

# **Order for Enforcement of the Act on Special Measures for Productivity Improvement**

(Cabinet Order No. 181 of June 5, 2018)

The Cabinet hereby enacts this Cabinet Order based on the provisions of Article 16, paragraph (3), Article 22, paragraph (6), Article 24, paragraph (3), Article 26, paragraph (1), Article 27, paragraphs (1) and (2), Article 28, paragraph (4), and Article 42, paragraph (3) of the Act on Special Measures for Productivity Improvement (Act No. 25 of 2018).

(Insurance Premium Rates Pertaining to Guarantees Related to the Testing of New Technology)

Article 1 The rate specified by Cabinet Order referred to in Article 16, paragraph (3) of the Act on Special Measures for Productivity Improvement (hereinafter referred to as the "Act") is 0.41% for ordinary insurance (meaning ordinary insurance as prescribed in Article 3, paragraph (1) of the Small and Medium-Sized Enterprise Credit Insurance Act (Act No. 264 of 1950); the same applies in Articles 3 and 8) and unsecured insurance (meaning unsecured insurance as prescribed in Article 3-2, paragraph (1) of the same Act; the same applies in Articles 3 and 8) (or the relevant rate is 0.35% in the case of a negotiable instrument discount special guarantee (meaning a negotiable instrument discount special guarantee as prescribed in Article 2, paragraph (1) of the Order for Enforcement of the Small and Medium-Sized Enterprise Credit Insurance Act (Cabinet Order No. 350 of 1950); the same applies hereinafter) and an overdraft special guarantee (meaning an overdraft special guarantee as prescribed in Article 2, paragraph (1) of the same Order; the same applies hereinafter)), or 0.19% for special small business insurance (meaning special small business insurance as prescribed in Article 3-3, paragraph (1) of the same Act; the same applies in Articles 3 and 8) (or the relevant rate is 0.15% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee) per year during a guaranteed period of borrowings (meaning the period of borrowings prescribed in Article 2, paragraph (1) of the same Order; the same applies in Articles 3 and 8).

(Consultation with the Personal Information Protection Commission)

Article 2 The case specified by Cabinet Order referred to in Article 22, paragraph (6) of the Act is a case where the innovative use of data for industrial activities prescribed in Article 2, paragraph (4) of the Act to which the plan for innovative use of data for industrial activities prescribed in Article

22, paragraph (6) of the Act pertains falls under either of the following items:

- (i) the case of using data (meaning the data prescribed in Article 2, paragraph (4) of the Act; the same applies hereinafter) that corresponds to the retained personal data prescribed in Article 2, paragraph (7) of the Act on the Protection of Personal Information (Act No. 57 of 2003; referred to as the "Personal Information Protection Act" in the following item); or
- (ii) the case of providing data that corresponds to the personal data prescribed in Article 23, paragraph (2) of the Personal Information Protection Act to a third party pursuant to the provisions of the same paragraph (in the case prescribed in Article 22, paragraph (2) of the Act, including enterprises other than the enterprise holding the data to be provided) (excluding the cases set forth in the items of Article 23, paragraph (5) of the Personal Information Protection Act).

(Insurance Premium Rates Pertaining to Guarantees Related to Innovative Use of Data for Industrial Activities)

Article 3 The rate specified by Cabinet Order referred to in Article 24, paragraph (3) of the Act is 0.41% for ordinary insurance and unsecured insurance (or the relevant rate is 0.35% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee), or 0.19% for special small business insurance (or the relevant rate is 0.15% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee) per year during a guaranteed period of borrowings.

(Person Equivalent to an Incorporated Administrative Agency)

Article 4 The person specified by Cabinet Order referred to in Article 26, paragraph (1) of the Act is any of the corporations set forth in the appended table.

(Amount of the Fee)

Article 5 (1) The amount of the fee to be paid pursuant to Article 27, paragraph (1) of the Act is the total of the amounts set forth in the following items:

- (i) 4,000 yen for each hour required for preparing the data (including the process of recording the data onto a recording medium; the same applies in items (iii) and (vi));
- (ii) the amount of costs required for using the electronic data processing system that is needed for transmitting the data;
- (iii) the amount of special costs required for preparing the electronic data processing system that is needed for preparing or transmitting the data;
- (iv) the amounts specified in (a) through (c) below for the respective categories of recording mediums set forth therein on which the data is to be recorded

- (simply referred to as the "recording medium" in the following item):
- (a) a flexible disk cartridge (limited to a 90 mm-wide cartridge that conforms to JIS X 6223): 50 yen per cartridge;
  - (b) an optical disc (limited to a disc that can be read by a drive for 120 mm-diameter optical discs that conform to JIS X 0606 and JIS X 6281): 100 yen per disc; and
  - (c) an optical disc (limited to a disc that can be read by a drive for 120 mm-diameter optical discs that conform to JIS X 6241): 120 yen per disc;
- (v) the amount of costs required for sending the recording medium (including delivery of the recording medium at the office of an administrative organ or of its department or organization) (excluding the amount set forth in the preceding item); and
- (vi) the amount to be paid to any person who has been entrusted with work required for preparing the data.
- (2) When the competent minister or the head of a relevant administrative organ provides data pursuant to Article 26, paragraph (2) or (6) of the Act, the minister or the head is to notify the entity that has requested the provision of the data of the amount of the fee referred to in the preceding paragraph, pursuant to the provisions of order of the competent ministry.
- (3) The fee referred to in paragraph (1) must be paid by affixing a revenue stamp to the document specified by order of the competent ministry, except in a case that falls under any of the following items:
- (i) the case of paying the fee for the provision of data held by the Japan Patent Office (excluding the case set forth in item (iii));
  - (ii) the case where the head of an administrative organ (excluding the Japan Patent Office) has given public notice in the Official Gazette of the fact that the fee can be paid in cash at the office of the administrative organ or of its department or organization and of the location of the office, and the entity pays the fee for the provisions of data held by the administrative organ in cash at the office (excluding the case set forth in the following item); or
  - (iii) the case of requesting the provision of data under Article 26, paragraph (1) of the Act by using the electronic data processing system prescribed in Article 3, paragraph (1) of the Act on Use of Information and Communications Technology in Administrative Procedure (Act No. 151 of 2002) pursuant to the provisions of the same paragraph, and paying the fee by the method specified by order of the competent ministry.

(Notice of Reduction of or Release from the Fee)

Article 6 When the competent minister or the head of an relevant administrative organ provides data pursuant to Article 26, paragraph (2) or (6) of the Act and has reduced the fee or released the entity that has requested the provision of

the data from the fee, the minister or the head is to notify the entity of that fact and the reduced or released amount, pursuant to the provisions of order of the competent ministry, along with the notice under paragraph (2) of the preceding Article.

(Notice of Investigation Results by the Information-technology Promotion Agency)

Article 7 The notice of investigation results to be given to the competent minister pursuant to Article 28, paragraph (4) of the Act is to be given through a written notice using the form specified by order of the competent ministry.

(Insurance Premium Rates Pertaining to Guarantees Related to Installation of Cutting-edge Equipment)

Article 8 The rate specified by Cabinet Order referred to in Article 42, paragraph (3) of the Act is 0.41% for ordinary insurance and unsecured insurance (or the relevant rate is 0.35% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee), or 0.19% for special small business insurance (or the relevant rate is 0.15% in the case of a negotiable instrument discount special guarantee and an overdraft special guarantee) per year during a guaranteed period of borrowings.

### **Supplementary Provisions**

This Cabinet Order comes into effect as of the date on which the Act comes into effect (June 6, 2018).

Appended Table (Re: Article 4)

Name	Governing Act
Okinawa Institute of Science and Technology Graduate University	Okinawa Institute of Science and Technology Graduate University Act (Act No. 76 of 2009)
The Okinawa Development Finance Corporation	Okinawa Development Finance Corporation Act (Act No. 31 of 1972)
Organization for Technical Intern Training	Act on the Appropriate Implementation of Technical Intern Training for Foreign Nationals, and Protection of Technical Intern Trainees (Act No. 89 of 2016)
Japan Bank for International Cooperation	Japan Bank for International Cooperation Act (Act No. 39 of 2011)
Japan Finance Corporation	Japan Finance Corporation Act (Act No. 57 of 2007)

Nippon Export and Investment Insurance	Trade and Investment Insurance Act (Act No. 67 of 1950)
Nuclear Damage Compensation and Decommissioning Facilitation Corporation	Nuclear Damage Compensation and Decommissioning Facilitation Corporation Act (Act No.94 of 2011)
National University Corporation	National University Corporation Act (Act No. 112 of 2003)
Inter-University Research Institute Corporation	National University Corporation Act
Bank of Japan	Bank of Japan Act (Act No. 89 of 1997)
Japan Legal Support Center	Comprehensive Legal Support Act (Act No. 74 of 2004)
Promotion and Mutual Aid Corporation for Private Schools of Japan	Act on the Promotion and Mutual Aid Corporation for Private Schools of Japan (Act No. 48 of 1997)
Japan Racing Association	Japan Racing Association Act (Act No. 205 of 1954)
Japan Pension Service	Japan Pension Organization Act (Act No. 109 of 2007)
Agricultural and Fishery Co-operative Savings Insurance Corporation	Agricultural and Fishery Co-operative Savings Insurance Act (Act No. 53 of 1973)
The Open University of Japan Foundation	Act on the Open University of Japan (Act No. 156 of 2002)
Deposit Insurance Corporation of Japan	Deposit Insurance Act (Act No. 34 of 1971)

#### Reason

The reason is that, in line with the enforcement of the Act on Special Measures for Productivity Improvement, it is necessary to specify the amount of fee and other particulars relating to provision of data to an enterprise implementing specified innovative use of data for industrial activities for cases where consultation with the Personal Information Protection Commission is required upon approval or similar activities concerning a plan for innovative use of data for industrial activities.