

Regulations for Enforcement of the Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology Regulations for Laws Under the Jurisdiction of the Digital Agency

(Digital Agency Order No. 3 of September 1, 2021)

Pursuant to the provisions of Article 6, paragraph (1) and paragraphs (4) through (6), Article 7, paragraphs (1), (4) and (5), Article 8, paragraph (1), and Article 9, paragraphs (1) and (3) of the Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology (Act No. 151 of 2002), and in order to enforce that Act and related laws and orders, the Regulation for Enforcement of the Act on the Advancement of Government Administration Processes That Utilize Information and Communications Technology Regulations for Laws Under the Jurisdiction of the Digital Agency is established as follows.

(Purpose)

- Article 1 (1) Unless otherwise provided for in other Acts, orders based on Acts (including public notices; the same applies below), Prefectural or Municipal Ordinances, rules of local governments, and rules established by organs of local governments, procedures, etc. concerning laws and orders related to local governments (including public notices; the same applies below) under the jurisdiction of the Digital Agency are carried out by means of using an electronic data processing system, or other information and communications technology pursuant to the provisions of Articles 6 through 9 of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002; referred to below as the "Act") as provided for by Order of the Digital Agency.
- (2) Unless otherwise provided for in other Acts, orders based on Acts, Prefectural or Municipal Ordinances, rules of local governments, and rules established by organs of local governments, when procedures, etc. concerning the Acts and Orders Concerning the Digital Agency under the jurisdiction of the Digital Agency (excluding those to which the provisions of Article 6 through Article 9 of the Act apply) are carried out by a method using an electronic data processing system or by another method using other information and communications technology, the provisions of the Act and Order of the Agency apply.

(Definitions)

Article 2 (1) The terms used in this Agency Order have the same meaning as the terms used in the Act.

(2) In this Agency Order, the terms stated in the following items have the meanings provided in those items:

(i) "electronic signature" means one of the following:

(a) an electronic signature prescribed in Article 2, paragraph (1) of the Act on Electronic Signatures and Certification Business (Act No. 102 of 2000);

(b) an electronic signature based on a government position certificate under a government certification framework (meaning a framework operated by the government to certify the position of the head of the administrative organ or other national public employees, or to carry out or have carried out procedures using an electronic data processing system);

(c) electronic signatures based on certificates of responsibility for an organizational certification platform for local governments (meaning a platform for certifying the position of the head of the administrative organ or any other local public employee, or any other platform operated by a local government to carry out or have carried out procedures using an electronic data processing system).

(ii) electronic certificate: an electronic or magnetic record prepared in order to certify that matters used to confirm that a person making an application, etc. or the administrative organs, etc. have performed an electronic signature concerning these persons.

(Electronic Data Processing System for an Application)

Article 3 The electronic data processing system specified by Order of the competent ministry as prescribed in Article 6, paragraph (1) of the Act is an electronic data processing system connecting through a telecommunications line, a computer used by the administrative organs, etc. where the application, etc. are made to a computer used by the person making the application, etc. and which conforms to the technical standards specified by the Prime Minister in a public notice.

(An Application Using an Electronic Data Processing System)

Article 4 (1) A person making an application, etc. by a method using an electronic data processing system pursuant to the provisions of Article 6, paragraph (1) of the Act must make the application, etc. by entering the matters stated in the following items from the computer used by the person making the application, etc. referred to in the preceding Article, as provided for by the Prime Minister in a public notice:

- (i) the matters to be stated in a document or other record, in accordance with the provisions of laws and regulations governing applications, etc.;
 - (ii) the matters stated or recorded in the document, etc. or electronic or magnetic record to be attached in accordance with the provisions of laws and regulations when the application, etc. or the matters to be stated or recorded are made by means of a document, etc. (excluding the matters stated in the preceding item).
- (2) A person making an application, etc. for which an electronic signature is to be provided as designated by administrative organs, etc. must provide an electronic signature to the matters entered for the information pursuant to the provisions of the preceding paragraph and transmit it along with an electronic certificate concerning that electronic signature that falls under any of the following items; provided, however, that this does not apply when measures are taken to confirm the person who has made the application, etc. by a method designated by the administrative organs, etc., when the application, etc. is to be made:
- (i) an electronic certificate prepared by a registrar based on the provisions of Article 12-2, paragraphs (1) and (3) of the Commercial Registration Act (Act No. 125 of 1963) (including cases where these provisions are applied mutatis mutandis in accordance with the provisions of other laws and regulations);
 - (ii) an electronic signature certificate as prescribed in Article 3, paragraph (1) of the Act on the Certification Business of Japan Agency for Local Authority Information Systems Concerning Electronic Signatures (Act No. 153 of 2002);
 - (iii) an electronic certificate specified by the Prime Minister in a public notice (excluding those prescribed in the preceding two items);
 - (iv) beyond what is provided for in the preceding items, an electronic certificate designated by administrative organs, etc.
- (3) Notwithstanding the provisions of any law or regulation that provides for an application, etc. when a person making an application, etc. has entered the matters stated in paragraph (1), item (ii) and transmitted the electronic certificate stated in item (iii) of the preceding paragraph, that person is not required to enter the matters stated in the certificate of registered information which is associated with the person making the application, or other information which that person is being asked to attach to confirm the name, address, name of representative or qualifications of the person making the application, or the copy of the resident record that the person is being asked to attach, to confirm the name, address, gender, or date of birth of the person making the application.
- (4) When a person making an application, etc. that requires multiple copies of a document, etc. in accordance with the provisions of laws and regulations, has entered the information that is required to be entered in the other copies of the

document in accordance with the provisions of paragraph (1), it is deemed that the person has entered the information that is required to be entered in other copies of the document, etc. with the same content.

(Measures to Clarify Names)

Article 5 (1) The measures specified by Order of the competent ministry as prescribed in Article 6, paragraph (4) of the Act mean attaching an electronic signature to the information recorded in an application, etc. by using an electronic data processing system and transmitting an electronic certificate related to the electronic signature which is stated in the items of paragraph (2) of the preceding Article along with the application, etc., or the measures prescribed in the proviso to that paragraph.

(2) The measures specified by Order of the competent ministry as prescribed in Article 7, paragraph (4) of the Act mean attaching an electronic signature to information recorded in a disposition notice, etc. by using an electronic data processing system.

(3) The measures specified by Order of the competent ministry as prescribed in Article 9, paragraph (3) of the Act mean attaching an electronic signature to the creation, etc. of information conducted in the form of an electronic or magnetic record and attaching an electronic certificate concerning that electronic signature.

(Payment of Fees Through Information and Communications Technology)

Article 6 The method specified by Order of the competent ministry as prescribed in Article 6, paragraph (5) of the Act is the method of making a payment based on the payment information obtained from an application, etc. processed pursuant to the provisions of Article 4, paragraph (1).

(If Any Part of the Application is Found to be Difficult or Extremely Inappropriate to be Processed by a Method Using an Electronic Data Processing System)

Article 7 (1) The cases specified by Order of the competent ministry as prescribed in Article 6, paragraph (6) of the Act are the following cases:

- (i) when the administrative organs, etc. finds that there are circumstances under which identity confirmation of the person making the application, etc. should be conducted face-to-face;
- (ii) when the administrative organs, etc. with whom the application, etc. is to be processed finds that a document or other record concerning that application, etc. needs to be verified as an original.

(2) In the case referred to in the preceding paragraph, any part of the application, etc. that is found to be difficult or extremely inappropriate to be processed by a

method using an electronic data processing system, must be submitted within one week from the day on which the application, etc. was processed using an electronic data processing system.

(Electronic Data Processing System Concerning Disposition Notice)

Article 8 The electronic data processing system specified by Order of the competent ministry as prescribed in Article 7, paragraph (1) of the Act is an electronic data processing system that connects a computer used by the administrative organs, etc. through a telecommunications line to a computer used by a person receiving a disposition notice, etc., and which conforms to the technical standards specified by that administrative organs, etc.

(A Disposition Notice Using an Electronic Data Processing System)

- Article 9 (1) When the administrative organs, etc. provides a disposition notice, etc. by a method using an electronic data processing system pursuant to the provisions of Article 7, paragraph (1) of the Act, the administrative organs, etc. are to provide that disposition notice, etc. by entering the matters to be stated in the document or other record from a computer used by the administrative organs, etc.
- (2) If a disposition notice, etc., which is to be carried when it is given in a document or other record, has been given using an electronic data processing system, the person who has received the disposition notice, etc. must record the electronic or magnetic record concerning the disposition notice, etc. on an electronic or magnetic recording medium, reproduce the electronic or magnetic record from the electronic or magnetic recording medium, and carry the electronic or magnetic recording medium together with a device that can confirm that the person who has given the disposition notice, etc. has attached their electronic signature; provided, however, that this does not apply when measures are taken to confirm that disposition notice, etc. by a method designated by the administrative organs, etc.
- (3) If a disposition notice, etc. is required to be returned or otherwise returned to the administrative organs, etc., it is given by using an electronic data processing system when it has been given in a document or other record and a person who has received that disposition notice, etc. must not reproduce or have the electronic or magnetic record concerning that disposition notice, etc. reproduced, except for cases specified by the Prime Minister in a public notice.
- (4) In the case referred to in the preceding paragraph, when a disposition notice, etc. is returned or otherwise returned to the administrative organs, etc., the electronic or magnetic record concerning that disposition notice, etc. must be deleted from the file stored on the computer used by the person who received that disposition notice, etc.

(Method of Indicating Receipt of a Disposition Notice)

Article 10 The method specified by Order of the competent ministry as prescribed in the proviso to Article 7, paragraph (1) of the Act is any of the methods stated in the following items:

- (i) entering an identification number and security number using the electronic data processing system referred to in Article 8;
- (ii) a notification that the person wishes to receive a disposition notice, etc. by a method using an electronic data processing system prescribed by the administrative organs, etc.;
- (iii) beyond what is stated in the preceding two items, any method specified by the administrative organs, etc..

(When a Disposition Notice Contains Any Part that is Found to Be Difficult or Extremely Inappropriate to Be Made by Means of Using an Electronic Data Processing System)

Article 11 The cases specified by order of the competent ministry as prescribed in Article 7, paragraph (5) of the Act are the following cases:

- (i) when the administrative organs, etc. finds that there are circumstances that require face-to-face confirmation of the identity of the person receiving the disposition notice, etc.;
- (ii) when the administrative organs, etc. finds it necessary to provide an original copy of any documents or other records concerning a disposition notice, etc.

(Public Inspections Through Electronic or Magnetic Records)

Article 12 Pursuant to the provisions of Article 8, paragraph (1) of the Act, when the administrative organs, etc. have made the matters recorded by electronic or magnetic means or documents containing those matters available for public inspection, etc., the administrative organs, etc. are to make the matters subject to public inspection, etc. available for public inspection, etc. by a method of using the internet, a method of displaying the matters on a screen of a computer kept at the office of the administrative organs, etc., or a method of keeping documents containing those matters recorded in an electronic or magnetic record.

(Creation Using Electronic or Magnetic Records)

Article 13 (1) If administrative organs, etc. conduct creation, etc. by using an electronic or magnetic record, pursuant to the provisions of Article 9, paragraph (1) of the Act, it is to do so by recording matters concerning the creation, etc. in a file stored on the computer used by the administrative

organs, etc., or by preparing those matters by using an electronic or magnetic recording medium; provided, however, that any creation, etc. is to be done using cloud computing service-related technology (meaning the cloud computing service-related technology prescribed in Article 2, paragraph (4) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (Act No. 103 of 2016); the same applies in the following paragraph) or using any other appropriate method while taking into account the progress of information and communications technology.

- (2) If the administrative organs, etc. carries out any creation, etc. by means of an electronic or magnetic record pursuant to the provisions of laws and orders concerning the Digital Agency under the jurisdiction of the Digital Agency (excluding Article 9, paragraph (1) of the Act), that creation, etc. is to be carried out by an appropriate method based on the state of progress of cloud computing service-related technology, and other information and communications technology.

Supplementary Provisions

This Agency Order comes into effect on September 1, 2021.