

Basic Act on Forming a Digital Society (Act No. 35 of May 19, 2021)

(Act No. 35 of 2021)

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Chapter I General Provisions

(Purpose)

Article 1 In view of the fact that the formation of a digital society contributes to strengthening Japan's international competitiveness and improving convenience for the people, and is extremely important for addressing the rapid progress of the declining birth rate and aging population and solving other issues facing Japan, the purpose of this Act is to promptly and intensively advance policy measures for forming a digital society, thereby contribute to achieving the sustainable and sound development of the Japanese economy and happy lives of the people through establishing basic principles and basic policy for formulating policy measures, clarifying the responsibilities of the national government, local governments, and business operators, and providing for the establishment of the Digital Agency and formulation of a priority plan for forming a digital society.

(Definitions)

Article 2 The term "digital society" as used in this Act means a society in which creative and vibrant development in any and all fields becomes possible through freely and safely obtaining, sharing, or transmitting various information or knowledge on a global scale via the internet and other advanced information and communications networks, and by appropriately and effectively utilizing a diversified and large amount of information recorded as electronic or magnetic records (meaning records created in an electronic form, a magnetic form, or any other form that cannot be perceived by human senses; the same applies in Article 30 and 34) by using information and communications technology including artificial intelligence-related technology defined in Article 2, paragraph (2) of the Basic Act on the Advancement of Public and Private Sector Data Utilization (Act No. 103 of 2016), the technology related to utilizing the Internet of things defined in paragraph (3) of that Article, the technology related to cloud computing services defined in paragraph (4) of that Article, and other advanced technologies that

enable the processing of a large amount of information compared to the amount processed in the past (referred to as "information and communications technology" below) (the effective utilization of information is referred to as "practical use of information using information and communications technology" below).

Chapter II Basic Principles

(Achievement of Society in Which All the People May Enjoy the Benefits of Information and Communications Technology)

Article 3 The formation of a digital society must aim at achieving a society in which it becomes possible for all the people to participate in any and all activities in the digital society, and fully and creatively demonstrate their individual abilities, thereby broadly enjoy the benefits of information and communications technology through easily and proactively using advanced information and communications networks, and practical use of information using information and communications technology.

(Promoting Economic Structural Reforms and Strengthening Industrial International Competitiveness)

Article 4 The formation of a digital society must bring about promotion of economic activities, improvement of efficiency of management, enhancement of business operations, and improvement of productivity of small and medium enterprises and other business operators, creation of various businesses, and various employment opportunities, and increase in opportunities for workers to effectively demonstrate their abilities, thereby contribute to promotion of economic structural reforms and strengthening of international competitiveness of industries, through utilization of advanced information and communications networks and practical use of information using information and communications technology.

(Realization of People's Lives in Which the People Can Perceive Affluence and Prosperity)

Article 5 The formation of a digital society must improve convenience of everyday life, promote diversification of lifestyles, increase opportunities for consumers to make proactive and rational choices, and thereby contribute to realizing people's lives in which they can perceive affluence and prosperity, by increasing value of various services across all aspects of the people's lives and generating new value of those service from the standpoint of the people, through utilization of advanced information and communications networks and practical use of information using information and communications technology.

(Realization of Vibrant Local Communities)

Article 6 The formation of a digital society must contribute to realizing unique and vibrant regional communities, ensuring sustainability of regional communities, and improving the welfare of local residents through enrichment of the lives of residents and improvement of convenience by revitalizing local economies, creating attractive and diverse employment opportunities in each region, and increasing

opportunities for various interactions in the regions and between the regions by utilization of advanced information and communications networks and practical use of information using information and communications technology.

(Realization of a Society in Which the People Can Live in Safety and with Peace of Mind)

Article 7 The formation of a digital society must be made in a way that, through utilization of advanced information and communications networks and practical use of information using information and communications technology, prevents occurrence of damage or mitigates damage and thereby contributes to the realization of a society in which the people can live in safety and with peace of mind, by promptly and adequately addressing situations in which serious damage occurs or is likely to occur to the lives, bodies, or property of the people, such as the occurrence of a large-scale disaster or the spread of an infectious disease.

(Rectifying Disparities in Opportunities for Use)

Article 8 In forming a digital society, disparities in opportunities for or in the abilities required for utilization of advanced information and communications networks and practical use of information using information and communications technology, must be steadily rectified, in view of the fact that the smooth and integrated formation of a digital society may be severely hampered by such disparities, which arise from factors such as geographical constraints, age, physical or mental condition including disabilities, and economic status.

(Division of Roles Among the National Government, Local Governments, and the Private Sector)

Article 9 In forming a digital society, the private sector is to play a leading role in principle, and the national government and local governments, while actively making use of the private sector's knowledge and information, are to implement policy measures centered on developing an environment that enables the full exercise of the vital power of the private sector such as the promotion of fair competition, the elimination of factors that hamper the formation of a digital society including review of regulation, improving convenience of the people for public services (meaning the public services defined in Article 2 of the Basic Act on Public Services (Act No. 40 of 2009); the same applies in Article 29), simplifying, enhancing efficiency, and improving transparency of administration operations, and developing an environment for ensuring fairness in benefits and burdens of public services.

(Protecting the Rights and Interests of Individuals and Corporations)

Article 10 In forming a digital society, the rights and interests of individuals and corporations and national security, etc. must not be harmed by utilization of advanced information and communications networks and practical use of information using information and communications technology, and the free and safe distribution of reliable information must be ensured through utilization of

advanced information and communications networks and practical use of information using information and communications technology.

(Addressing Progress of Information and Communications Technology)

Article 11 In forming a digital society, the progress of information and communications technology must be appropriately and actively addressed.

(Addressing New Issues Arising With the Changes in Socioeconomic Structure)

Article 12 In forming a digital society, new issues in employment or other fields that arise with the changes in socioeconomic structure from utilization of advanced information and communications networks and practical use of information using information and communications technology must be appropriately and actively addressed.

Chapter III Responsibilities of the National Government, Local Governments, and Business Operators

(Responsibilities of the National Government and Local Governments)

Article 13 The national government is responsible for formulating and implementing policy measures for forming a digital society in line with the basic principles on the formation of a digital society prescribed in the preceding Chapter (referred to as "the basic principles" below).

Article 14 Local governments are responsible for formulating and implementing voluntary policy measures for forming a digital society, which make use of the characteristics of the areas under their jurisdiction in line with the basic principles, while taking into account the appropriate division of roles with the national government.

Article 15 The national government and local governments must cooperate with each other so that the policy measures for forming a digital society are to be promptly and intensively implemented.

(Responsibilities of Business Operators)

Article 16 Business operators are to proactively endeavor to promote the formation of a digital society in relation to their own business activities, and to cooperate with the policy measures for forming a digital society implemented by the national government or local governments.

(Legislative Measures)

Article 17 The government must implement legislative or financial measures and other measures necessary for implementing policy measures for forming a digital society.

(Preparation and Publication of Statistics and Other Materials)

Article 18 The government must prepare statistics on digital society and other materials that contribute to the formation of a digital society and publicize them by using the internet or other appropriate means, as required.

(Measures for Deepening the Understanding of the People)

Article 19 The government must implement necessary measures to deepen the understanding of the people on the formation of a digital society through public relation activities, etc. so that the people's opinions will be broadly reflected in formulating and implementing policy measures for forming a digital society.

Chapter IV Basic Policy for Formulating Policy Measures

(Integrated Promotion of Policy Measures)

Article 20 In formulating policy measures for forming a digital society, in view of the fact that it is essential to further expand advanced information and communications networks, ensure the smooth distribution of information by various entities, enrich the information that may be utilized by various entities, and secure opportunities for utilization of advanced information and communications networks and practical use of information using information and communications technology, and ensure acquisition of the necessary skills, and that these objectives are closely interrelated, they must be advanced in an integrated manner.

(Formation of Advanced Information and Communications Networks With the World's Highest Level)

Article 21 In formulating policy measures for the formation of a digital society, necessary measures such as measures to promote fair competition among business operators must be taken to promote formation of advanced information and communications networks with the world's highest level so that the people can broadly utilize various services at low prices.

(Ensuring the Smooth Distribution of Information by Various Entities)

Article 22 In formulating policy measures for forming a digital society, necessary measures must be taken to secure the smooth distribution of information by various entities, such as the development of an information exchange system (meaning the information system for enabling various entities to promptly and safely send, receive, and share information using mutual integration of information systems established by various entities), the standardization of data (meaning the standardization of data prescribed in Article 4, paragraph (2), item (v), sub-item (a) of the Act on the Promotion of Administrative Affairs Through the Use of Information and Communications Technology (Act No. 151 of 2002)), the development of external collaboration functions (meaning the external coordination functions prescribed in sub-item (c) of that item), and the provision of information on the specification concerning the external coordination functions.

(Securing Opportunities for Utilization of Advanced Information and Communications Networks and Practical Use of Information Using Information and Communications Technology)

Article 23 In formulating policy measures for forming a digital society, necessary measures must be taken to ensure opportunities for all the people to obtain and utilize information, such as the promotion of research and development of information and communications equipment for securing such opportunities and the

promotion of the introduction of such equipment, so that disparities do not arise in opportunities for utilization of advanced information and communications networks and practical use of information using information and communications technology.

(Promoting Development of Education and Learning)

Article 24 In formulating policy measures for forming a digital society, necessary measures must be taken to promote education and learning that enable all the people to improve their abilities required for utilization of advanced information and communications networks and practical use of information using information and communications technology, so that disparities in such abilities do not arise.

(Human Resource Development)

Article 25 In formulating policy measures for forming a digital society, necessary measures must be taken to develop human resources with specialized knowledge or skills who will play leading roles in developing a digital society, such as the human resources responsible for education to improve the abilities of the people required for utilization of advanced information and communications networks and practical use of information through information and communications technology, the human resources responsible for coordinating information systems installed by various entities, the human resources responsible for gathering and analyzing the information required for practical use of information using information and communications technology.

(Promoting Economic Activities)

Article 26 In formulating policy measures for forming a digital society, necessary measures must be taken to promote economic activities through utilization of advanced information and communications networks and practical use of information using information and communications technology, such as the review of regulations taking into account the state of progress of information and communications technology and the usefulness and necessity of protecting personal information, the development of environment required to facilitate transactions regarding practical use of information using information and communications technology in all fields, and the proper protection and use of intellectual property rights.

(Improving Efficiency of Management, Enhancing Business Operations, and Improving Productivity of Business Operators)

Article 27 In formulating policy measures for forming a digital society, necessary measures must be taken to improve efficiency of management, enhance business operations, and improve productivity of business operators through utilization of advanced information and communications networks and practical use of information using information and communications technology, such as the promotion of sharing of information through coordination of information systems installed by various entities, and the formulation of guidelines on operation and management of information systems.

(Improving Convenience of Daily Life)

Article 28 In formulating policy measures for forming a digital society, necessary measures must be taken to improve convenience of daily life, promote diversification of lifestyles, and expand opportunities for consumers to make independent and reasonable choices, such as the promotion of development and provision of various services across all aspects of people's lives through utilization of advanced information and communications networks and practical use of information using information and communications technology, the provision of assistance for working at places other than workplaces, and the development of an environment necessary for protecting and increasing the consumers' interests.

(Joint Use, etc. of Information Systems of the National Government and Local Governments)

Article 29 In formulating policy measures for forming a digital society, in order to improve convenience for the people in public services and contribute to the simplification, efficiency, and transparency of administrative operations, while consolidating and utilizing knowledge from within and outside the administration, necessary measures must be taken to proactively promote utilization of advanced information and communications networks and practical use of information using information and communications technology by the national government and local governments, such as the promotion of joint use or consolidation of information systems (including the development of an environment by the national government to enable all local governments to utilize services associated with the technology related to cloud computing services as defined in Article 2, paragraph (4) of the Basic Act on the Advancement of Public and Private Sector Data Utilization), and the expansion of the scope of utilizing the Individual Number.

(Utilization of Information Held by National Government and Local Governments by the People)

Article 30 In formulating policy measures for forming a digital society, concerning information held by the national government and local governments which is useful for people's lives, necessary measures must be taken to enable the people to easily utilize the information held by the national government and local governments, such as the recording of information stated in documents, etc. as electronic or magnetic records, and the publication of information recorded as electronic or magnetic records that is made available for use by the public.

(Development of a Public Basic Information Database)

Article 31 In formulating policy measures for forming a digital society, necessary measures must be taken to develop a public basic information database (meaning a collection of information, among information held by the national government, local governments, other public institutions, and business operators in the public sector, which serves as the basis for processing a large number of procedures required in the course of social life or business activities, and which is systematically organized

to enable various entities to search for such information using computers under appropriate control; the same applies in Article 34 and Article 39, paragraph (2), item (xii)) and promote its use.

(Diversification and Improving Quality of Public Sector Services)

Article 32 In formulating policy measures for forming a digital society, in order to improve convenience for the people, necessary measures must be taken to diversify and improve the quality of public sector services through utilization of advanced information and communications networks and practical use of information using information and communications technology.

(Ensuring Cybersecurity)

Article 33 In formulating policy measures for forming a digital society, necessary measures must be taken to enable the people to utilize advanced information and communications networks and make practical use of information using information and communications technology with a sense of security, such as ensuring cybersecurity (meaning cybersecurity defined in Article 2 of the Basic Act on Cybersecurity (Act No.104 of 2014); the same applies in Article 39, paragraph (2), item (xiv)), preventing crime using information and communications technology, ensuring the trustworthiness of identity verification using information and communications technology, preventing alteration of information, implementing disaster countermeasures for advanced information and communications networks, and protecting personal information.

(Ensuring the Quality of Data)

Article 34 In formulating policy measures for forming a digital society, necessary measures must be taken to ensure the quality of data that is used in information systems or comprising the public basic information database (meaning information recorded as an electronic or magnetic record for use in information processing by computers; the same applies below in this Article and in Article 39, paragraph (2), item (xv)), such as keeping data accurate and up to date.

(International Cooperation and Contribution)

Article 35 In formulating policy measures for forming a digital society, in view of the importance of securing free and safe distribution of reliable information through advanced information and communications networks, necessary measures must be taken to actively engage in international cooperation such as the international collaboration for active participation in the development of international standards, norms, etc. concerning socio-economic activities through utilization of advanced information and communications networks and practical use of information using information and communications technology, and the promotion of surveys and research and development relating thereto, and the technical cooperation for developing regions.

(Promoting Research and Development, and Demonstration)

Article 36 In formulating policy measures for forming a digital society, in view of the fact that the improvement of the level of information and communications technology is the foundation of sustainable development of digital society in Japan, and the source that causes strengthening of international competitiveness of Japanese industries, necessary measures must be taken so that creative research and development and demonstration of the effectiveness of the information and communications technology will be promoted under close and mutual cooperation among the national government, local governments, national research and development agencies (meaning national research and development agencies defined in Article 2, paragraph (3) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)), universities, and business operators, etc.

(Review of Regulations for Effectively Using Information and Communications Technology)

Article 37 In formulating policy measures for forming a digital society, from the perspective of improving convenience for the people and improving administrative operations by utilizing the latest information and communications technology, necessary measures must be taken so that, concerning the processing of operations by the national government, local governments, and business operators, relevant regulations must not hinder the effective utilization of information and communications technology, taking into account the state of technological progress.

Chapter V The Digital Agency

Article 38 In accordance with the basic principles and as separately provided for by law, the Digital Agency is to be established in the Cabinet together with the Cabinet Secretariat, in order to assist the affairs of the Cabinet relating to the formation of a digital society, and to ensure the prompt and intensive implementation of administrative affairs relating to the formation of a digital society.

Chapter VI Priority Plan for Forming a Digital Society

(Preparation of the Priority Plan for Forming a Digital Society)

Article 39 (1) The government must formulate a priority plan for forming a digital society (referred to as "the priority plan" below in this Chapter) as provided for in this Chapter.

(2) The priority plan is to specify the following matters:

(i) basic policy on policy measures that the government should implement promptly and intensively to form a digital society;

(ii) policy measures that the government should take promptly and intensively concerning the promotion of the formation of advanced information and communications networks of the world's highest level;

(iii) policy measures that the government should take promptly and intensively concerning the securing of smooth distribution of information by various entities;

(iv) policy measures that the government should take promptly and intensively concerning the securing of opportunities for utilization of advanced information and communications networks and practical use of information using information and communications technology;

(v) policy measures that the government should take promptly and intensively concerning the promotion of education and learning;

(vi) policy measures that the government should take promptly and intensively concerning the development of human resources;

(vii) policy measures that the government should take promptly and intensively concerning the promotion of economic activities;

(viii) policy measures that the government should take promptly and intensively concerning the improvement of efficiency of management, the enhancement of business operations, and the improvement of productivity of business operators;

(ix) policy measures that the government should take promptly and intensively concerning the improvement of convenience of daily life;

(x) policy measures that the government should take promptly and intensively concerning the joint use, etc. of information systems of the national government and local governments;

(xi) policy measures that the government should take promptly and intensively concerning the utilization by the people of information held by the national government and local governments;

(xii) policy measures that the government should take promptly and intensively concerning the development, etc. of the public basic information database;

(xiii) policy measures that the government should take promptly and intensively concerning the diversification and improvement of the quality of services in the specified public sectors (meaning public sectors that the government should intensively address in particular to diversify and improve the quality of services);

(xiv) policy measures that the government should take promptly and intensively concerning the ensuring of cybersecurity;

(xv) policy measures that the government should take promptly and intensively concerning the ensuring of data quality;

(xvi) policy measures that the government should take promptly and intensively concerning the review of regulations for effective utilization of information and communications technology; and

(xvii) in addition to the matters provided for in the preceding items, other necessary matters for the government to promptly and intensively promote policy measures for the formation of a digital society.

(3) In principle, specific targets and the period for achieving them are to be specified for the policy measures provided for in the priority plan.

(4) The Prime Minister must hear the opinions of the Cybersecurity Strategic Headquarters and the Personal Information Protection Commission, formulate a draft priority plan and seek a cabinet decision on the plan.

(5) When the Prime Minister seeks to provide for policy measures that are considered to be likely to have a material impact on local autonomy in the draft priority plan, the Prime Minister must hear the opinions of the nationwide association of prefectural governors, chairpersons of prefectural assemblies, mayors, chairpersons of municipal assemblies, town mayors or village mayors, and chairpersons of town or village assemblies (meaning the nationwide association prescribed in Article 263-3, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) which has given a notification under the provisions of that paragraph) regarding these policy measures.

(6) When the government formulates the priority plan pursuant to the provisions of paragraph (1), the government must publicize the plan using the internet or other appropriate means, without delay.

(7) The government must investigate the status of achievement of the targets set pursuant to the provisions of paragraph (3), and publicize the results of the investigation using the internet or other appropriate means, in a timely manner.

(8) The provisions of paragraphs (4) through (6) apply mutatis mutandis to changes to the priority plan.

(Relationship between the Priority Plan and Other National Government Plans)

Article 40 With regard to the formation of a digital society, national government plans other than the priority plan are to be based on the priority plan .

Supplementary Provisions

(Effective Date)

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