (4) The term "cloud computing service-related technology" as used in this Act means technology for services providing computers (including an input-output device; the same applies hereinafter) for another person's use for information processing via the Internet or any other advanced information and telecommunications network.

(Basic Principles)

- Article 3 (1) The advancement of public and private sector data utilization must be conducted for the purpose of ensuring smooth circulation of information while protecting the rights and interests of individuals and corporations, in combination with measures under the Basic Act on the Formation of an Advanced Information and Telecommunications Network Society (Act No. 144 of 2000), the Basic Act on Cybersecurity (Act No. 104 of 2014), the Act on the Protection of Personal Information (Act No. 57 of 2003), the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013), and other related laws.
- (2) The advancement of public and private sector data utilization must be conducted for the purpose of contributing to the realization of a vigorous Japanese society by promoting the formation of self-reliant and unique local communities through stimulation of local economies and creation of local

employment opportunities, creation of new businesses, and sound development of industry and reinforcement of international competitiveness.

- (3) The advancement of public and private sector data utilization must be conducted for the purpose of contributing to the promotion of an effective and efficient administration by ensuring that the State and local public entities plan and draw measures based on the information obtained through public and private sector data utilization.
- (4) In advancing public and private sector data utilization, security and reliability in the use of information and telecommunications technology must be ensured, and the rights and interests of individuals and corporations, national security, etc. must be kept from being damaged.
- (5) In advancing public and private sector data utilization, further use of information and telecommunications technology must be promoted in the fields that contribute to increasing convenience for citizens and administrative fields other than the relevant fields to contribute to the improvement of simplicity and efficiency of administrative operations, as well as promoting an increase in convenience for citizens.
- (6) In advancing public and private sector data utilization, the foundations necessary to ensure the appropriate utilization of public and private sector data concerning individuals while protecting the rights and interests of individuals and corporations must be established.
- (7) In advancing public and private sector data utilization, to ensure the coordination among a wide variety of actors who utilize public and private sector data, standards for information systems must be developed, compatibility among those systems must be secured, and other foundations necessary to ensure the smooth circulation of public and private sector data must be established.
- (8) In advancing public and private sector data utilization, to devise an effective and efficient utilization of public and private sector data, utilization of artificial intelligence-related technology, internet of things utilization-related technology, cloud computing service-related technology, and other advanced technologies must be promoted.

(Responsibilities of the State)

Article 4 In accordance with the basic principles referred to in the preceding Article (hereinafter referred to as the "basic principles"), the State is responsible for comprehensively formulating and implementing measures for the advancement of public and private sector data utilization.

(Responsibilities of Local Public Entities)

Article 5 Local public entities are responsible for formulating and implementing

measures according to the economic conditions, etc. in the area of each of the local public entities, in accordance with the basic principles and on the basis of an appropriate division of roles with the State for the advancement of public and private sector data utilization.

(Responsibilities of Companies)

Article 6 Companies are, in accordance with the basic principles, to voluntarily and actively endeavor to advance public and private sector data utilization in relation to their own business activities and cooperate for measures for the advancement of public and private sector data utilization implemented by the State or local public entities.

(Legislative Measures)

Article 7 The government must take legislative, financial, and other measures necessary to implement policies for the advancement of public and private sector data utilization.

## **Chapter II Basic Plan for the Advancement of Public and Private Sector Data Utilization**

(Basic Plan for the Advancement of Public and Private Sector Data Utilization)

Article 8 (1) The government must establish a basic plan for the advancement of public and private sector data utilization (hereinafter referred to as the "Basic Plan for the Advancement of Public and Private Sector Data Utilization") to ensure the comprehensive and effective promotion of measures for the advancement of public and private sector data utilization.

(2) The Basic Plan for the Advancement of Public and Private Sector Data Utilization is to provide for the following matters:

- (i) the basic policy on measures for the advancement of public and private sector data utilization;
- (ii) matters concerning public and private sector data utilization at the national government administrative organs;
- (iii) matters concerning the promotion of public and private sector data utilization at local public entities and companies;
- (iv) measures to be implemented as a priority by the government in relation to public and private sector data utilization; and
- (v) beyond what is set forth in the preceding items, matters necessary to comprehensively and effectively promote measures for the advancement of public and private sector data utilization.

(3) For measures described in the Basic Plan for the Advancement of Public and Private Sector Data Utilization, specific targets and the time limits for

achievement of the targets are to be set, in principle.

- (4) If a priority field referred to in Article 23, paragraph (3) is designated pursuant to the provisions of the same paragraph, measures to be implemented in the priority field are to be described in the Basic Plan for the Advancement of Public and Private Sector Data Utilization pursuant to the provisions of paragraph (1) as measures to be implemented as a priority by the government in relation to public and private sector data utilization referred to in paragraph (2), item (iv).
- (5) The Prime Minister must ask for a cabinet decision in relation to a draft of the Basic Plan for the Advancement of Public and Private Sector Data Utilization.
- (6) If the government formulates the Basic Plan for the Advancement of Public and Private Sector Data Utilization, it must report the plan to the Diet and publicize it by using the Internet or by any other appropriate means without delay.
- (7) The government is to review the Basic Plan for the Advancement of Public and Private Sector Data Utilization every fiscal year in consideration of changes in the situation of public and private sector data utilization and in light of evaluation on the effects of measures for the advancement of public and private sector data utilization, and is to add changes thereto if necessary.
- (8) The provisions of paragraphs (5) and (6) apply mutatis mutandis to the changes of the Basic Plan for the Advancement of Public and Private Sector Data Utilization.
- (9) The government must endeavor to adopt measures necessary for the smooth implementation of the Basic Plan for the Advancement of Public and Private Sector Data Utilization, such as budgeting, every fiscal year, as far as national finance permits, to secure necessary funds for expenses required for the implementation.

(Prefectural Plan for the Advancement of Public and Private Sector Data Utilization)

- Article 9 (1) Prefectures must establish a basic plan for measures for the advancement of public and private sector data utilization in the area of each of the relevant prefectures (hereinafter referred to as a "prefectural plan for the advancement of public and private sector data utilization" in this Article) in accordance with the Basic Plan for the Advancement of Public and Private Sector Data Utilization.
- (2) A prefectural plan for the advancement of public and private sector data utilization is to describe the following matters:
    - (i) the basic policy for measures for the advancement of public and private sector data utilization in the area of the prefecture;

- (ii) matters concerning the advancement of public and private sector data utilization in the area of the prefecture; and
  - (iii) beyond what is set forth in the preceding two items, matters necessary to comprehensively and effectively promote measures for the advancement of public and private sector data utilization in the area of the prefecture.
- (3) Municipalities (including special wards; hereinafter the same applies in this Article) are to endeavor to establish a basic plan for measures for the advancement of public and private sector data utilization in the area of each of the relevant municipalities (referred to as a "municipal plan for the advancement of public and private sector data utilization" in the following paragraph) in line with the Basic Plan for the Advancement of Public and Private Sector Data Utilization and in consideration of the relevant prefectural plan for the advancement of public and private sector data utilization.
- (4) If a prefecture or municipality establishes or changes a prefectural plan for the advancement of public and private sector data utilization or a municipal plan for the advancement of public and private sector data utilization, it must publicize the plan or change by using the Internet or by any other appropriate means without delay.

### **Chapter III Basic Measures**

(Use of Information and Telecommunications Technology in Procedures)

- Article 10 (1) The State is to implement necessary measures to ensure that an application, notification, notice of a disposition or any other procedure pertaining to an administrative organ, etc. (meaning an administrative organ, etc. referred to in Article 2, item (ii) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002); hereinafter the same applies in this paragraph) is, in principle, conducted by means of an electronic data processing system (meaning an electronic data processing system which connects a computer used by an administrative organ, etc. and a computer used by the other party of the procedure with the relevant administrative organ, etc. by a telecommunications line) or any other information and telecommunications technology.
- (2) The State is to implement necessary measures to promote an offer of a contract or any other procedure by a private company, etc. (meaning a private company, etc. referred to in Article 2, item (i) of the Act on Utilization of Telecommunications Technology in Document Preservation Conducted by Private Companies (Act No. 149 of 2004); hereinafter the same applies in this paragraph) to be conducted by means of an electronic data processing system (meaning an electronic data processing system which connects a computer used

by a private company, etc. and a computer used by the other party of the procedure with the private company, etc. by a telecommunications line) or any other information and telecommunications technology.

- (3) The State is to implement legislative and other necessary measures to ensure that a person that was delegated with mandate by a representative of a corporation is able to implement an offer of a contract or any other procedure by exclusively using an electronic data processing system (meaning an electronic data processing system which connects a computer used by the delegated person and a computer used by the other party of the offer of a contract or other procedure with the person by a telecommunications line).

(Easy Use of Public and Private Sector Data Held by the State and Local Public Entities)

Article 11 (1) The State and local public entities are to implement necessary measures in relation to the public and private sector data held by themselves, to enable citizens to easily use such data via the Internet or any other advanced information and telecommunications network while ensuring that the rights and interests of individuals and corporations, national security, etc. are not damaged.

- (2) Companies are to endeavor to implement necessary measures in relation to public and private sector data held by themselves which contributes to enhancing public interest to enable citizens to easily use the relevant data via the Internet or any other advanced information and telecommunications network while ensuring that the rights and interests of individuals and corporations, national security, etc. are not damaged.
- (3) To advance public and private sector data utilization, the State is to review systems for the smooth circulation of public and private sector data (including the system for the smooth circulation of content (meaning the content provided for in Article 2, paragraph (1) of the Act on Promotion of Creation, Protection and Exploitation of Contents (Act No. 81 of 2004))) and to implement other necessary measures.

(Appropriate Utilization of Public and Private Sector Data by a Wide Variety of Actors with Participation of Individuals)

Article 12 For the purpose of promoting the smooth circulation of public and private sector data concerning individuals, the State is to develop the foundations for enabling a wide variety of actors to utilize in an appropriate manner public and private sector data concerning individuals, with the participation of the relevant individuals, and to implement other necessary measures while giving consideration to the protection of the competitive position and other legitimate interests of companies..

(Formulation of a Plan for the Dissemination and Utilization of Individual Number Cards)

Article 13 (1) The State is to formulate a plan for the dissemination and utilization of Individual Number Cards (meaning Individual Number Cards provided for in Article 2, paragraph (7) of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures; hereinafter the same applies in this paragraph) and to implement other necessary measures to promote the dissemination and utilization of Individual Number Cards.

(2) The State is to implement necessary measures to ensure that public and private sector data, associated with a issuance number, mark, or any other information of an electronic certificate (meaning an electronic or magnetic record (limited to a record used in computerized information processing) prepared for certifying that matters used to confirm a person who has performed an electronic signature (meaning the electronic signature provided for in Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000)) are pertaining to the person) is consistent with the past or present facts to the extent necessary to achieve the purpose of use and that measures for the prevention of leakage, loss or damage and other safety management measures are implemented for the relevant public and private sector data.

(Rectification of Disparity in Opportunities for Use)

Article 14 The State is to promote the development and provision of services and the development and dissemination of technology through Public and Private Sector Data Utilization and to implement other necessary measures to rectify the disparity among citizens in their opportunities for using information and telecommunications technology or their ability to utilize it arising from geographical constraints, age, physical circumstances, and other elements.

(Development of Standards for Information Systems and Securing of Compatibility)

Article 15 (1) The State and local public entities are to, in coordination with each other, develop standards for their own information systems, to secure compatibility among those systems, to review their own business, and to implement other necessary measures to contribute to Public and Private Sector Data Utilization.

(2) The State is to develop the foundations for ensuring mutual coordination among the information systems of the State, local public entities, and companies and to implement other necessary measures to contribute to the development of new services, etc. through cross-sectional Public and Private

Sector Data Utilization in a wide variety of fields.

(Promotion of Research and Development)

Article 16 The State is to implement necessary measures to promote research and development as well as verification in relation to artificial intelligence-related technology, internet of things utilization-related technology, cloud computing service-related technology, and any other advanced technology, and disseminate the outcomes thereof in consideration of the importance of maintaining self-reliant technical capabilities for public and private sector data utilization in Japan.

(Development and Securing of Human Resources)

Article 17 The State is to implement necessary measures to develop and secure human resources who have technical knowledge or skills pertaining to public and private sector data utilization.

(Promotion of Education and Learning, Dissemination and Enlightenment)

Article 18 The State is to promote education and learning, disseminate public awareness and knowledge in relation to public and private sector data utilization and to implement other necessary measures to ensure that the citizens deepen their interest and understanding of public and private sector data utilization.

(Ensuring of Consistency between the State's Measures and Local Public Entities' Measures)

Article 19 To ensure the coordination among a wide variety of actors who utilize public and private sector data, the State is to ensure consistency between the State's and local public entities' measures and to implement other necessary measures for the advancement of public and private sector data utilization.

#### **Chapter IV Strategic Conference for the Advancement of Public and Private Sector Data Utilization**

(Establishment)

Article 20 The Strategic Conference for the Advancement of Public and Private Sector Data Utilization (hereinafter referred to as the "conference") is established under the Strategic Headquarters for the Promotion of an Advanced Information and Telecommunications Network Society for the purpose of comprehensively and effectively promoting measures for the advancement of public and private sector data utilization.

(Functions under the Jurisdiction of the Conference)

Article 21 (1) The conference takes charge of the functions set forth in Article 26, paragraph (1), items (ii) and (iii) of the Basic Act on the Formation of an Advanced Information and Telecommunications Network Society and the functions which are subject to the authority of the chairperson provided for in Article 23, paragraph (1) pursuant to the provisions of paragraph (3) of the same Article.

(2) The chairperson provided for in Article 23, paragraph (1) may have the member provided for in Article 25, paragraph (1), whose position is held by the person set forth in paragraph (2), item (ii) of the same Article, perform the functions provided for in the preceding paragraph (limited to promotion of the implementation of important measures for the advancement of public and private sector data utilization) which are related to evaluation of measures and the function pertaining to the request for cooperation provided for in Article 26, paragraph (1).

(3) If the member provided for in the preceding paragraph performs the functions provided for in the same paragraph, the member may state opinions on the functions to the chairperson provided for in Article 23, paragraph (1) if it is found necessary.

(4) If the conference intends to prepare a draft of the Basic Plan for the Advancement of Public and Private Sector Data Utilization, it must hear, in advance, the opinions of the Cybersecurity Strategic Headquarters and the Personal Information Protection Commission.

(5) The provisions of the preceding paragraph apply mutatis mutandis to the preparation of a draft for the change of the Basic Plan for the Advancement of Public and Private Sector Data Utilization.

(6) The conference is to ensure close coordination with the Personal Information Protection Commission in relation to important matters for the advancement of public and private sector data utilization involving data that includes information about individuals.

(Organization)

Article 22 The conference consists of the chairperson of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization, the deputy chairperson of the Strategic Conference for the Advancement Public and Private Sector Data Utilization, and the members of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization.

(Chairperson of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization)

Article 23 (1) The head of the conference is the chairperson of the Strategic

Conference for the Advancement of Public and Private Sector Data Utilization (hereinafter referred to as the "chairperson"), and the Prime Minister serves as the chairperson.

- (2) The chairperson takes overall control of the functions of the conference and directs and supervises relevant officials.
- (3) The chairperson may designate priority fields (meaning the fields in which public and private sector data utilization should be particularly intensively advanced).
- (4) If the member provided for in Article 21, paragraph (2) performs the functions provided for in the same paragraph, the chairperson may request the member to report the status of implementation of the functions and any other necessary matters if it is found necessary for ensuring the appropriate implementation of the functions.
- (5) The chairperson may make a recommendation, if it is found necessary, to the head of a relevant administrative organ based on the opinions referred to in Article 21, paragraph (3) and the report referred to in the preceding paragraph.

(Deputy Chairperson of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization)

Article 24 (1) The conference sets up the post of deputy chairperson of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization (hereinafter referred to as the "deputy chairperson"), and the deputy chairperson is appointed from among the Ministers of State.

- (2) The deputy chairperson provides assistance in the duties of the chairperson.

(Members of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization)

Article 25 (1) The conference sets up the post of members of the Strategic Conference for the Advancement of Public and Private Sector Data Utilization (referred to as the "members" in the following paragraph).

- (2) The following persons serve as members:
  - (i) all the Ministers of State other than the Chairperson and the Deputy Chairperson;
  - (ii) the Deputy Chief Cabinet Secretary for Information Technology Policy; and
  - (iii) persons appointed by the Prime Minister from among those with distinguished insights into the advancement of public and private sector data utilization.

(Submission of Materials and Other Forms of Cooperation)

Article 26 (1) If it is found necessary for the performance of the functions under its jurisdiction, the conference may request the head of a relevant

administrative organ, local public entity or incorporated administrative agency or the representative of a special corporation (meaning a corporation which was directly established by law or by special act of incorporation pursuant to a special law, which is subject to the provisions of Article 4, paragraph (1), item (ix) of the Act for Establishment of the Ministry of Internal Affairs and Communications (Act No. 91 of 1999)) to submit materials, to express opinions, to give explanations, and to offer other necessary forms of cooperation.

- (2) The conference may request a person other than those provided for in the preceding paragraph to offer the necessary cooperation if it is found particularly necessary for the performance of the functions under its jurisdiction.

(Cooperation for Local Public Entities)

Article 27 (1) Local public entities may request the conference to provide information and to cooperate in other ways if it is found necessary for the formulation or implementation of the measures provided for in Article 5.

- (2) If the conference is requested for cooperation under the provisions of preceding paragraph, it is to endeavor to meet the request.

(Delegation to Cabinet Order)

Article 28 Beyond those what is provided for in this Act, necessary matters concerning the conference are specified by Cabinet Order.

### **Supplementary Provisions**

(Effective Date)

- (1) This Act comes into effect as of the date of promulgation.

(Necessary Cooperation)

- (2) The State is to endeavor to provide the necessary information and offer other ways of cooperation to ensure that local public entities smoothly implement measures for the advancement of public and private sector data utilization if it is found necessary in consideration of the actual conditions of the areas of the local public entities, for the purpose of contributing to the smooth enforcement of this Act.

(Partial Amendment of the Basic Act on the Formation of an Advanced Information and Telecommunications Network Society)

- (3) The Basic Act on the Formation of an Advanced Information and Telecommunications Network Society is partially amended as follows.

The "preceding item" in Article 26, paragraph (1), item (ii) is amended to the

"preceding three items," the item is amended to item (iv) of the same paragraph, and the following two items are added after item (i) of the same paragraph:

(ii) promotion of preparation and implementation of a draft of the Basic Plan for the Advancement of Public and Private Sector Data Utilization provided for in Article 8, paragraph (1) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (Act No. 103 of 2016);

(iii) beyond what is set forth in the preceding item, investigation and deliberation concerning the planning of important measures for the advancement of appropriate and effective utilization of the public and private sector data provided for in Article 2, paragraph (1) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (hereinafter referred to as the "public and private sector data" in this item), evaluation of measures, and promotion of the implementation of other important measures for the advancement of the appropriate and effective utilization of the public and private sector data, and general coordination; and

The following Article is added after Article 30.

(Strategic Conference for the Advancement of Public and Private Sector Data Utilization)

Article 30-2 (1) The Strategic Conference for the Advancement of Public and Private Sector Data Utilization is established under the headquarters, as separately provided for by law, with the purpose of attributing to it jurisdiction over the functions set forth in Article 26, paragraph (1), items (ii) and (iii).