

Act on the Establishment of the Digital Agency

(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 and its duties, and the well-defined scope of affairs under its jurisdiction necessary to achieve the duties as well as to provide for the organizational matters necessary for efficiently executing the administrative affairs under its jurisdiction.

Chapter II Establishment and 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) to assist the affairs of the Cabinet concerning the formation of a digital society together with the Cabinet Secretariat in accordance with the basic principles for the formation of a digital society (referred to as "the basic principles" in the following item) specified in Chapter II of the Basic Act on the Formation of a Digital Society (Act No. 35 of 2021) (meaning a digital

- society as defined in Article 2 of that Act); and
- (ii) to promote swift and thorough execution of administrative affairs concerning the formation of a digital society in accordance with 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 standardizing the policies of administrative branches in order to achieve the duties referred to in item (i) of the preceding Article:

- (i) affairs concerning planning, drawing up, and general coordination of the basic principles concerning policies for the formation of a digital society;
 - (ii) affairs concerning the promotion of execution of policies for the formation of a digital society taken by relevant administrative organs (excluding affairs concerning the promotion of execution of important policies for cybersecurity set forth in Article 26, paragraph (1) of the Basic Act on Cybersecurity (Act No. 104 of 2014)); and
 - (iii) beyond what is set forth in the preceding two items, affairs concerning planning, drawing up, 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 the priority policy program for the formation of a digital society (meaning the priority policy program 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 (meaning the 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, drawing up, and promotion of comprehensive and basic policies for the use of numbers, symbols, or other codes to identify a specific individual, corporation, or any other organization in administrative procedures;
 - (iv) affairs concerning the use of an individual number as defined in Article 2, paragraph (5) of the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (Act No. 27 of 2013) and the use of an individual number card as defined in paragraph (7) of that Article and a corporate number as defined 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 those under

- the jurisdiction of other ministries);
- (v) affairs concerning the registration on the savings account register for payment of public benefits 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 specified public benefits;
 - (vi) affairs concerning the management of deposit and savings accounts by using individual numbers based on the intention of depositors under the provisions of the Act on Management of Deposit and Saving Accounts by Use of Individual Numbers Based on the Intention of Depositors (Act No. 39 of 2021) and the system to provide information on deposit and saving accounts at the time of disaster or inheritance (excluding those under the jurisdiction of other ministries);
 - (vii) affairs concerning planning, drawing up, and promotion of comprehensive and basic policies for identification of a person 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 of a person using information and communications technology and promoting its use;
 - (ix) affairs concerning electronic signature as defined 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 in Connection with Electronic Signature and Electronic User Certificates (Act No. 153 of 2002) and a user certification verifier provided for in Article 36, paragraph (2) of that Act (excluding those under the jurisdiction of the Ministry of Internal Affairs and Communications);
 - (xi) affairs concerning electronic commission provided for in Article 2, paragraph (1) of the Act on Promotion of Dissemination of Electronic Power of Attorney (Act No. 64 of 2017) (excluding those under the jurisdiction of the Ministry of Internal Affairs and Communications);
 - (xii) affairs concerning planning, drawing up, and promotion of comprehensive and basic policies for standardization of data (meaning data standardization provided for in Article 4, paragraph (2), item (v), (a) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology (Act No. 151 of 2002)) related to public and private sector data used by several administrative organs of the State, local

- governments, other public organizations, and private business operators (meaning public and private sector data as defined in Article 2, paragraph (1) of the Basic Act on the Advancement of Public and Private Sector Data Utilization);
- (xiii) affairs concerning planning, drawing up, and promotion of comprehensive and basic policies for external coordination functions (meaning external coordination functions provided for in Article 4, paragraph (2), item (v), (b) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology);
 - (xiv) affairs concerning planning, drawing up, and promotion of comprehensive and basic policies for the development and use of a public basic information database (meaning a 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 of the administrative organs of the State, local governments, other public organizations, and private business operators in the public sector;
 - (xvi) affairs concerning the creation and promotion of the information systems development plan (meaning the information systems development plan provided for in Article 4, paragraph (1) of the Act on the Advancement of Government Administration Processes That Use Information and Communications Technology; the same applies in item (xviii), (a) and (c));
 - (xvii) overseeing and controlling the projects of administrative branches concerning the development and management of information systems conducted by the administrative organs of the State;
 - (xviii) implementation of projects concerning the development and management of information systems conducted by the administrative organs of the State (excluding information systems related to national security and other information systems provided for by Cabinet Orders; the same applies in this item) in accordance with the following provisions:
 - (a) requesting a budget necessary for projects concerning the development and management of information systems conducted by the administrative organs of the State in a lump sum and securing the budget, based on the principles referred to in item (xv) and the information systems development plan;
 - (b) establishing a plan for the implementation of projects concerning the development and management of information systems conducted by the administrative organs of the State; and
 - (c) executing all or part of the projects concerning the development and management of information systems conducted by the administrative organs of the State based on the principles referred to in item (xv) and the

information systems development plan or allocating the budget as well as notifying the principles and information systems development plan referred to in that item and the plan referred to in (b) and other necessary matters to the relevant administrative organs and having them execute all or part of those projects including the preparation of documents concerning the implementation plan of acts to determine and authorize the amount of expenditures related to those projects based on the content of the notification;

- (xix) affairs concerning the development and management of information systems shared by the administrative organs of the State;
- (xx) affairs concerning the coordination of affairs concerning the formation of a digital society of the relevant administrative organs;
- (xxi) affairs concerning international cooperation related to the affairs under the jurisdiction of the Digital Agency;
- (xxii) beyond what is set forth in the preceding items, matters concerning affairs and projects aimed exclusively at forming a digital society; and
- (xxiii) beyond what is set forth in the preceding items, affairs assigned to the Digital Agency based on laws (including orders based on laws).

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 must be flexible to respond to issues of the Cabinet concerning the formation of a digital society.

(2) The Digital Agency must evaluate, plan, and draw up its own policies under the supervision of the Cabinet, and mutually coordinate with the Cabinet Office and the administrative organs of the State as defined in Article 1 of the National Government Organization Act (Act No.120 of 1948), as well as mutually communicate with them and fulfill all of its administrative functions in an integrated manner.

Section 2 The Head of the Digital Agency and Special Positions Established

(The Head of the Digital Agency)

Article 6 (1) The head of the Digital Agency is the Prime Minister.

(2) The Prime Minister is the competent minister for the matters related to the

Digital Agency referred to in the Cabinet Act (Act No. 5 of 1947), and takes charge of and manages the affairs provided for in Article 4, paragraph (2).

(Authority of the Prime Minister)

Article 7 (1) The Prime Minister oversees the affairs of the Digital Agency and supervises the service of its employees.

(2) When the Prime Minister finds it to be necessary to enact, amend, or repeal a law or Cabinet Order in respect of administrative affairs under the charge of the Digital Agency, the Prime Minister must request for a cabinet meeting by preparing a proposal.

(3) With regard to the administrative affairs under the charge of the Digital Agency, the Prime Minister may issue a Digital Agency Order as an order of the Digital Agency to enforce a law or Cabinet Order, or based on a special delegation by laws or Cabinet Orders.

(4) Without delegation by laws, a Digital Agency Order may not establish penal provisions or provisions that impose obligations on or restrict the rights of citizens.

(5) The Prime Minister may issue a public notice if it is necessary to give public notice of the affairs under the jurisdiction of the Digital Agency.

(6) The Prime Minister may issue official directives or circular notices on the affairs under the jurisdiction of the Digital Agency to the competent organs and their personnel, for the purpose of giving orders or directions.

(7) When the Prime Minister finds it to be necessary to achieve mutual coordination among administrative organs in respect of policies to execute the duties referred to in Article 3, item (ii), the Prime Minister may request the heads of the relevant administrative organs to submit necessary materials and give explanations after clarifying the necessity, and state opinions on 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) A Minister of State is assigned to the post of the Minister for Digital Transformation.

(3) The Minister for Digital Transformation assists the Prime Minister, oversees the affairs of the Digital Agency, and supervises the service of its employees.

(4) When the Minister for Digital Transformation finds it to be necessary for executing the affairs referred to in Article 4, item (i), the Prime Minister may request the heads of the relevant administrative organs to submit necessary materials and give explanations.

(5) When the Minister for Digital Transformation finds it to be necessary for

executing the affairs referred to in Article 4, paragraph (1), the Minister may give a recommendation to the heads of the relevant administrative organs. In such a case, the heads of the relevant administrative organs must fully respect the recommendation.

- (6) When the Minister for Digital Transformation has given a recommendation to the heads of the relevant administrative organs pursuant to the provisions of the preceding paragraph, the Minister may require the heads of the relevant administrative organs to make a report of the measures taken based on the recommendation.
- (7) When the Minister for Digital Transformation finds it to be particularly necessary regarding the matters the Minister recommended pursuant to the provisions of paragraph (5), the Minister may state an opinion to the Prime Minister to propose that the measures under the provisions of Article 6 of the Cabinet Act will be taken for those matters.

(State Ministers)

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 hold the positions of Senior Vice Ministers of other ministries may be assigned.
- (3) The State Ministers take charge of policies and planning, and deal with state affairs as ordered by 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 appointment or dismissal of State Ministers is made by the Cabinet upon request from the Prime Minister, and attested by the Emperor.
- (6) In the case of resignation of the Cabinet en masse, the State Ministers lose their positions at the same time as the Prime Minister and all other Ministers of State lose their positions.

(Parliamentary Vice-Ministers)

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 hold the position of Parliamentary Secretary of other ministries may be assigned.
- (3) The Parliamentary Vice-Ministers assist the Minister for Digital Transformation, participate in specific policy-making and planning, and deal 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 appointment or dismissal of the Parliamentary Vice-Ministers are made upon request from the Prime Minister.
- (6) The provisions of Article 9, paragraph (6) apply 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) giving the Minister for Digital Transformation advice on important agendas on the affairs under the jurisdiction of the Digital Agency and stating opinions to the Minister for Digital Transformation as ordered by the Minister; and
 - (ii) assisting the Minister for Digital Transformation, coordinating the affairs of the Digital Agency, and supervising the affairs of each department and organ of the Digital Agency.
- (3) The appointment or dismissal of the Chief Officer of Digital Agency is made by the Cabinet 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 service of the Chief Officer of Digital Agency.
- (5) The Chief Officer of Digital Agency, while in office, must not engage in other jobs with remuneration, engage in business for profit, or engage in other business for pecuniary 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 oversees and coordinates the matters concerning important policies for the affairs under the jurisdiction of the Digital Agency, as ordered.

Section 3 Positions Established at the Digital Agency

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

- (2) Positions that assist all or part of the duties taken charge by those in the positions referred to in the preceding paragraph may be established at the Digital Agency.

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

Section 4 Digital Society Promotion Council

(Establishment and Affairs Under the Jurisdiction of the Council)

Article 14 (1) A Digital Society Promotion Council (hereinafter referred to as "the Council" in this Section) is established at the Digital Agency.

(2) The Council takes charge of the following affairs:

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

(Organization)

Article 15 (1) The Council is composed of a chairperson, vice chairpersons, 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 of the Ministers of State other than the chairperson and vice chairpersons; and
- (ii) persons to be appointed by the Prime Minister from among the Deputy Chief Cabinet Secretaries, the State Minister for Digital Transformation or Senior Vice-Ministers of relevant ministries and agencies, the Parliamentary Vice-Minister of Digital Agency or Parliamentary Secretaries of relevant ministries and agencies, or the heads of the relevant administrative organs other than the Ministers of State.

(5) An executive secretary is assigned at the Council.

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

(7) The executive secretary assists the chairperson, vice chairpersons, and members concerning the affairs under the jurisdiction of the Council.

(8) Beyond what is provided for in the preceding paragraphs, the necessary matters for the organization and operation of the Council are specified by Cabinet Order.

Section 5 Miscellaneous Provisions

(Delegation to Cabinet Order)

Article 16 Beyond what is provided for in the preceding Sections, the necessary matters for the organization of the Digital Agency are specified by Cabinet Order.

Chapter IV Miscellaneous Provisions

(Employees)

Article 17 (1) Digital administrative officials, digital technical officials, and other necessary employees are assigned at the Digital Agency.

(2) Digital administrative officials take charge of affairs as ordered.

(3) Digital technical officials take charge of technical affairs as ordered.

(Report to the Diet)

Article 18 (1) When a position referred to in Article 13, paragraph (1) established by Cabinet Order pursuant to the provisions of paragraph (3) of that Article is newly established, changed, or abolished, the government must report its status to the next session of the Diet.

(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 of September 1, 2021; provided, however, that the provisions of Article 60 of the Supplementary Provisions come into effect as of the date of promulgation.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 59 Prior laws continue to govern the applicability of penal provisions to acts committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 60 In addition to what is provided for in Article 15, Article 16, Article 51 and the preceding three Articles of the Supplementary Provisions, the transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.

(Review)

Article 61 When ten years have elapsed from the enforcement of this Act, the government is to review the state of the Digital Agency taking into account the

implementation status of this Act and the state of the formation of a digital society, and take the necessary measures based on the results of the review when it finds it necessary to do so.

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

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of 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 adding as follows after row 13 of Appended Table 1 of the Act of the Basic Resident Registers (Act No.81 of 1967)), Article 9, and Article 15 of the Supplementary Provisions: date specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding three years of the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the dates specified respectively in those items:

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