

Act on the Establishment of the Digital Agency (Tentative translation)

(Act No. 36 of May 19, 2021)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to provide for the establishment of the Digital Agency, its duties and affairs under its jurisdiction, the scope of which is clearly specified to achieve the duties as well as specify organizational matters necessary for efficiently executing administrative functions under its jurisdiction.

Chapter II Establishment, Duties and Affairs Under the Jurisdiction of the Digital Agency

(Establishment)

Article 2 The Digital Agency is established in the Cabinet.

(Duties)

Article 3 The Digital Agency has the following duties.

- (i) assisting the affairs of the Cabinet concerning the formation of a digital society together with the Cabinet Secretariat based on the basic principles for formation of a digital society (digital society provided for in Article 2 of the Basic Act on the Formation of a Digital Society) specified in Chapter II of

the Basic Act on the Formation of a Digital Society (Act No. 35 of 2021); and
(ii) endeavoring to swiftly and intensively enforce administrative affairs concerning the formation of a digital society based on the basic principles.

(Affairs under the Jurisdiction of the Digital Agency)

Article 4 (1) The Digital Agency takes charge of the following affairs necessary for promoting uniformity of policies of administrative branches with the aim of achieving the duties referred to in item (i) of the preceding Article.

- (i) affairs concerning planning, design and general coordination of basic principles concerning policies for the formation of a digital society;
- (ii) affairs concerning the promotion of policies for the formation of a digital society taken by relevant administrative organs (excluding affairs concerning the promotion of policies for cybersecurity among those listed in Article 26, paragraph (1) of the Basic Act on Cybersecurity (Act No. 104 of 2014)); and
- (iii) in addition to what is listed in the preceding two items, affairs concerning planning, design and general coordination concerning policies for the formation of a digital society.

(2) The Digital Agency takes charge of the following affairs in order to achieve the duties referred to in item (ii) of the preceding Article.

- (i) affairs concerning the creation and promotion of priority policy programs for the formation of a digital society (priority policy programs provided for in Article 37, paragraph (1) of the Basic Act on the Formation of a Digital Society);
- (ii) affairs concerning the creation and promotion of the Basic Plan for the Advancement of Public and Private Sector Data Utilization (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) affairs concerning planning, design and promotion of basic and comprehensive policies for the use of a number, code or other mark to identify a specific individual, corporation or any other organization in administrative procedures;
- (iv) affairs concerning the use of an individual number provided for in Article 2, paragraph (5) of the Act on Use of Numbers to Identify Specific Individuals in Administrative Procedures (Act No. 27 of 2013), an individual number card provided for in paragraph (7) of that Article and a corporate number provided for in paragraph (15) of that Article, and, the establishment and management of the information providing network system provided for in Article 21, paragraph (1) of that Act (excluding the affairs under the jurisdiction of other ministries);
- (v) affairs concerning the registration on the account register such as public

- benefits payment under the provisions of the Act on Registration of Deposit or Savings Accounts for Swift and Secure Payment of Public Benefits (Act No. 38 of 2021) and the designation of specific public benefits;
- (vi) affairs concerning the management of deposit and savings accounts by using individual numbers based on the will of depositors under the provisions of the Act on Management of Deposit and Saving Accounts by Use of Individual Numbers based on the Will of Depositors (Act No. 39 of 2021) and a system to provide information on deposit and saving accounts at the time of any disaster or inheritance (excluding the affairs under the jurisdiction of other ministries);
 - (vii) affairs concerning planning, design and promotion of basic and comprehensive policies for identification using information and communications technology
 - (viii) affairs concerning certification under the provisions of Article 12-2, paragraphs (1), (3) and (8) of the Commercial Registration Act (Act No. 125 of 1963) from the perspective of ensuring the reliability of identification using information and communications technology and promoting the use thereof;
 - (ix) affairs concerning electronic signature provided for in Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000) (excluding those under the jurisdiction of the Ministry of Justice);
 - (x) affairs concerning a signature verifier provided for in Article 17, paragraph (4) of the Act on the Authentication Services of the Japan Agency for Local Authority Information Systems (Act No. 153 of 2002) pertaining to electronic signature, etc. and a user certification verifier provided for in paragraph (2) of Article 36 (excluding those under the jurisdiction of the Ministry of Internal Affairs);
 - (xi) affairs concerning electronic commission provided for in Article 2, paragraph (1) of the Act on Dissemination and Promotion of Electronic Commission (Act No. 64 of 2017) (excluding those under the jurisdiction of the Ministry of Internal Affairs);
 - (xii) affairs concerning planning, design and promotion of basic and comprehensive policies for data standardization (data standardization provided for in Article 4, paragraph (2), item (v)(a) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology (Act No. 151 of 2002)) pertaining to public and private sector data used by several national administrative organs, local governments, other public organizations and private business operators (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 (Act No. 103 of 2016));

- (xiii) affairs concerning planning, design and promotion of basic and comprehensive policies for the external coordination function (external coordination function provided for in Article 4, paragraph (2), item (v)(b) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology);
- (xiv) affairs concerning planning, design and promotion of basic and comprehensive policies for the development and use of a public basic information database (public basic information database provided for in Article 31 of the Basic Act on the Formation of a Digital Society);
- (xv) affairs concerning the creation and promotion of basic principles for the development and management of information systems by national administrative organs, local governments, other public organizations and private business operators in the field of public sector;
- (xvi) affairs concerning the creation and promotion of information system development plans (information system development plans provided for in Article 4, paragraph (1) of the Act on the Promotion of Administrative Affairs through the Use of Information and Communications Technology, the same applies in item (xviii)(a) and (c));
- (xvii) supervision of businesses of administrative branches concerning the development and management of information systems conducted by national administrative organs;
- (xviii) implementation of businesses concerning the development and management of information systems conducted by national administrative organs (excluding information systems related to national security and other information systems specified by laws and regulations, the same applies in this item) as specified below;
 - (a) requesting and securing the budget in a batch necessary for businesses concerning the development and management of information systems conducted by national administrative organs based on the principles and information system development plans referred to in item (xv);
 - (b) specifying a plan for implementation of businesses concerning the development and management of information systems conducted by national administrative organs; and
 - (c) executing all or part of businesses concerning the development and management of information systems conducted by national administrative organs based on the principles and information system development plans referred to in item (xv) or having relevant administrative organs execute all or part of those businesses including the preparation of documents concerning a plan for implementation of actions authorizing expenditures pertaining to those businesses based on the content of notification by distributing the budget and notifying the principles and information

- system development plans referred to in that item, the plan referred to in (b) above and other necessary matters.
- (xix) affairs concerning the development and management of information systems shared among national administrative agencies;
 - (xx) affairs concerning the coordination of affairs concerning the formation of a digital society among relevant administrative organs;
 - (xxi) affairs concerning international cooperation pertaining to the affairs under the jurisdiction of the Digital Agency;
 - (xxii) in addition to what is listed in the preceding items, affairs concerning affairs and businesses aimed exclusively at forming a digital society; and
 - (xxiii) in addition to what is listed in the preceding items, affairs that belong to the Digital Agency based on acts (including orders based thereon).

Chapter III Organization

Section 1 General provisions

(Structure of Organization)

- Article 5 (1) The organization of the Digital Agency must be composed systematically of administrative organs with duties and affairs under their jurisdiction necessary for achieving those duties, the scope of which is clearly specified, and flexible to respond to issues of the Cabinet concerning the formation of a digital society.
- (2) The Digital Agency must evaluate, plan and design on its own policies under the control and jurisdiction of the Cabinet, and fulfil its administrative function by integrally coordinating and promoting communications with the Cabinet Office and national administrative organs referred to in Article 1 of the National Government Organization Act (Act No.120 of 1948).

Section 2 The head of the Digital Agency and Special Positions Established Thereunder

(The Head of the Digital Agency)

- Article 6 (1) The head of the Digital Agency is the Prime Minister.
- (2) The Prime Minister is a Minister who takes charge of and manages the relevant matters pertaining to the Digital Agency as the competent Minister referred to in the Cabinet Act (Act No. 5 of 1947) and shares the affairs provided for in Article 4, paragraph (2) for management.

(Authority of the Prime Minister)

- Article 7 (1) The Prime Minister superintends affairs of the Digital Agency and supervises the public service offered by its employees.

- (2) When it is found to be necessary to enact, revise or abolish any law or Cabinet Order in respect of administrative affairs under the charge of the Digital Agency, the Prime Minister must convene a cabinet meeting.
- (3) With regard to administrative affairs under the charge of the Digital Agency, the Prime Minister may issue an order of the Digital Agency as an order issued thereby in order to enforce any act or cabinet order or based on special delegation by law or cabinet order.
- (4) Without delegation by laws, no penal provisions and any provisions that impose obligations on or restrict the rights of citizens may be established in orders of the Digital Agency.
- (5) The Prime Minister may, in respect of the affairs under the jurisdiction of the Digital Agency, issue a public notification in the case where it is necessary to issue a public notice.
- (6) The Prime Minister may, for the purpose of giving an order or direction in respect of the affairs under the jurisdiction of the Digital Agency, issue an instruction or a circular notice to the competent organs and their personnel.
- (7) The Prime Minister may, when it is found to be necessary to achieve mutual coordination among administrative organs in respect of policies to accomplish the duties referred to in Article 3, item (ii), request the submission of and explanation about the necessary materials from the heads of the relevant administrative organs by clarifying such necessity and state their opinion with respect to the policies of those relevant administrative organs.

(Minister for Digital Transformation)

Article 8 (1) A Minister for Digital Transformation is assigned at the Digital Agency.

- (2) The Minister for Digital Transformation is headed by a Minister of State.
- (3) The Minister for Digital Transformation assists the Prime Minister, superintends the affairs of the Digital Agency and supervises the public service offered by their employees.
- (4) The Minister for Digital Transformation may, when it is found to be necessary to accomplish the affairs referred to in Article 4, item (i), require the heads of the relevant administrative organs to submit or give an explanation about necessary materials.
- (5) The Minister for Digital Transformation may give the heads of the relevant administrative organs a recommendation, when it is found to be necessary to accomplish the affairs referred to in Article 4, paragraph (1). In this case, the heads of the relevant administrative organs must fully respect that recommendation.
- (6) When the Minister for Digital Transformation has given the heads of the relevant administrative organs a recommendation under the provisions of the

preceding paragraph, the Minister for Digital Transformation may require the heads of the relevant administrative organs to give an explanation about measures taken in response to that recommendation.

- (7) When it is found to be particularly necessary in respect of the matters recommended under the provisions of paragraph (5), the Minister for Digital Transformation may submit an opinion to the Prime Minister so that the measures for those matters are taken under the provisions of Article 6 of the Cabinet Act.

(State Minister)

Article 9 (1) One State Minister is assigned at the Digital Agency.

- (2) In addition to the State Minister referred to in the preceding paragraph, other State Ministers who occupy positions of State Ministers of other ministries may be assigned.
- (3) The State Ministers take charge of policies and planning and deal with state affairs by the order of the Minister for Digital Transformation.
- (4) The scope of the duties referred to in the preceding paragraph to be conducted by each State Minister is as specified by the Minister for Digital Transformation.
- (5) The Cabinet appoints or removes the State Ministers upon request from the Prime Minister and the Emperor approves it.
- (6) The State Ministers, in the case of the general resignation of the Cabinet, lose their positions at the same time as the Prime Minister and all other Ministers of State lose their positions.

(Parliamentary Vice-Minister)

Article 10 (1) One Parliamentary Vice-Minister is assigned at the Digital Agency.

- (2) In addition to the Parliamentary Vice-Minister referred to in the preceding paragraph, other Parliamentary Vice-Ministers who occupy positions of Parliamentary Vice-Ministers of other ministries may be assigned.
- (3) The Parliamentary Vice-Ministers support the Minister for Digital Transformation, participate in specific policies and planning and deals with state affairs.
- (4) The scope of the duties referred to in the preceding paragraph to be conducted by each Parliamentary Vice-Minister is as specified by the Minister for the Digital Agency.
- (5) The Cabinet appoints or removes the Parliamentary Vice-Ministers upon request from the Prime Minister.
- (6) The provisions of Article 9, paragraph (6) applies mutatis mutandis to the Parliamentary Vice-Ministers.

(Chief Officer of Digital Agency)

Article 11 (1) One Chief Officer is assigned at the Digital Agency.

(2) The Chief Officer of Digital Agency takes charge of the following duties.

- (i) gives the Minister for Digital Transformation advice on important agendas on the affairs under the jurisdiction of the Digital Agency and submits opinions to the Minister for Digital Transformation as ordered thereby; and
- (ii) supports the Minister for Digital Transformation, organizes the affairs of the Digital Agency and supervises the affairs of each department and organ of the Digital Agency.

(3) The Cabinet appoints or removes the Chief Officer of Digital Agency upon request from the Prime Minister.

(4) The provisions of Article 96, paragraph (1), Article 98, paragraph (1), Article 99 and Article 100, paragraphs (1) and (2) of the National Public Service Act (Act No. 120 of 1947) apply mutatis mutandis to the public service offered by the Chief Officer of Digital Agency.

(5) The Chief Officer of Digital Agency, while holding office, must not engage in other jobs with remuneration, run business for profit or operate other businesses seeking monetary profit unless they are authorized by the Prime Minister.

(Vice-Minister for Digital Policy)

Article 12 (1) One Vice-Minister for Digital Policy is assigned at the Digital Agency.

(2) The Vice Minister for Digital Policy supervises and organizes the affairs concerning important policies for the affairs under the jurisdiction of the Digital Agency as directed.

Section 3 Positions established under the Digital Agency

Article 13 (1) Positions that supervise a part of affairs are established at the Digital Agency in order to efficiently accomplish those affairs.

(2) Positions that support all or part of duties supervised by the positions referred to in the preceding paragraph may be established at the Digital Agency.

(3) The establishment of the positions, duties and the fixed number referred to in the preceding two paragraphs are specified by Cabinet Order.

Section 4 Digital Society Promotion Conference

(Establishment and Affairs Under the Jurisdiction of the Digital Agency)

Article 14 (1) A Digital Society Promotion Conference (hereinafter referred to as

"the Conference" in this section) is established under the Digital Agency.

(2) The Conference takes charge of the following affairs.

- (i) promoting the implementation of policies for the formation of a digital society; and
- (ii) coordinating among relevant administrative organs necessary for policies for the formation of a digital society.

(Organization)

Article 15 (1) The Conference is composed of the chairperson, vice chairperson and members.

(2) The Prime Minister is to serve as the chairperson.

(3) The Chief Cabinet Secretary and the Minister for Digital Transformation are to serve as the vice chairpersons.

(4) The following persons are to serve as the members.

- (i) all Ministers of State other than the chairperson and vice chairpersons; and
- (ii) persons appointed by the Prime Minister from the Deputy Chief Cabinet Secretaries, the State Minister for Digital Transformation or State ministers of relevant ministries and agencies, the Parliamentary Vice-Minister for Digital Transformation or Parliamentary Vice-Minister of relevant ministries and agencies or the heads of the relevant administrative organs other than the Ministers of State.

(5) The executive secretary is assigned at the Conference.

(6) The executive secretary is appointed by the Prime Minister from the personnel of relevant administrative organs.

(7) The executive secretary supports the chairperson, vice chairpersons and members in respect of the affairs under the jurisdiction of the Conference.

(8) In addition to what is specified in the preceding paragraphs, the matters necessary for the organization and administration are specified by cabinet order.

Section 5 Miscellaneous provisions

(Delegation to Cabinet Order)

Article 16 In addition to what is specified in the preceding sections, the matters necessary for the organization of the Digital Agency are specified by Cabinet Order.

Chapter IV Miscellaneous provisions

(Personnel)

Article 17 (1) The digital administrative officials, digital technical officials and

other necessary personnel are assigned at the Digital Agency.

(2) The digital administrative officials take charge of the affairs as directed.

(3) The digital technical officials take charge of technological affairs as directed.

(Report to the Diet, etc.)

Article 18 (1) When any position referred to in Article 13, paragraph (1) established by Cabinet Order under the provisions of Article 13, paragraph (3) is newly established, revised or abolished, the government must report its statues to the next session of the Diet session.

(2) The government gives public notice of the list of the organization of the Digital Agency in an official gazette at least once every year.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This act comes into effect as from September 1, 2021; provided, however, that the provisions of Article 60 of the supplementary provisions come into effect as from the date of promulgation.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 59 With regard to the application of penal provisions to any act committed prior to the enactment of this Act, the provisions then in force remain applicable.

(Delegation to Cabinet Order)

Article 60 In addition to what is specified in Article 15, Article 16, Article 51 and the preceding three Articles of the supplementary provisions, the transitional measures necessary for the enactment of this Act (including transitional measures on penal provisions) are specified by cabinet order.

(Deliberation)

Article 61 When the government finds it to be necessary after deliberating a future course of the Digital Agency taking into account the state of the enactment of this Act and of the formation of a digital society if ten years lapse from the enactment of this Act, the government takes necessary measures based on its results.

Supplementary Provisions [Act No.38 of May 19, 2021] [Extract]

(Effective Date)

Article 1 This Act comes into effect as from the date of promulgation; provided,

however, that the provisions listed in the following items come into effect as from the dates specified respectively in those items.

- (i) provisions of Articles 13 and 14 of the supplementary provisions September 1, 2021; and
- (ii) provisions of Chapter II (excluding Article 8), Article 7 (excluding the amended provisions to add the following after paragraph (13) of Appendix 1 of the Act of the Basic Resident Registers (Act No.81 of 1967)), Article 9 and Article 15 of the supplementary provisions Day specified by cabinet order within two years from the date of promulgation.

Supplementary Provisions [Act No.39 of May 19, 2021] [Extract]

(Effective Date)

Article 1 This act comes into effect as from the day specified by cabinet order within three years from the date of promulgation; provided, however, that the provisions listed in the following items come into effect as from the dates specified respectively in those items.

- (i) Omitted
- (ii) Provisions of Articles 11 and 12 of the supplementary provisions September 1, 2021