

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 The purpose of this Act is to comprehensively and effectively promote measures for the advancement of public and private sector data utilization by establishing basic principles and clarifying the responsibilities of the national government, local governments, and businesses with regard to the advancement of appropriate and effective utilization of public and private sector data (referred to below as "public and private sector data utilization"), formulating the Basic Plan for the Advancement of Public and Private Sector Data Utilization, and providing for other matters that serve as the basis for measures for the advancement of public and private sector data utilization, in light of the fact that it is important to further develop an environment that contributes to resolving the challenges faced by Japan, such as the response to the rapid progression of the declining birth rate and aging population, by appropriately and effectively utilizing the diverse and massive amount of information that circulates through the internet and other advanced information and telecommunications networks, thereby contributing to the realization of a society in which citizens can live safely and without anxiety and a comfortable living environment.

(Definitions)

Article 2 (1) The term "public and private sector data" as used in this Act means data 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 in Article 13, paragraph (2)) (excluding those that are likely to damage national security, hinder the maintenance of public order, or hinder the protection of public safety), which is managed, used,

or provided by the national government, local governments, incorporated administrative agencies (meaning the incorporated administrative agencies provided for in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)), or other business operators in the course of performing their processes or services.

- (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 "the technology related to utilizing the Internet of things" 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 businesses, creation of new businesses and increase of employment opportunities through creation of added value by utilizing the information, thereby contributing to the enhancement of the lives of the public and sound development of the national economy.
- (4) The term "the technology related to cloud computing services" as used in this Act means technology for services providing computers (including an input-output device; the same applies below) 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 carried out for the purpose of ensuring the 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 a Digital Society (Act No. 35 of 2021) and 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 Person in Administrative Procedures (Act No. 27 of 2013), and other relevant 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 national government and local

governments plan and draft 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 communications technology (meaning the information and communications technology prescribed in Article 2 of Basic Act on the Formation of a Digital Society; the same applies below) must be ensured, and the rights and interests of individuals and corporations, national security, etc. must not be harmed.
- (5) In advancing public and private sector data utilization, further use of information and communications 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, utilization of Internet of things-related technology, cloud computing service-related technology, and other advanced technologies must be promoted.

(Responsibilities of the National Government)

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

(Responsibilities of Local Governments)

Article 5 Local governments are responsible for formulating and implementing measures according to the economic conditions, etc. in the area of each of the local governments, in accordance with the basic principles and on the basis of an appropriate division of roles with the national government for the

advancement of public and private sector data utilization.

(Responsibilities of Businesses)

Article 6 Businesses 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 national government or local governments.

(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 (referred to below 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 governments and businesses;
- (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 stated 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) The Prime Minister must hear the opinions of the Cybersecurity Strategic Headquarters and the Personal Information Protection Commission, prepare a

draft of the Basic Plan for the Advancement of Public and Private Sector Data Utilization, and seek a cabinet decision.

- (5) 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.
- (6) 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 to it if necessary.
- (7) The provisions of paragraphs (4) and (5) apply mutatis mutandis to changes to the Basic Plan for the Advancement of Public and Private Sector Data Utilization.
- (8) To secure the necessary funds for the expenses required for implementing the Basic Plan for the Advancement of Public and Private Sector Data Utilization, the government must endeavor to take necessary measures for the smooth implementation of the plan, such as appropriating the necessary funds in the budget each fiscal year, to the extent permitted by national finances.
- (9) The Prime Minister is to work in close coordination with the Personal Information Protection Commission with regard to important matters concerning the advancement of public and private sector data utilization, when it contains personal information.

(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 (referred to below 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 provide for 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 stated 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; the same applies below 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 Communications Technology in Procedures)

- Article 10 (1) The national government is to take the necessary measures to ensure that applications, notifications, notices of dispositions, and other procedures related to administrative organs, etc. (meaning the administrative organs, etc. stated in Article 3, item (ii) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002); the same applies below in this paragraph) are, in principle, carried out by means of electronic data processing systems (meaning the electronic data processing systems that connect a computer used by an administrative organ, etc. and a computer used by the other party to the procedure with the administrative organ, etc. via a telecommunications line) or other information and communications technology.
- (2) The national government is to implement necessary measures to promote an offer of a contract or any other procedure by a private business, etc. (meaning a private business, etc. referred to in Article 2, item (i) of the Act on Utilization of Information and Communications Technology in Document Preservation Conducted by Private Businesses (Act No. 149 of 2004); the same applies below 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 business, etc. and a computer used by the other party to the procedure with the private business, etc. via a telecommunications line) or any other information and communications technology.
- (3) The national government is to implement legislative and other necessary measures to ensure that a person that was delegated with a 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 to the offer of a contract or other procedure with the person via a telecommunications line).

(Easy Use of Public and Private Sector Data Held by the National Government and Local Governments)

Article 11 (1) The national government and local governments 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 harmed.

(2) Businesses 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 harmed.

(3) To advance public and private sector data utilization, the national government 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 national government 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 businesses.

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

Article 13 (1) The national government is to formulate a plan for the dissemination and utilization of Individual Number Card (meaning Individual Number Card provided for in Article 2, paragraph (7) of the Act on the Use of

Numbers to Identify a Specific Individual in Administrative Procedures; the same applies below in this paragraph) and to implement other necessary measures to promote the dissemination and utilization of Individual Number Card.

- (2) The national government is to implement necessary measures to ensure that public and private sector data, associated with an 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 relating 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 national government is to promote the development and provision of services and the development and dissemination of technology through public and private sector data utilization, and take other necessary measures, to rectify disparities in the opportunities to use information and communications technology and in the ability to utilize it, based on geographical constraints, age, mental and physical conditions such as the presence or absence of a disability, economic circumstances, and other factors.

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

- Article 15 (1) The national government and local governments 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 national government is to develop the foundations for ensuring mutual coordination among the information systems of the national government, local governments, and businesses 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 national government is to implement necessary measures to

promote research and development as well as verification in relation to artificial intelligence-related technology, the technology related to utilizing the Internet of things, the technology related to cloud computing services, and any other advanced technology, and disseminate the outcomes of it 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 national government is to implement necessary measures to develop and secure human resources who have advanced expertise or skills relating to public and private sector data utilization.

(Promotion of Education and Learning, Dissemination and Enlightenment)

Article 18 The national government 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 Consistency between the National Government's Measures and Local Governments' Measures)

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

Supplementary Provisions [Extract]

(Effective Date)

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

(Necessary Cooperation)

(2) The national government is to endeavor to provide the necessary information and offer other ways of cooperation to ensure that local governments 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 governments, for the purpose of contributing to the smooth enforcement of this Act.

Supplementary Provisions [Act No. 16 of May 31, 2019] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation.

Supplementary Provisions [Act No. 35 of May 19, 2021] [Extract]

(Effective Date)

Article 1 This Act comes into effect on September 1, 2021.