

# Overview of the Act Partially Amending the Family Register Act

Civil Affairs Bureau, Ministry of Justice

## What is the *family register*?

○ The Family Register Act (Act No. 224 of December 22, 1947) is the Act that establishes a system of family registers which are authentic instruments that attest to\* the familial relationships of each citizen (the family register system).

\* "Attestation" means an administrative action of certifying the existence of a specific fact or legal relationship.

○ The Civil Code was amended in its entirety in 1947, and the former family register system that had been based on the feudal household system was redesigned into a system based on the dignity of individuals and the essential equality of both sexes (family registers were originally prepared for each head of household and their extended family, but the amendment changed the base family unit to that of husband/wife and their children).

- With the 1994 amendment, computers started to be used in the clerical work related to family registers.
- With the 2007 amendment, the regulation of public access to family registers were revised, and requests for transcript of a family register, etc. which does not relate to one's own became restricted.
- The system which manages the duplicate data of family registers\* was introduced in 2013, and duplicate copies of family registers are now being managed by the Ministry of Justice. (\*This system was constructed in the wake of the Great East Japan Earthquake in 2011.)

- Currently, 1,893 of Japan's 1,896 municipalities use computer systems to handle the clerical work related to family registers.
- Of the three municipalities that are not currently using computer systems to handle the clerical work related to family registrars, two are planning to start using them in 2019.

1872 Former Family Register Act Enters into Effect

1948 Family Register Act Fully Amended (Reflecting the Full Amendment of the Family Law in the Civil Code)

1994 Act Amended (Computer Management Begins)

2007 Act Amended (Revision of the Regulation of Public Access to Family Registers)

2013 Introduction of the System which Manages the Duplicate Data of Family Registers

## Timeline

June 2014 : Cabinet decision *The Japan Revitalization Strategy 2014* ("Focusing on areas of public interest such as family registers... the government will clarify the direction envisioned for the widespread use of the My Number System.") Later statements reiterated this.

From October 2014 to August 2017: Discussions held by the Study Group on the Family Register System and others

From September 2017 : Legislative Council asked to consult by the Minister of Justice, February 2019 : reports findings

June 2018: Cabinet decision *The Growth Strategy 2018* ("We will draw a conclusion in light of the results of an investigation into the best way to make use of the My Number System in clerical work related to family registers[...]. We aim to submit [...] at the next ordinary session of the Diet.")

## Current State of Affairs and Main Issues

The computer systems in each municipality are not linked together as a network.

- (1) As a part of the procedure to receive social security benefits, a person needs to provide a transcript or extract of their family register as a proof of relationship.
- (2) When a person files a family-register notification in a municipality other than that of their registered domicile, they need to provide a transcript or extract of their family register as a proof of relationship.
- (3) A person can only request a issuance of a transcript or extract of their family register in the municipality of their registered domicile.

## Countermeasures

Using and developing the existing system which manages the duplicate data of family registers to construct a new system, making it possible to provide the relevant data.

# Main Points of the Amendment

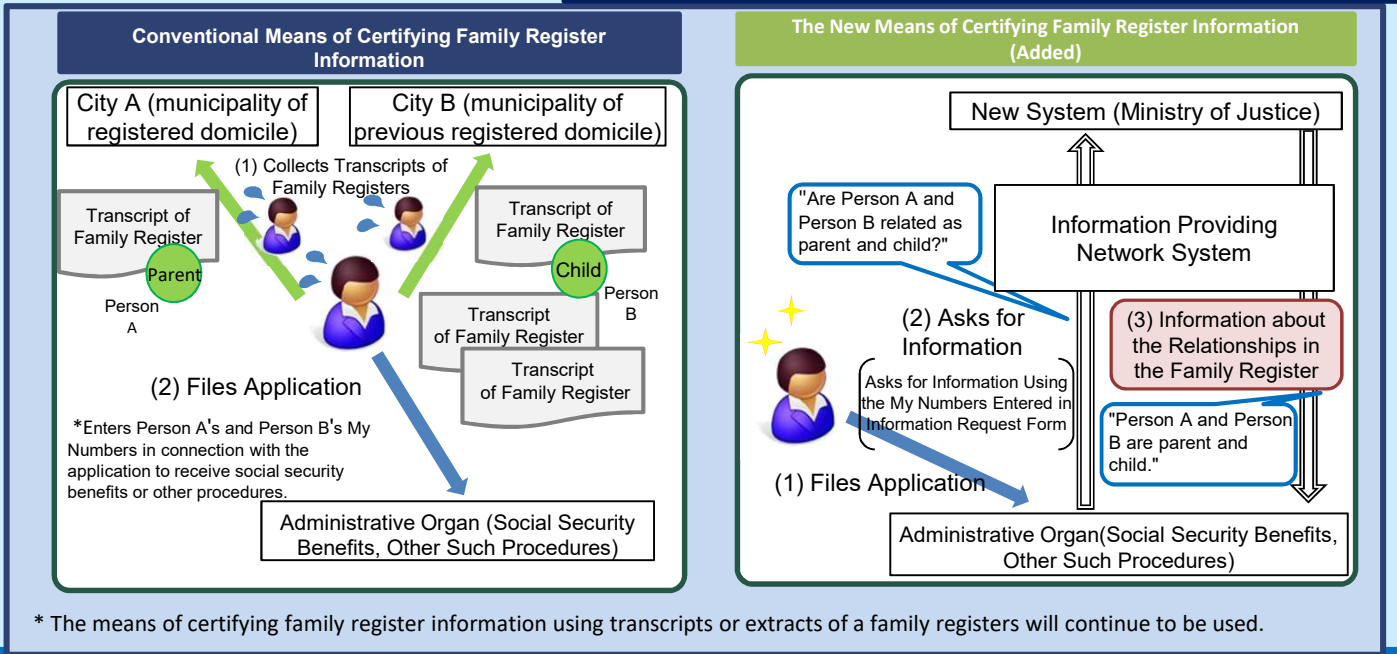
## Section 1 People Will Not Have to Provide Transcripts or Extracts of Their Family Registers in Administrative Procedures (Participation in the My Number System)

- The Minister of Justice will use the information recorded in the duplicate copies of a family registers to compile information on parent-child relationships, other personal relationships, and similar information, as information about the relationships in those family registers, and will store this in the new system. **New Act Art. 121-3**
- In addition to the means of certifying information on a family register through the conventional method of transcripts and extracts, the amendment gives another means of verifying information about the relationships in a family register using an Information Providing Network System created for the My Number System.

**Supplementary Provisions 14 (Relating to Table II of the My Number Act)**

\* There will be no direct exchange involving people's My Numbers among the administrative organs and the Ministry of Justice (they will use the individual identification codes for providing information that are being used internally by the administrative organs).

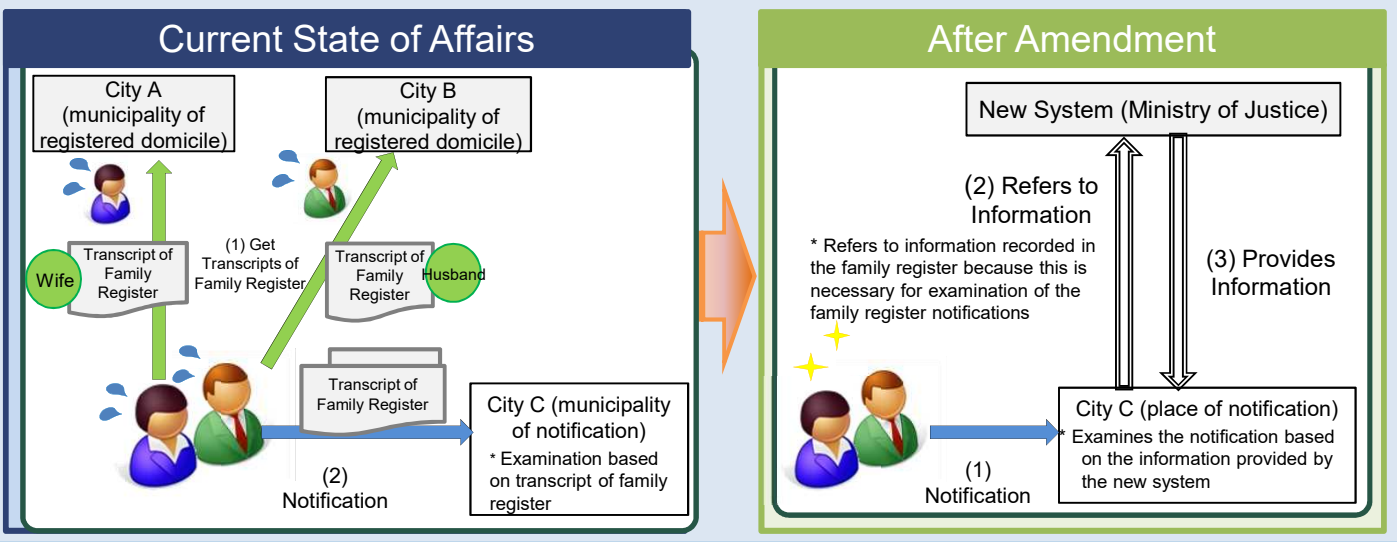
**Supplementary Provisions 12, 14 (Relating to My Number Act Art 9 (3), 21-2)**



## Section 2 People Will Not Have to Provide Transcripts or Extracts of Their Family Registers When Filing a Family-Register Notification

- In municipalities where a family-register notification has been filed, it will become possible to refer to the data of other municipalities, including that of the person's registered domicile, using the new system, making it unnecessary for a person to provide a transcript or extract of the family register when filing a family-register notification. **New Act Art. 118, 120-4 through 120-8**

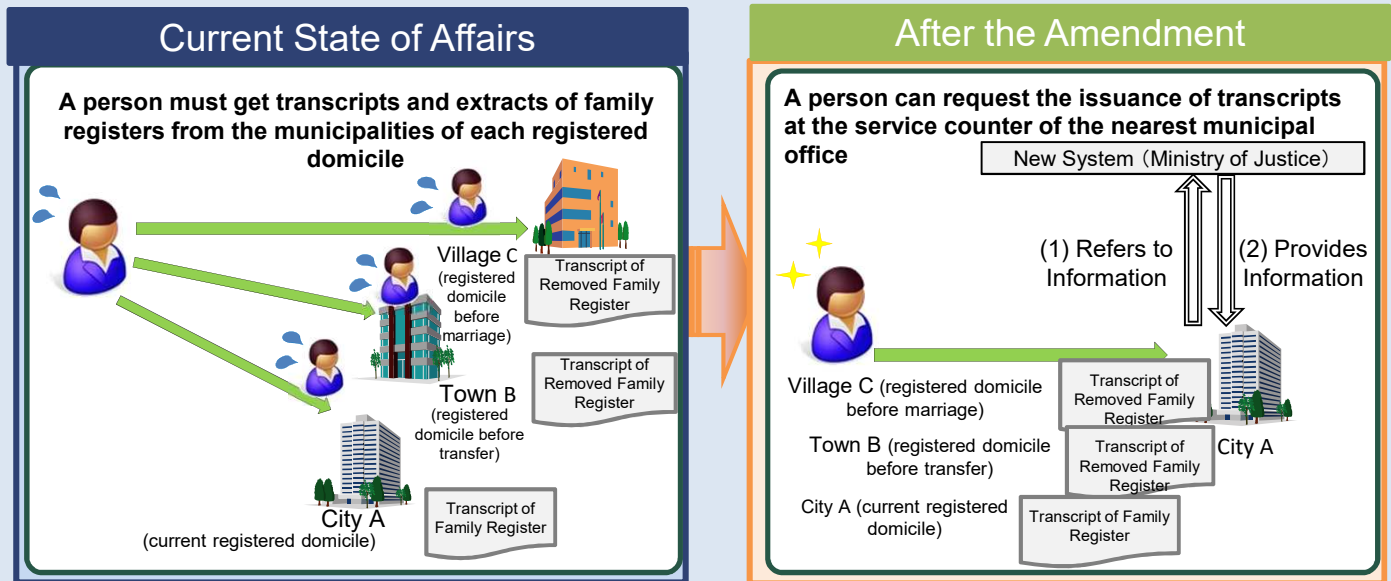
\* Since the information from family registers is used only internally in clerical work related to family registers, the My Numbers will not be used.



### Section 3 Transcripts and Extracts of Family Registers Will Be Issued Outside the Municipality of Registered Domicile

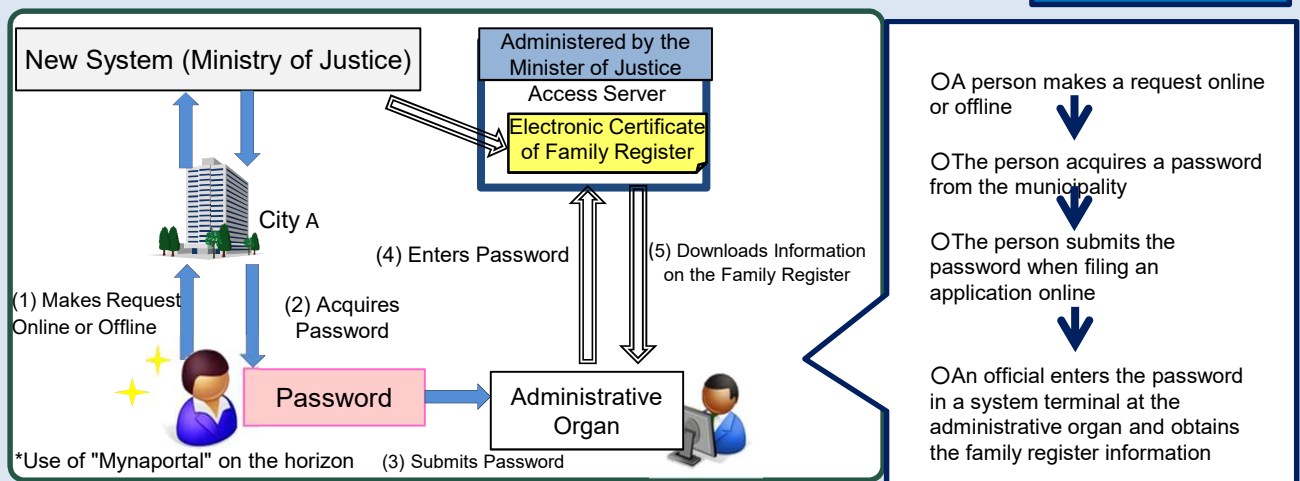
○ The amendment will enable people to request the issuance of transcripts and extracts of their own family registers and of their lineal relatives and their spouse, at the **service counters of municipalities other than the municipality of the person's registered domicile** (My Number Cards, driver's licenses, and other IDs will be used to properly check people's identities)

**New Act Art.120-2**



⇒ Furthermore, the amendment will make it possible to issue electronic data certifying the information recorded on a person's own family register and on the family registers of their lineal relatives and their spouse (electronic certificates of family register).

**New Act Art. 120-3**



### Section 4 Regarding Measures to Protect the Information about the Relationships in Family Registers That the Minister of Justice Preserves

As administrative organs and other entities outside the municipality of a person's registered domicile will become able to access information on that person's family register, there will be an increased need to properly protect people's personal information.

⇒ Legal Protection Measures

- (1) Establishment of legal safeguards such as ensuring the safety and reliability of the system.
- (2) Establishment of confidentiality obligations regarding the system design and of the necessary penal provisions.
- (3) Establishment of penal provisions applicable when a person engaged in the clerical work related to family registers has improperly provided a person with a particular from a family register.

**New Act Art.121**

**New Act Art.121-2,132**

**New Act Art. 133**

\* Necessary protection measures are also established in the My Number Act.

⇒ System Protection Measures

- (1) Transmission and reception of information in closed networks between administrative organs
- (2) Establishment of necessary protection measures, such as construction of a system to prevent unauthorized reference and the saving of an access log

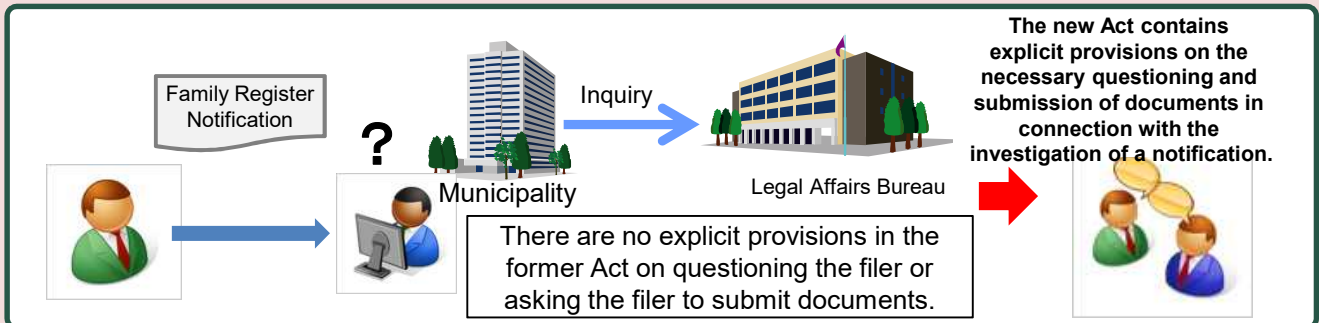
Starting System Operation

Estimated required time from promulgation to the beginning of system operation is five years.

## Section 5 Other Revisions to the Family Register Act

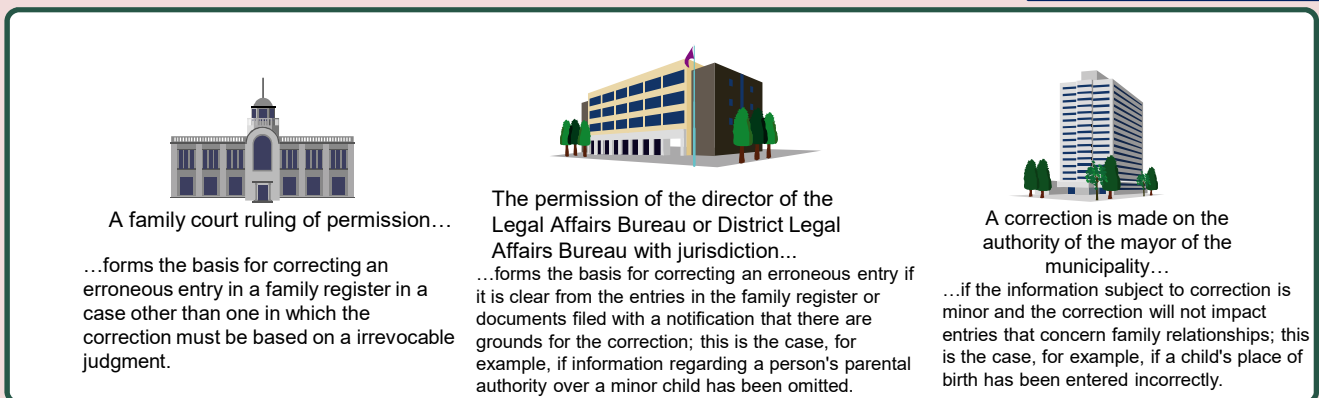
- The new Act makes it permissible, if necessary in connection with the investigation of a notification, for the mayor of the municipality or the director of the Legal Affairs Bureau or District Legal Affairs Bureau to question the filer of a notification or any other person concerned and to ask that person for the necessary documents, in order to guarantee the truth of an entry in a family register.

**New Act Art. 3, 27-3**



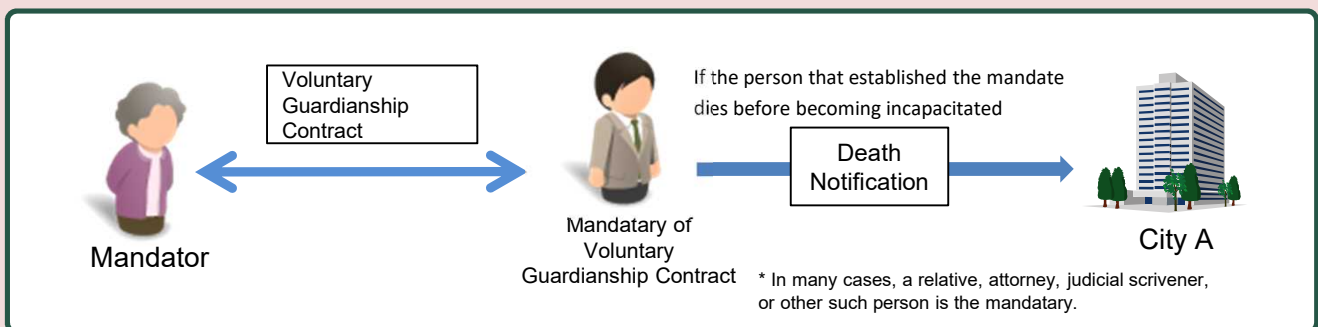
- The new Act makes a clear distinction, regarding the procedures by which the mayor of the municipality corrects an erroneous entry in a family register, between cases in which corrections are made with the permission of the family court or the permission of the director of the Legal Affairs Bureau or District Legal Affairs Bureau, and cases in which corrections are made on the mayor's own authority.

**New Act Art. 24,114**



- The new Act makes it permissible for the mandatory under a voluntary guardianship contract (a contract in which the principal establishes a mandate in advance regarding the undertaking of things such as asset management in the event that the principal becomes incapacitated) to file a death notification even if the voluntary guardianship has not yet taken effect.

**New Act Art. 87(2)**



Effective date of these particulars

within one year after promulgation

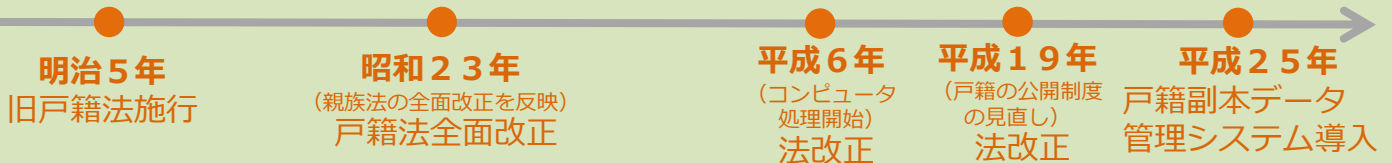
# 戸籍法の一部を改正する法律の概要

法務省民事局

## 「戸籍」とは

- 戸籍法(昭和22年法律第224号)は、「国民各人の身分関係を公証(※)する公正証書」である戸籍に関する制度(戸籍制度)について定める法律である。  
※ 公証とは、特定の事実又は法律関係の存在を証明する行政行為を指す。
- 昭和22年に民法が全面改正され、封建的な家制度を前提とした制度から、個人の尊厳と両性の本質的平等に基づく制度に改められた(戸主とその家族ごとに作成されていたが、夫婦とその子の単位で作成されることとなった。)
- 平成6年の法改正により、コンピュータを使用して戸籍事務を取り扱うこととなった。
- 平成19年の法改正により、戸籍の公開制度の在り方が見直され、他人の戸籍謄本等の請求が制限されるようになった。
- 平成25年に戸籍副本データ管理システム(※)を導入し、法務省において戸籍の副本を管理することとなった。(※平成25年に東日本大震災での被災を契機に構築)

- ・ 現在、1896市区町村のうち1893市区町村が戸籍事務をコンピュータシステムにより取り扱っている。
- ・ 戸籍事務をコンピュータシステムで取り扱っていない3市村のうち、2市は平成31年中にコンピュータシステムによる取扱いを開始する予定である。



## 経緯

平成26年 6月「日本再興戦略2014」(戸籍.....などの公共性の高い分野を中心に.....マイナンバーの利用範囲拡大の方向性を明らかにする。) その後も同旨の記載

平成26年10月～平成29年8月 戸籍制度に関する研究会等における検討

平成29年 9月～平成31年2月 法務大臣から法制審議会へ諮問、答申

平成30年 6月「未来投資戦略2018」(戸籍事務.....について、マイナンバー制度の利活用の在り方等の検討結果を踏まえ、結論を得る。.....次期通常国会への提出を目指す。)

## 現状及び主な課題

各市区町村のコンピュータ・システムがネットワーク化されていない。

- ① 社会保障手続において、身分関係の確認のために戸籍謄抄本の添付が必要。
- ② 本籍地以外の各市区町村で戸籍の届出をする際に、身分関係の確認のために戸籍謄抄本の添付が必要。
- ③ 戸籍謄抄本の請求は本籍地市区町村に限られる。

## 対応策

既存の戸籍副本データ管理システムを活用・発展させて新システムを構築し、データの提供を可能とする。

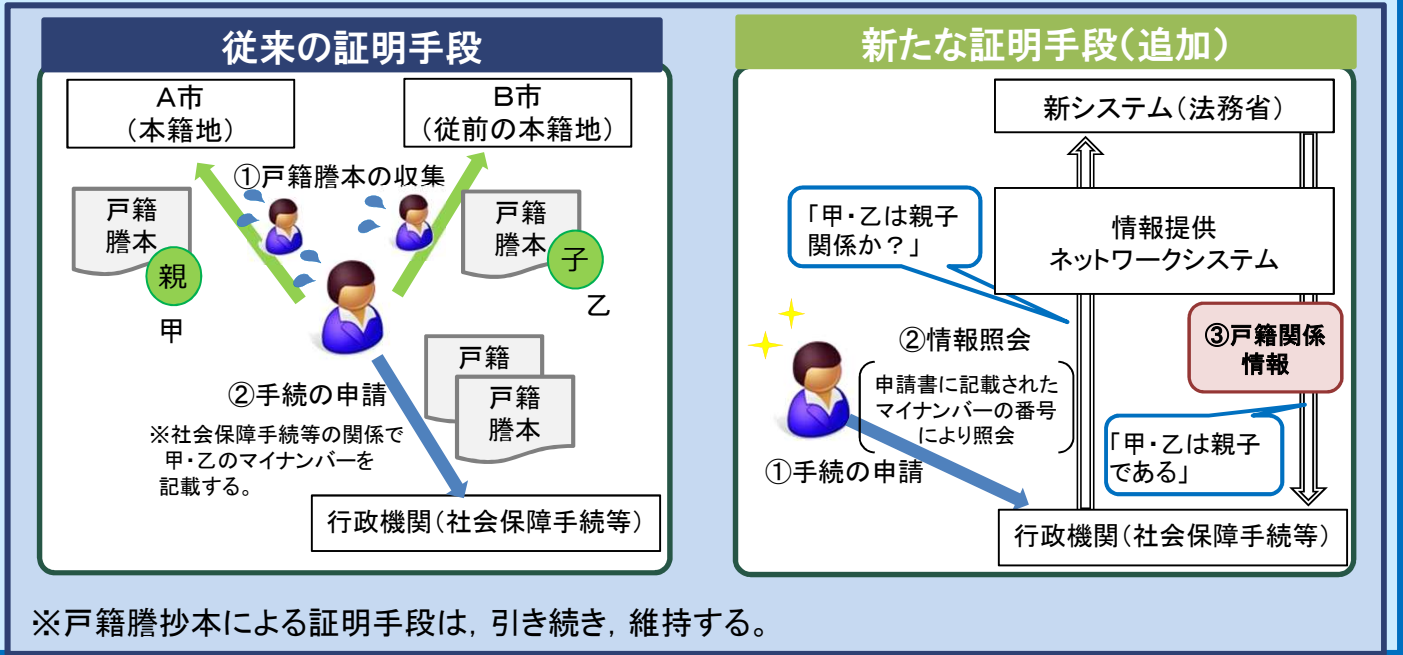


# 改正の要点

## 第1 行政手続における戸籍謄抄本の添付省略(マイナンバー制度への参加)

- 法務大臣が戸籍の副本に記録されている情報を利用して、親子関係その他の身分関係の存否を識別する情報等を戸籍関係情報として作成し、新システムに蓄積する。 新法121の3
- 従来の戸籍謄抄本による戸籍の情報の証明手段に加え、マイナンバー制度のために作られた情報提供ネットワークシステムを通じて戸籍関係情報を確認する手段も提供可能にする。 附則14 (番号利用法別表第2関係)

※ 行政機関と法務省との間では、マイナンバー自体のやりとりは行わない(行政機関内部で用いられる情報提供用個人識別符号を使用)。 附則12, 14 (番号利用法9Ⅲ, 21の2関係)

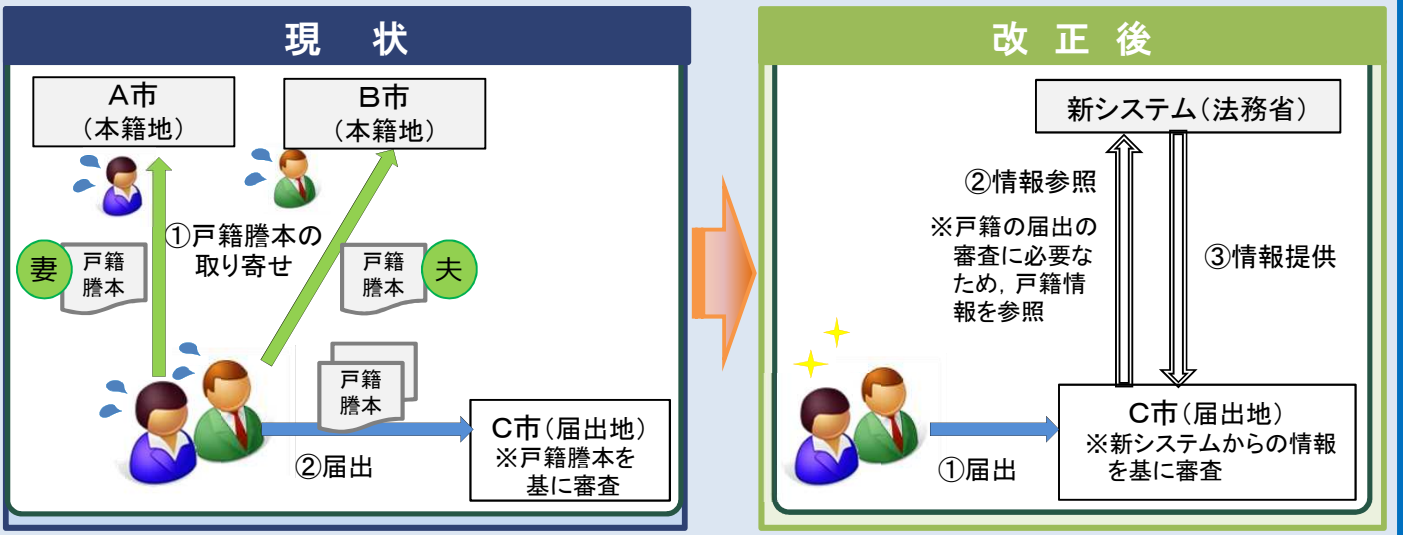


※戸籍謄抄本による証明手段は、引き続き、維持する。

## 第2 戸籍の届出における戸籍謄抄本の添付省略

- 本籍地以外の市区町村において、新システムを利用して本籍地以外の市区町村のデータを参照できるようにし、戸籍の届出における戸籍謄抄本の添付を不要とする。 新法118  
120の4~120の8

※ 戸籍事務内部での戸籍情報の利用であることから、マイナンバーを用いない。



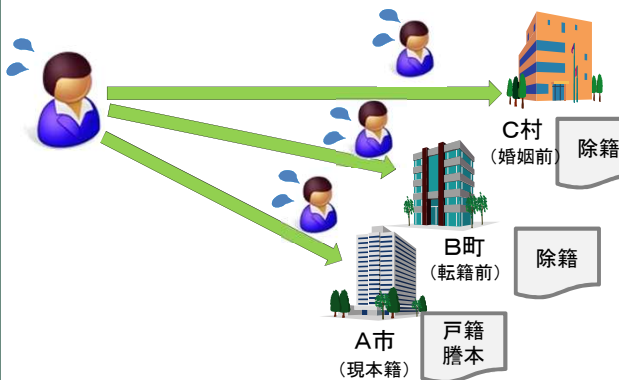
### 第3 本籍地以外での戸籍謄抄本の発行

○ 自らや父母等の戸籍について、本籍地の市区町村以外の市区町村の窓口でも、戸籍謄抄本の請求を可能とする(マイナンバーカードや運転免許証等により適切に本人確認)。

新法120の2

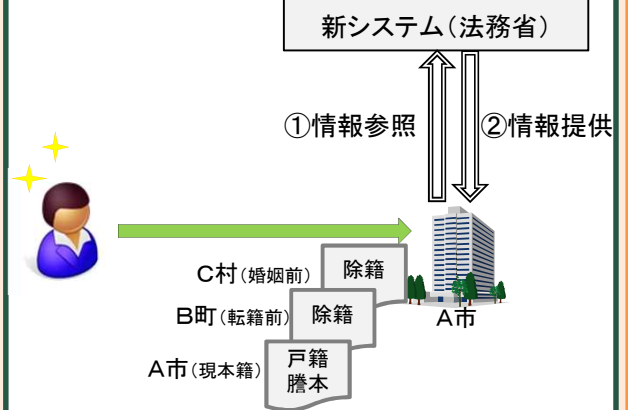
#### 現 状

それぞれの本籍地の市区町村役場で取り寄せ



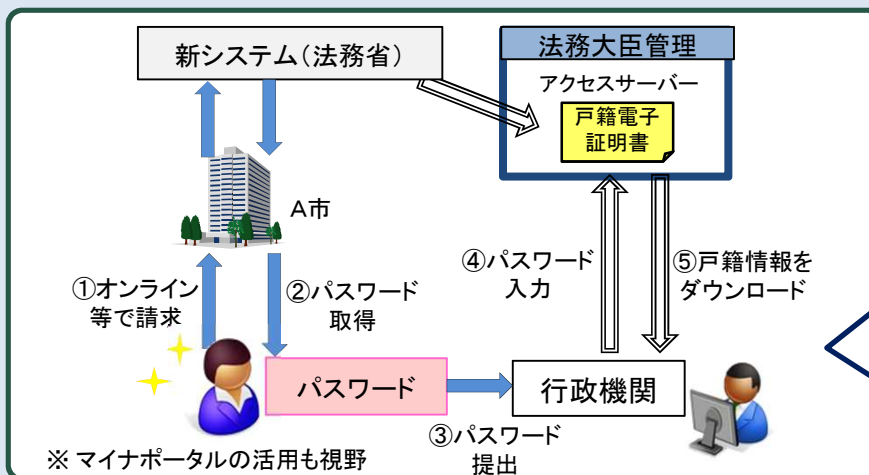
#### 改 正 後

最寄りの市区町村役場の窓口で請求可能



⇒ さらに、自らや父母等の戸籍について、電子的な戸籍記録事項の証明情報(戸籍電子証明書)の発行を可能とする。

新法120の3



○オンライン等で請求

○市町村からパスワードを取得

○オンラインで申請する際パスワードを提出

○行政機関においてシステム端末にパスワードを入力し、戸籍情報を取得

### 第4 法務大臣が保存する戸籍関係情報等の保護措置について

本籍地市区町村以外の行政機関等でも戸籍情報にアクセス可能となることから、個人情報を適切に保護する必要性が高まる。

⇒法制上の保護措置

- ①システムに関し、安全性及び信頼性を確保する等の法制上の保護措置を設ける。
- ②システムの設計等の秘密保持義務及び当該義務違反に対する罰則を設ける。
- ③戸籍事務に従事する者が戸籍に関する事項を不正提供した場合の罰則を設ける。

新法121

新法121の2, 132

新法133

※マイナンバー法においても所要の保護措置を設ける。

⇒システム上の保護措置

- ①行政機関相互間の閉じたネットワークによる情報の送受信、②不正参照を防止するシステムの構築、証跡ログの保存等の所要の保護措置を設ける。

システム運用開始時期

公布からシステムの運用開始まで5年を想定

## 第5 その他の戸籍法の規定の見直し

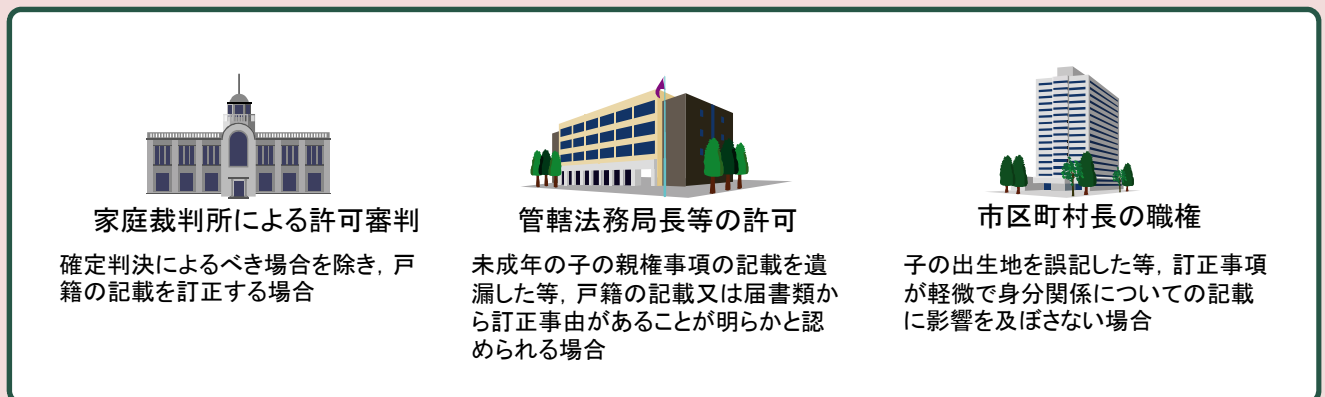
- 戸籍の記載の真実性を担保するため、市区町村長及び管轄法務局長等は、届出の審査に当たって必要な場合、届出の当事者本人その他の関係者に対し、質問し、又は必要な書類を求めることができるものとする。

新法3, 27の3



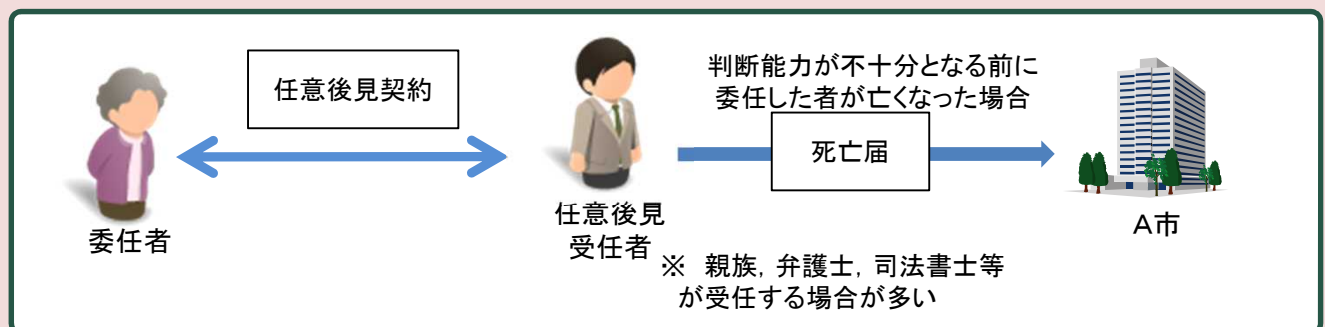
- 誤った戸籍の記載を市区町村長が訂正するための手続について、家庭裁判所又は管轄法務局長等の許可を得て行う場合、市区町村長の職権により行う場合の別を明確化する。

新法24, 114



- 任意後見契約(本人の判断能力が不十分となった場合に財産管理等を行うことをあらかじめ委任しておく契約)の受任者が任意後見の開始前であっても死亡の届出をすることができるものとする。

新法87 II



これらの事項の施行期日

公布から1年以内