

IV Secondary Use System for Statistical Data in Japan (1)

(Background and Access to Questionnaire Information)

In the Statistics Act (Law No.53 in 2007), which was fully revised in May 2007 and has been implemented in full-scale since April 2009, a new system for the secondary use of statistical data, which enables production and provision of tailor-made tabulation and anonymized data, is provided in addition to provision for the use of questionnaire information for purposes other than statistical purposes (provided in the Statistics Act (Law No. 18 in 1947; hereafter referred to as the “Old Statistics Act.”) in order to promote wider utilization of statistical data.

This section and the next provide an overview of the history and outlines of the secondary use of statistical data in Japan.

(1) Use of Questionnaire Information under the Old Statistics Act

- The Old Statistics Act (Law No.18 in 1947) (Extract)

Article 15 No person shall use questionnaires collected to produce designated statistics for any purpose other than statistical purposes.

(2) The provision of the preceding paragraph shall not apply to questionnaires for which the Minister for Internal Affairs and Communications provided approval and issued a proclamation on their purpose of use.

In order to secure the protection of confidentiality and trust from survey respondents, the Old Statistics Act provided that information gained from questionnaires for statistical surveys implemented to produce designated statistics (hereafter referred to as “designated statistical surveys”) may not be used for any purpose other than statistical purposes. However, it also stipulated that such provision does not apply to questionnaires for which the Minister for Internal Affairs and Communications provided approval and issued a proclamation on their purpose of use, opening the door for the use of questionnaires for statistical purposes other than predetermined purposes.

The criteria for approval by the Minister for Internal Affairs and Communications was that “access to the questionnaire is granted to the minimum number necessary, and that the questionnaire information needs to be used for their duties.” Following up on this, the criteria limited the users of the questionnaires to “persons who fall under a public officer” or “employees at a university, hospital, research institute or other equivalent research facility,” and also stated that when an employee submits an application on his/her own in the latter case, from the viewpoint of public interest, certain conditions need to be satisfied, such as the questionnaire information being used for a part of research implemented in collaboration with an administrative organ, or an organ equivalent to the administrative organ.

In addition, regarding the procedures for use of questionnaire information of designated statistics for any purpose other than the original purpose, first the applicant applied to the body which implemented the survey. The body then submitted the application to the Minister for Internal Affairs and Communications after confirming that the application had no problem in its assessment.

Also, regarding approved statistical surveys and notified statistical surveys, using them for any purpose other than their original purpose was prohibited in general with a provision in Article 15 (2) (i) of the Old Statistics Act, stating that questionnaire information of such statistics “may not be used for any purpose other than statistical purposes,” and the second paragraph mentioned that such surveys could be used for purposes other than their original purpose under the discretion of the body which originally implemented the survey. However, in practical operation, the body which implemented the survey handles applications according to the criteria for approval by the Minister for Internal Affairs and Communications.

- The Old Statistics Act (Act No.18 in 1947) (Extract)

Article 15 (2) No person shall use questionnaires collected in a notified statistical survey (except the ones implemented by local public entities; the same applies to the next article) or statistical reports obtained by a collection of reports (limited to the part pertaining to the items solely used to produce statistics listed in the application form provided in Article 4 (2) of the Statistics Reports Coordination Act).

(2) The provision of the preceding paragraph shall not preclude persons who conduct a notified statistical survey or report from using or letting others use the questionnaires or statistical report in ways that cannot identify the respondents or persons who were required to make the report.

(2) Opportunity to Consider Secondary Use

There has been an international trend that considers official statistics as not only the basis of policy making by the government, but also as a public asset that supports social development. Due to this, and to secure confidentiality protection, many countries began to provide researchers with anonymized questionnaire information for their statistical studies. In addition, the development of information technology in recent years has provided an environment in which a great volume of data can be used easily by anyone to conduct complicated studies and analysis. However, this has increased the potential impact of any information leak that may occur. Therefore, it became necessary to thoroughly ensure the protection of confidentiality in various ways. In Japan, some people began to recognize that we shall develop a new system that allows for the secondary use of questionnaire information after securing the protection of confidentiality as well, and we decided to study this during the course of the drastic reform of our statistical systems.

(3) Examinations of an Experts Study Group

(a) Examinations of a “Study Group on the Statistical Legal System”

As progress was being made in the study of a full-scale revision of the Statistics Act due to the necessity to develop a statistical system that can deal with changes in the times, the “Study Group for Statistical Legal Systems” was established under the Director-General for Policy Planning (Statistical Standards), MIC in November 2004 to study the promotion of the secondary use of statistical data, etc., in relation to the legal

system. The study group had held 15 meetings by May 2006 and the results were issued as the “Report of the Study Group for the Statistical Legal System” in June 2006.

In the report, recommendations, including the following, are made regarding the secondary use of statistical data: (a) in order to simplify the procedures to promote the utilization of statistical data, the criteria for approval that had been provided in the administrative guidelines are required to be stated explicitly in laws and ordinances, and it is also necessary for the assessment for approval, which has been executed solely by the Minister for Internal Affairs and Communications, to be delegated to the bodies that implement the survey; (b) in order to expand the use of statistical data, tailor-made tabulation and anonymized sample data, which are new form of using statistical data that secures confidentiality, needs to be systematically established in the legislation. In addition, it was recommended to stipulate the obligation to appropriately manage questionnaires and apply penalties against users of secondary-use data and contractors of survey operations that divulge or steal confidential information other than the body which implements the survey. The Old Statistics Act also provided a penalty against the divulging of questionnaire information; however, it became important that responsibilities related to confidentiality shall be applied to the private entities due to an increase in the outsourcing of inputting and tabulating questionnaire information to private entities. Also, as peoples’ awareness of personal information has been increasing, it has become necessary to develop provisions that sufficiently cover new forms of data use, such as secondary use, which guarantee the protection of confidentiality and securing the trust of the people.

Additionally, the Old Statistics Act had a stringent provision on the protection of personal information contained in questionnaires, and such protection was not subject to general laws, such as the “Act on the Protection of Personal Information Held by Administrative Organs.” This provision is retained in the revised Statistics Act as well.

(b) Examination by the “Study Group on Promotion of Secondary Use of Statistical Data”

Resulting from the revision of the Statistics Act on May 2007, a new system which allows secondary use of statistical data was established. In order to study the various issues related to the operation of the system, the “Study Group on Promotion of Secondary Use of Statistical Data” was established under the Director-General for Policy Planning (Statistical Standards), MIC in October 2007. The study group had held 7 study meetings by June 2008 and the outcomes were put together as the “Report of the Study Group on Promotion of Secondary Use of Statistical Data” in October 2008.

In the report, it recommended that the aim of secondary use of statistical data needs to be to benefit the public, or to be specific, “when the use is recognized to be beneficial to the development of academic studies” or “when the data is used for educational purposes in lectures or seminars at higher education organizations.” Also, the report mentioned that it shall be required to submit an application for use including the purpose of use, and it suggested procedures for it. Also, it proposed the scope of aggregated tables to be anonymized, the scope of anonymized data to be produced, methods to anonymize data and methods to examine the process for anonymizing data.

(c) Development of Ordinances

Based on the results of the examination in the Study Group meeting, a Cabinet Order concerning fees for secondary use (the Order for Enforcement of the Statistics Act (October 31, 2008, Cabinet Order No.334)) and an ordinance that provides procedures for secondary use (the Ordinance for Enforcement of the Statistics Act (December, 26, 2008, Ordinance of MIC No.145)) were developed. Also related ministries held the “Working Group on the Promotion of Statistical Data Use” several times and developed guidelines for the application of the system. Prior to the full-scale enforcement of the Statistics Act, the Director-General for Policy Planning (Statistical Standards), MIC, decided on the “Guidelines for the Application of Article 33 of the Statistics Act” (December 24, 2008), “Guidelines for the Production of Statistics by Entrustment” (February 17, 2009) and “Guidelines Concerning the Production and Provision of Anonymized Data” (February 17, 2009).

(4) Provision of Questionnaire Information under the Current Statistics Act (so-called High-Level Public Use)

Following the full-scale enforcement of the Statistics Act from April 2009, a secondary-use system including the provision of questionnaire information, production of statistics based on entrustment (so-called tailor-made tabulation), and the production and provision of anonymized data has come into effect. In this system, one shall not use questionnaire information for any purpose other than statistical purposes, like the system under the Old Statistics Act. However, on the other hand, secondary use of questionnaire information is allowed for the purpose of benefiting the public.

- The Statistics Act (Act No. 53 of 2007) (Extract)

(Provision of Questionnaire Information)

Article 33 When persons listed in the following items take the acts specified in the respective items, the head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may provide such persons with questionnaire information pertaining to statistical surveys they have conducted:

- (i) An administrative organ, etc. or a person specified by an Ordinance of the Ministry of Internal Affairs and Communications as deemed to be equivalent to an administrative organ, etc.: the production of statistics, etc. or preparation of a list of names pertaining to surveys for producing statistics;
- (ii) A person who is engaged in production of statistics, etc. that serve public interest which are recognized by an Ordinance of the Ministry of Internal Affairs and Communications as equivalent to the production of statistics, etc. conducted by a person specified in the preceding item: the production of statistics specified by the Ordinance of the Ministry of Internal Affairs and Communications.

The provision of questionnaire information to parties (outsiders) other than administrative organs (known as “high-level public use”) is provided by Article 33 of the Statistics Act (hereinafter referred to as the “Act.”). In the said article, it states that

“When entities listed in the following items take the acts specified in the respective items, the head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may provide such entities with questionnaire information pertaining to statistical surveys they have conducted” in the main paragraph. Then item (i) provides that bodies that implement surveys may provide questionnaire information when “An administrative organ, etc. or an entity specified by an Ordinance of the Ministry of Internal Affairs and Communications as deemed to be equivalent to an administrative organ, etc.” implements “the production of statistics, etc. or preparation of a list of target population for surveys to produce statistics.” Item 2 states that bodies that implement surveys may provide questionnaire information when “An entity engaged in the production of statistics for the public interest which is recognized by an Ordinance of the Ministry of Internal Affairs and Communications as equivalent to the production of statistics, etc. conducted by an entity specified in the preceding item” implements “the production of statistics specified by the Ordinance of the Ministry of Internal Affairs and Communications.” Item 2 is the provision which allows for the provision of questionnaire information to parties other than administrative organs.

- The Ordinance for Enforcement of the Statistics Act (December, 26, 2008, Ordinance of the MIC No.145) (Extract)

(Provision of Questionnaire Information)

Article 9 The production of statistics specified by the Ordinance of the MIC, prescribed in Item 2, Article 33 of the Act, is the production of the following statistics, and necessary measures to manage questionnaire information are taken appropriately.

- (i) Production of statistics pertaining to a research study that an administrative organ, etc. or an entity provided in the preceding article (referred to as a “public organization” in the next item) implements by outsourcing to an outside party, or by working in cooperation with an outside party.
- (ii) Production of statistics pertaining to a research study for which a public organization calls for public participation and decides to support the entire, or part of the cost necessary for implementation.
- (iii) Production of statistics with other special reasons, such as that the head of an administrative organ or the head of a local public entity acknowledges the usefulness of statistics in planning, forming, implementation or evaluation of their policies.

With this provision, the Ordinance of the MIC prescribes that “The production of statistics specified by the Ordinance of the Ministry of Internal Affairs and Communications, prescribed in Item 2, Article 33 (2) of the Act, is the production of the following statistics, and necessary measures to manage questionnaire information are taken appropriately,” and questionnaire information may be provided when (1) “Production of statistics pertaining to a research study that an administrative organ, etc. or an entity provided in the preceding article (referred to as a “public organization” in the next item) implements by outsourcing to an outside party, or by working in cooperation with an outside party...,” (2) “Production of statistics pertaining to a

research study for which a public organization calls for public participation and decides to support all or a part of the cost necessary for implementation,” and (3) “Production of statistics with other special reasons, such as that the head of an administrative organ or the head of a local public entity acknowledges the usefulness of the statistics in planning, designing, implementation or evaluation of their policies.”

This provision establishes a system for high-level public use of questionnaire information that approves of the use of such information when it has a high level of public benefit, taking into account the protection of confidentiality and the ensuring of people’s trust. The questionnaires collected during the statistical survey are to be used primarily for the production of the statistics already planned. However, like the Old Statistics Act, the New Act allows the use of questionnaire information as an exception for research, etc. in which public benefit is recognized and when there are no problems regarding confidentiality protection. The difference between the Old Act and the New Act is that the Old Act required designated statistics to obtain approval from the Minister for Internal affairs and Communication and other statistics needed to require approval from the ministry that implemented the survey, while the New Act clearly specifies that approval needs to be obtained from the body that implements the survey once the criteria is clarified in the law. Moreover, to prevent inconsistency by the Cabinet Office and each ministry, the “Guidelines for Application of Article 33 in the Statistics Act” (See attached) was determined.

Guidelines for Implementation of Article 33 of the Statistics Act

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| Enacted | December 24, 2008 |
| Revised | September 29, 2009 |
| Revised | March 28, 2011 |
| Decided by | Director-General for Policy Planning (Statistical Standards), MIC |

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No. 1 Purpose

The purpose of the Guidelines for Implementation of Article 33 of the Statistics Act (hereinafter referred to as “Guidelines.”) is to present administrative guidance on the provision of questionnaire information by the head of an administrative organ or incorporated administrative agencies (hereafter referred to as an “administrative organ, etc.”) based on the Statistics Act (Act No.53 of 2007; hereinafter referred to as the “Act”).

No. 2 Definitions

1) Questionnaire information

In the Guidelines, “Questionnaire information” refers to information provided in Article 2 (11) of the Act.^(Note1)

Administrative data provided by another administrative organ does not fall within the scope of the questionnaire information in principle; however, this does not apply when the administrative organ, the provider of the administrative data, permits the provision of the information under Article 33 of the Act.

(Note 1) The term “questionnaire information” as used in this Act refers to information collected through statistical surveys that is recorded in documents, pictures or electromagnetic records (meaning

records made in an electronic form, a magnetic form, or any other form not recognizable to human perception). Article 2, (11), Statistics Act

2) Documents

In the Guidelines, “documents” refers to information providing a detailed description of the questionnaire information in an electronic or magnetic form for possible use in the future. For example, a data layout form, information needed to define the data by linking them to a code table, and a program to produce statistical tables by electronic computing processing. This also includes specifications and instructions for the program as well as a summary of the statistical survey.

3) Public Organizations

In the Guidelines, “public organizations” refers to the “public organizations” provided in Article 9 (1) of Ordinance for Enforcement of the Statistics Act (December 26, 2008, Ordinance of MIC No.145; hereinafter referred to as the “Ordinance for Enforcement”). Accordingly, “public organizations” are the administrative organs provided in Article 2 (1) of the Act (hereinafter referred to as “administrative organs”), local public entities and other executive agencies, incorporated administrative agencies provided in Article 2 (2) of the Act, and the entities provided in Article 8 of the Ordinance for Enforcement.

4) Incorporated Administrative Agencies

In the Guidelines, “incorporated administrative agencies” refers to the corporations provided in Article 8 of the Order for Enforcement of the Statistics Act (Cabinet Order No.334 of 2008).

5) Computers

In the Guidelines, “computers” refers to information processing devices, such as servers, PCs, and peripheral devices for input/output, etc.

6) Information Systems

In the Guidelines, “information systems” refers to systems pertaining to the implementation of statistical surveys, processing for aggregation or storage of statistical data by computers and the safekeeping or communication of data. It includes terminals not connected to the network, so-called stand-alone PCs.

No. 3 Development of Manual for Provision of Questionnaire Information Based on Article 33 of the Act

1) Institutional Arrangement within Administrative Organs, etc.

Administrative organs, etc. shall each develop a manual for procedures to provide questionnaire information by consulting with these guidelines, and the procedures based on Article 33 of the Act shall be implemented in accordance with their manuals.

Since it is expected that most of the questionnaire information is provided by copying data into electromagnetic recording media and that little information is provided in hardcopy, these Guidelines specifically indicates examples of provision by copying the

information into electromagnetic recording media. However, when a certain amount of provision by paper copies is expected, the arrangements shall be indicated in detail in the manuals as needed.

From the viewpoint of facilitating an application requesting questionnaire information based on Article 33 of the Act and securing transparency of the decision-making process in administrative organs, etc., administrative organs shall publicly release their manuals via the internet, etc., and engage in the preparation of questionnaire information and necessary documents, including data layout, in accordance with the recommendation in the “Plan for Optimization of Operations and Systems of Statistical Survey Operations” (Decision by Liaison Meeting of Chief Information Officers (CIO) on March 31, 2006) to standardize the wording.

2) Institutional Arrangement for Statistical Surveys Co-managed by Multiple Administrative Organs, etc.

Regarding the provision of questionnaire information of statistical surveys which is co-managed by multiple administrative organs, etc., such organs shall determine the arrangement in advance, referring the following:

- i) Appoint contact points to manage the administration for providing questionnaire information collectively. The contact points shall obtain consent to be entrusted with decision making concerning the provision of questionnaire information of co-managed statistical surveys from the Cabinet Office or other relevant ministries, and shall report to the other co-managing ministries when they have provided the information.
- ii) Appoint a contact point to communicate with the applicant. The contact point shall have the preliminary consultations with applicants, accept application documents and forward them to the Cabinet Office or other relevant ministries. Then, the Cabinet Office or each relevant ministry takes the internal procedure for the provision of questionnaire information.

Once such procedure is completed, the contact point has the responsibility to notify applicants of the results of assessment, to provide the questionnaire information, and to accept a disposition report after use, while sharing the necessary documents and communicating with the Cabinet Office or other relevant ministries.

- iii) Questionnaire information will be provided to the applicant when necessary procedures are completed and the Cabinet Office and all relevant ministries agree to provide the questionnaire information.

In this case, the Cabinet Office and relevant ministries need to communicate and coordinate with each other so that the decision on the provision is not incoherent among them.

No. 4 Outline of the Procedural Arrangement

The Guidelines envisage the procedural arrangement to provide questionnaire information based on Article 33 of the Act.

- (1) Determination of Arrangement for Implementing Article 33 of the Act

- (2) Safekeeping and Archive Management of Questionnaire Information and Accompanying Documents
- (3) Preliminary Consultation
- (4) Acceptance of Application Forms from Applicants
- (5) Assessment by Administrative Organs, etc.
- (6) Notification of the Assessment Results
- (7) Provision of Questionnaire Information and Related Information
- (8) Confirmation of the Disposition of Questionnaire Information after Expiration of the Period of Use
- (9) Report to the Minister for Internal Affairs and Communications about the Status of Questionnaire Information Provision

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| No. 5 Arrangements for Implementing Article 33 of the Act, etc. |
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Since administrative organs, etc. decide themselves to provide questionnaire information based on Article 33 of the Act, they shall make institutional arrangements by designating contact points or coordinating sections (hereinafter, organizations with this function are referred to as “contact points”) to respond to persons/entities who wish to use questionnaire information (hereinafter referred to as “applicants”) in order to make their responses to applicants coherent, especially, in administrative organs that manage many statistical surveys.^(Note 2)

Additionally, administrative organs shall establish meetings of related officials as the need arises and hold them periodically or as required to ensure coherence with respect to how to address the provision of questionnaire information among the organs.

(Note 2) The head division for management in the statistical section in Cabinet Office and Ministries can be a contact point.

* If no contact point is appointed, the procedure that these guidelines assign to the point shall be managed by the substantive department responsible for the respective statistical survey except for the work described in No. 6 (below).

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| No. 6 Safekeeping and Archive Management of Questionnaire Information and Accompanying Documents |
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To provide questionnaire information to the applicants based on Article 33 of the Act, the original questionnaire and electronic questionnaire information need to be stored properly with the documents necessary for the use.

Each administrative organ, etc. shall take measures, such as proper storage of questionnaire information and documents after the production of the statistics is complete, based on the “Guidelines for Measures of Questionnaire Information Management and Leakage” (Decision of Director-General for Policy Planning (Statistic Standards Officer), MIC, on February 6, 2009).

In order to facilitate consultation with applicants concerning the provision of questionnaire information and procedures based on Article 33 of the Act, contact points shall make a list containing information on availability, location, and the storage status of

the questionnaire information and related documents as well as the department in charge of substantial assessment for the provision of the information by reference to form No.1.

Additionally, the said list shall be updated once a year or more.

No. 7 Preliminary Consultations

When applicants contact administrative organs, etc. based on Article 33 of the Act before the formal application is made, the contact point shall inform them of the purpose of Article 33 of the Act, the restrictions (duty of confidentiality, period of use, available data), the assessment criteria, and duty to appropriately manage questionnaire information. The administrative organs, etc. are encouraged to confirm that applicants don't become confused with related systems (Article 32, 34 and 36 of the Act).

Also, the contact point shall assess as thoroughly as possible whether the application is qualified to be granted access to questionnaire information and discuss any concerns relevant to the procedure as much as possible.

In principle, the consultation is conducted at the contact point, and relevant departments responsible for each statistical survey may be consulted when required.

No. 8 Acceptance of Application Forms from Applicants

1) Submission of Application Documents

Application for the provision of questionnaire information shall be made by submitting a letter (hereafter referred to as an "application document") to the head of the relevant administrative organ (minister, etc.), through the contact point in advance. ^(Note.3)

Application documents shall be in a form determined by the head of the relevant administrative organ, etc. by referring to form No.3.

(Note 3) "In advance" means that the application reaches the head one month or more before the proposed starting date of the use.

2) Applicants Falling Under Article 33 (i) and (ii) of the Act

(1) An applicant falling under Article 33 (i) of the Act

When an application is based on Article 33 (i) of the Act, the approval to access questionnaire information is issued to "the public organization" but not to "the individual who belongs to the said public organization."

Therefore, this application shall be submitted under the name of the head of an administrative organ, etc., local public entity, other executive organization or incorporated administrative agency, who is required to attach documents demonstrating that the statistical output or the list of the target population for statistical surveys which will be produced making use of the questionnaire information have a clear need for the activities of said organization (not required when an administrative organ, local public entity or other executive organization is the applicant).

Application documents shall be in a form determined by the head of an administrative organ, etc., referring to form No.2.

(2) An applicant falling under Article 33 (ii) of the Act

A person/entity who falls under Article 33 (ii) of the Act is a person producing statistics stipulated by Article 9 of the Ordinance for Enforcement, which are regarded as equivalent to statistics produced by an applicant falling under Article 33 (i) of the Act; therefore, the applicant is not restricted to an organization, corporation, or individual.

When a corporation or other group makes an application, the representative is the applicant. In that case, the name and the address of the said corporation or other group shall be made clear.

When an individual makes an application, the individual is the applicant. In that case, the individual's date of birth and address shall be made clear. If it is an application by multiple individuals, the representative is the applicant.

All these applicants are requested to attach one of the following documents which indicate that the application falls within Article 9 (1) to (3) of the Ordinance of Enforcement.

- (a) When questionnaire information is used for research study outsourced by a public organization or collaborative research study with a public organization (applications that fall under Article 9 (1) of the Ordinance of Enforcement based on Article 33 (ii) of the Act) or questionnaire information is used for research study subsidized by a public organization (e.g. Ministry of Education, Culture, Sports, Science and Technology Grants-in-Aid for Scientific Research, Health and Labor Sciences Research Grants) (applications that fall under Article 9 (2) of the Ordinance of Enforcement based on Article 33 (ii) of the Act), a copy of a document that indicates the relationship of the outsourcing or aid and materials regarding the research study outlines.
- (b) When the purpose of the utilization of the said questionnaire information is considered effective for planning, developing, executing and evaluating policies implemented by the administrative organ or local public entity (applications that fall under Article 9 (3) of the Ordinance of Enforcement based on Article 33 (ii) of the Act), a document that indicates such recognition by the head of the administrative organ or local public entity.

3) Items to Be Contained in Application Documents

An application document shall state the following items;

- i) Title of the statistical survey
- ii) Purpose of the use of questionnaire information
- iii) Identification of the users
- iv) On-site users
- v) Data requirement
 - (a) Title
 - (b) Year(s)
 - (c) Geographical Area
 - (d) Attribution
- vi) Specification of variables to be accessed and the methodology

- vii) Duration of use
- viii) Location and environment of the access, location of storage, and management method
- ix) Method and expected timing of dissemination
- x) Disposition of the transcribed documents after use

Additionally, details and examples of items shall be provided in the administrative guidelines by referring to the following.

(1) Title of the Statistical Survey

The applicant shall describe the title of the statistical survey from which he/she wants to extract a dataset of the questionnaire information.

<<Sample form>>

- *XX Statistical Survey (Survey for producing the Fundamental Statistical Survey “XX”)*
- *XX Statistical Survey (General Statistical Survey)*

(2) Purpose of the Access to Questionnaire Information

The applicant shall describe the expected outputs by the use of questionnaire information and the purpose of the use.

When the application falls under Article 33 (i) of the Act, the purpose of the use is restricted to production of statistics or preparation of the list of the target population for the production of statistics.

When the application falls under Article 33 (ii) of the Act, the purpose of use is restricted only to the production of statistics.

<<Sample form>>

- *To obtain background information and comprehend the situation for developing the “Master Plan for XX”*
- *To obtain basic data to analyze --- in the “Study of---”, which is funded by a grant-in-aid of the Ministry of XX*
- *To select the target of a survey for XX Fundamental Statistical Survey*
- *To produce basic data for the “Study on -----” by matching the questionnaire information from XX survey by the Ministry of XX and the questionnaire information from XX survey by the Ministry of XX.*
- *To pre-print administrative variables such as addresses and names on the questionnaire by referring to the reported data from previous surveys and thereby reduce the burden on the respondents to XX Statistical Survey.*

(3) Identification of Users

The applicant shall identify all users of the questionnaire information including his/her organization, position and name.

When an individual user cannot be specified due to organizational use, indicate the name of the organization in as much detail as possible.

<<Sample form>>

- *Section Chief XXXX (Name), XX Division, Department of XX, Ministry of XX*
- *Staff in charge of XX, XX Department, XX Prefecture*
- *Professor XXXX (Name), Economics Department, University of XX*
- *Staff in charge of managing computers in XX Division, XX Department of XX Co., Ltd. outsourced with the calculation work from XX*

When applicants fall under either of the following items, they also need to attach the documents specified in each respective item.

- (a) When applying to use questionnaire information based on Article 33 (ii) of the Act, the applicant shall attach the signed declaration to demonstrate a commitment by all users to comply with the terms of use provided by administrative organs, etc.
- (b) When the applicant outsources its work to process questionnaire information to a person other than officials of a public organization based on Article 33 of the Act, the applicant shall attach a copy of the contract documents as well as a copy of the memorandum with the person to protect the confidentiality of questionnaire information, if such memorandum exists.

If copies of the contract or memorandum cannot be prepared because of such reasons as the contract has not been exchanged yet, documents that the applicant prepared based on form No. 4 can be deemed acceptable as a substitute for the contract or memorandum.

When applicants outsource the work dealing with questionnaire information, they shall take appropriate measures by stating the following items clearly on the contract documents or memorandum based on the “Guidelines Concerning Private Entrustment of Statistical Surveys” (Agreement at a conference of directors for the statistics management as of March 31, 2005) to protect confidentiality.

- Duty of care of prudent manager
- Duty of confidentiality
- Duty of safekeeping of the questionnaire information
- Prohibition of transcription, lending, and provision of questionnaire information
- Disposition of intermediate output, such as media that were derived from the processing of the questionnaire information and have become unnecessary
- Prohibition of re-outsourcing
- Monitoring questionnaire information management status
- Reporting of accident or disaster occurrence
- Cancellation of the contract in case of a breach, etc.

(4) On-site Users

The applicants shall state that the mode of access is on-site when they intend to access questionnaire information stored at a facility or on devices that administrative organs, etc. designate (hereinafter referred to as “on-site access”).

Designation of facility and devices shall be in line with an information security policy, which shall be developed based on the “Standards for Information Security Measures for the Central Government Computer System” (Information Security Policy Council) (hereinafter referred to as “information security policy”).

- The system which holds the data shall be kept for processing and storage in a facility that is physically and technologically secured. The data shall be protected under a certain rule by managers for managing facilities/systems and for supervising users.
- Managers for managing facilities/systems and for supervising users shall take measures, such as checking the work of the user, checking the identity of the user at the entrance, disconnecting from the outside network when users access questionnaire information, and preventing illegal data transmission outside the access facilities.

(5) Data Requirement

(i) Title

State the titles of the questionnaires which contains questionnaire information that the applicant wishes to access.

If there are many of such titles, number them or catalog them by organizing them in the simple manners shown below in this item and items (ii) to (iv).

<<Sample form>>

- *XX questionnaire (A and B)*
- *(a) XX questionnaire (for annual survey)*
(b) XX questionnaire (for monthly survey)
(c) XX questionnaire (for framing survey)

(ii) Year(s)

Provide the years of the questionnaire information described in (i).

If the data are different by year, mention that fact clearly.

<<Sample form>>

- *2002 and 2003*
- *Every month from April 2001 to December 2001*
- *2002 (for questionnaires XX, YY, ZZ) and 2003 (for questionnaire XX only)*

(iii) Geographical Area

The applicant shall specify the geographical area of the data he/she wishes to access.

When there are multiple users in an application and the area that each user intends to use are different, mention that fact here.

If there are multiple concepts regarding area attributes, mention them separately.

<<Sample>>

- *Nationwide*
- *XX prefecture*
- *User XX will use the nationwide data. User YY is limited to ZZ prefecture.*

(iv) Attribution

The applicant shall specify the attribution of the questionnaire information, otherwise it is considered that the applicant will use the questionnaire information regardless of attribution.

<<Sample>>

- *Establishments with 30 or more employed persons*
- *Corporations with a capital of 10 million yen or more.*

(6) Specification of Variables to be Accessed and the Methodology

(i) Specification of variables

The written application form shall describe all of the variables of the questionnaire information to be required. If there are many variables, the variables shall be clarified with headings or using tables to enable smooth review and precise extraction of items.

This section shall also state the variables (e.g. weight) that administrative organs, etc. produced secondarily by processing the questionnaire information, where needed.

If the variables are different depending on the year, state them clearly.

Variables concerning names, addresses, and locations of respondents are not provided in principle, but if these are to be used for the “preparation of a list of the target population pertaining to the survey to produce statistics” provided in No. 9-3-(1) (a) (iii), the reason for the use shall be stated.

<<Sample>>

- *Prefecture code number, business serial number, capital, output*
- *Name of the establishment, location, number of employed persons, capital amount,*
(The underlined data are used as a list of the target population and preprinted on the questionnaire for XX survey.)

(ii) Methodology

This section shall describe the methodology to be used specifically on who, where, in what kind of environment, and how to use the questionnaire information. When users are different depending on the information to be used, clearly state such fact also.

The methodology shall also indicate clearly whether the method to access the questionnaire information is browsing, copying or aggregating. When the data is copied, attach a template of the copy.

In principle, in cases where the user produces statistics or conducts analytical study, attach all aggregation tabular forms or analytical output forms in electronic form.

When it is difficult to use an analytical technique to make an analytical output form, the applicant may state the concrete variables used in the said analysis, outputting statistical values and analytical methods to be applied after obtaining approval from the administrative organ, etc.

Moreover, when the applicant accesses the information by on-site use, a research plan shall be attached with a core set of aggregation tabular forms or analytical output forms made by computer.

<<Sample>>

- *XX Staff, XX Division, XX Department, XX Prefecture conduct aggregation with the provided CD-R using a PC physically detached from the outside network in the division. The aggregation form is as shown in the attached sheet.*
- *Professor XX and assistant professor XX, XX University will conduct an analysis of XX using the questionnaire information (format shown in Attachment 1) at XX (on-site facility) designated by XX Department, XX Bureau, Ministry of XX. The research plan is shown in Attachment 2, and the main aggregation format and analytical output is shown in Attachment 3.*
- *Professor XX and assistant professor XX, XX University will transcribe the questionnaire information by hand-writing onto paper. The format of the transcription is shown in Attachment 1. The content of the transcription will be input into the spreadsheet software at professor XX's research office in XX University and analyzed statistically. The analytical output format is shown in Attachment 2.*

(7) Duration of Use

Provide the start point and end point of the duration of the use. The end point shall be a specific date.

The duration of use shall be the minimum length for the use. However, if the duration of use is over a year for a rational reason judging from the purpose of the use, it may be set for over a year by a decision of the administrative organ, etc.

If the applicant intends to use the questionnaire information over multiple years of the ongoing survey in the future within three years, the applicant may claim the period of use for each questionnaire information. In this case, the period of use shall be a year for each use of questionnaire information, and when the period of use is over a year for a rational reason judging from the purpose of the use, it may be set for over a year for each use of the information.

<<Sample>>

- *From July 1 to November 30, 20YY*
- *From the day the information is provided to M/D/Y*

(8) Location and Environment of the Access, Location of Safekeeping and Management Method

Specify in detail the location and environment in which to access questionnaire information as well as the location for its safekeeping and management. When the work of data aggregation is outsourced to a private company, the applicant describes the place of the use (address), the environment of use, the location of storage, and the management method at the company.

This section may be omitted in the case of on-site use.

<<Sample>>

Access to the questionnaire information is restricted to the lockable computer room of XX Division, XX Bureau, Ministry of XX, and staff members check each other's identities when they enter the room. The questionnaire information is accessed only in the independent LAN environment in the computer room, with the server detached from the outside network, and with X (number) client computers (all fixed by linking with wires). The questionnaire information and products derived from the process of the data processing are stored in the external drive and none of the information is stored in the internal storage in the server and client. Additionally, when the information is not being used, the drive is removed from the said server or client and stored in the lockable cabinet in the computer room. The staff member responsible for storage is XX, Section Chief of the Computer Room.

(As necessary)

The process of aggregation will be outsourced to XX Co. Ltd. and the data is used and stored at the address as follows: (address here)

(9) Methods and Expected Timing of Dissemination

The applicant shall state whether the output of the statistics or the research study making use of the questionnaire information will be disseminated or not.

Upon disseminating the output, the applicant shall identify which channels and when to publicize the results as well as how to state the source of the data by specifying the name of questionnaire information and data-providing organs in the result. If the applicant will not publish the results, the reason shall be stated clearly.

Also, the applicant shall state that he/she will give consideration to the confidentiality of individual statistical units.

<<Sample form>>

- *The aggregated dataset will be publicly released in a printed publication (name of the title) by the end of March, 20XX. If a count of establishments in the results is 1 or 2, the name(s) of the establishment will be suppressed. Even if it refers to more than 3 observations, the result will be released in a way that will not identify individual establishments. Additionally, the data source for the results will be indicated by referring to "Statistical Survey XX by Ministry of XX."*
- *The questionnaire information is used only for preparing a list of the target population of Statistical Survey XX, and the list will not be published.*
- *The questionnaire information is used to compile basic information for developing the Master Plan for XX in the YY Council. The results of analysis will be submitted to the council. The data source will be indicated by referring to "Statistical Survey XX by Ministry of XX."*
- *The output of analysis making use of questionnaire information will be released in the XX White Paper. Also, the data source will be indicated by referring to "Statistical Survey XX by Ministry of XX."*

(10) Disposition of the Transcribed Documents after Use

The applicant shall describe the method of disposition (destruction by fire, deletion, return, dissolution or shredding (hereafter referred to as “disposal”) after the storage.

When aggregated data tables prepared from questionnaire information allows the identification of an individual, the applicant shall inform how the tables will be disposed as well.

<<Sample form>>

- *Transcribed documents will only be used for an original purpose, and they will be shredded as soon as the use is over.*
Data tables will not be used for any purpose other than the said purpose and will be shredded as soon as the use is over.
- *After the output making use of questionnaire information is publicized, the data tables will be stored at Statistics Division, General Affairs Department, XX Prefecture (the person in charge: Director for Statistics Division) for one month. Subsequently, the tables will be destroyed by fire immediately.*

(11) Copyright

The applicants shall state that he/she will not claim his/her copyright in regards to the aggregation results made from questionnaire information.

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| No. 9 Assessment by Administrative Organ, etc. |
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1) Department in charge of the assessment

In principle, the department that conducts assessment of applications shall be the substantive department responsible for the relevant statistical survey, and the formality of application shall be assessed by the contact point. It doesn't necessarily deny the contact organization conducting substantial assessment depending on the management practice of the organization.

2) Acceptance of the application and assessment

An application is first assessed by the contact point that receives it, taking into account its formality and keeping a hardcopy of the submitted application form. The substantial assessment will be conducted by the department in charge from among the list of departments managing questionnaire information made in accordance with No. 6 above. In order to ensure coherence among assessments, departments in charge are encouraged to develop an assessment report based on form No. 5.

3) Basic criteria for assessment

Basic criteria for granting access to questionnaire information are that an applicant fulfills Article 33 of the Act, fully protects the confidentiality of individual respondents or business entities and adheres to Article 42 and 43 of the Act ^(Note4).

For detailed assessment, the administrative organs, etc. shall develop assessment criteria referring to the following basic criteria, review each item and make the final decision on providing questionnaire information to the applicant based on the criteria.

(Note 4) Statistics Act

Article 42 Any person listed in the following items shall take necessary measures for managing the information specified in the respective items in an appropriate manner:

- (i) A person who has received questionnaire information pursuant to the provision of Article 33: the questionnaire information;
- (ii) A person who has received anonymized data pursuant to the provision of Article 36: the anonymized data.

(2) The provision of the preceding paragraph shall apply mutatis mutandis to a person who has accepted an entrustment of the business concerning the handling of information specified in each item of the same paragraph from a person listed in the respective items or a person who has accepted an entrustment of other business pertaining to the entrustment.

Article 43 Any person listed in the following items shall not divulge any secret of individuals or juridical persons, or other organizations which he/she has learned with regard to the business specified in the respective items:

- (i) A person listed in paragraph (1), item (i) of the preceding Article who is or was engaged in the handling of questionnaire information specified in the same item: the business to handle the questionnaire information;
- (ii) A person who has accepted an entrustment of the business concerning the handling of questionnaire information specified in paragraph (1), item (i) of the preceding Article from a person specified in the same item, or a person who is or was engaged in other business pertaining to the entrustment: the business pertaining to the entrustment.

(2) A person who has received questionnaire information pursuant to the provision of Article 33, or a person who has received anonymized data pursuant to the provision of Article 36, a person who has accepted an entrustment of the business concerning the handling of the questionnaire information or the anonymized data from such persons, or a person who is or was engaged in other business pertaining to the entrustment shall not utilize himself/herself or provide the questionnaire information or the anonymized data for purposes other than those for having received the provision thereof.

(1) Purpose of access to questionnaire information

(a) An application falling under Article 33 (i) of the Act

The purpose of use is required to be one of the following. Additionally, the application shall be made under the name of the head of an administrative organ, a local public entity, other executive organization or incorporated administrative agency with a document indicating why the outputs making use of questionnaire information are essential for the production of statistics and that the use is not individual use but is considered necessary for the organization.

(i) For the production of statistics

“Production of statistics” means that the intended output making use of questionnaire information is new statistics other than those originally planned to be produced.

When unquantifiable variables (name of the corporation, etc.) are used to connect multiple questionnaire information to produce statistics as the final output, the use is included in the purpose of “production of statistics.”^(Note 5)

Also, regarding the pre-printing of administrative variables on the questionnaire by referring to the reported questionnaire information from previous surveys, this use is included in the purpose of “production of statistics.”

(Note 5) For example, in order to connect the “name of the corporation” and “sales amount” in questionnaire information A with “name of the corporation” and “itemized research expenses” in questionnaire information B, when the user matches the data of both questionnaires using the common item of the two, “name of the corporation” as a key and makes statistics concerning the “sales amount” and “itemized research expenses”, the “name of the corporation” is not distinguished individually and is not the subject of aggregation while statistics related to the “sales amount” and “itemized research expenses” are made; therefore, this use is included in “production of statistics.”

(ii) For statistical research

“Statistical research” means research which applies statistical methodologies involving the use of questionnaire information. For example, research that analyzes the population trends, assesses the statistical error, and develops proposals to improve statistical survey planning, as well as research to derive a regression equation to obtain population trends through regression analysis,^(Note.6) fall under this category.

Individual case studies that focus on the individual subjects are not included.

(Note 6) “Regression analysis” is the analysis of the relationship of two variables, when one variable is considered to be the determinant or explanatory factor of another, such as income and expense in family finance, estimating a regression equation by least squares. When it seems that there are 2 or more variables that are considered as explanatory factors and the relationship of 3 or more are analyzed with the same technique, it is called multiple regression analysis. Selecting and sorting variables that are considered as explanatory variables and the regression equation formula are a part of regression analysis or multiple regression analysis.

(iii) For preparing lists of the target population to produce statistics

It is required that the list is used only for a “survey to produce statistics” regardless of the form of lists such as documents, electromagnetic records, or other media.

In the “survey to produce statistics,” the “statistical survey” provided in Article 2 (5) of the Act, as well as surveys that request individuals, corporations or other groups to report their attitudes (“attitude surveys”/“opinion surveys”) conducted to produce statistics are included.

Additionally, information of the list which is not used to produce statistics but is pre-printed on questionnaires (e.g. address information, names of the corporations and their addresses) only, is included in this purpose.

It is not allowed to prepare lists to be used for any purpose other than for a “survey to produce statistics.”

(b) In case the application falls under Article 33 (ii) of the Act

The location for using questionnaire information shall be in Japan and the purpose of use shall be either (a) (i) or (a) (ii) above. Additionally, the application shall demonstrate that the purpose of the access to questionnaire information falls under any of Article 9 (1) to (3) of the Ordinance for Enforcement by attaching the following:

(i) When the purpose falls under Article 9 (1) or (2) of the Ordinance for Enforcement:

A copy of a document that proves that the use of the questionnaire information is related to research entrusted by the government, a joint study with the government or a project with a subsidy, and a document outlining the research and study.

(ii) When the purpose falls under Article 9 (3) of the Ordinance for Enforcement:

An official document issued by a head of an administrative organization, such as a minister, governor, or mayors, to demonstrate the relevance of the statistics produced making use of questionnaire information for policy planning,

implementation and evaluation including administrative effects, such as promotion and adjustment of their policies.

It shall be noted that a person who falls under Article 33 (ii) of the Act is not allowed to produce a list for a survey other than one that produces statistics.

(2) Identification of users

Access to questionnaire information shall be granted to the minimum number of users necessary for the work.

In principle, students (including graduate students) are not approved as users of questionnaire information. However, a student is to be granted access to questionnaire information if he/she is formally committed as a researcher funded by a Grant-in-Aid for Scientific Research of Ministry of Education, Culture, Sports, Science and Technology.

To request access to questionnaire information under Article 33 (ii) of the Act, the applicant shall submit the declaration provided in No.8-3-(3)-(a) above. When the work of aggregation of the questionnaire information is outsourced, the document provided in No.8-3- (3)-(b) above needs to be attached.

(3) Data requirement

The years, geographical areas, attributions of the questionnaire information that the applicant requests to access shall be in the minimum range necessary for the purposes of the use of the data.

(4) Specification of Variables to be accessed and the methodology

(a) The case of access by methods other than on-site use

(i) If the purpose to access the questionnaire information is other than preparing lists of the target population or pre-printing

The level of data required to access shall be the minimal quantity necessary for the stated statistical purpose and for producing aggregation tables or analysis tables. Also, the format of the aggregation table data shall be one that cannot be derived using aggregation data which have been already released.

In principle, individual names and locations of respondents will not be provided; however, these variables may be provided when (a) public organizations use the information to prepare lists of the target population to produce statistics, or (b) users need to link multiple questionnaire information with other administrative records and information from the private sector by matching variables of individual names and locations of respondents to produce statistics and the users will destroy the dataset after completion of the process.

(ii) If the purpose to access the questionnaire information is preparing a list of the target population and obtaining variables to pre-print on questionnaires.

The level of data required to access shall be the minimum quantity necessary for preparing lists of the target population or getting variables to pre-print on a questionnaire, and nothing unnecessary is included.

(b) The case of access by on-site use

Research proposals need to be specific and questionnaire information required to be accessed must not include anything that is obviously unnecessary in the context of the purpose of statistical use and the research proposal.

In this case, the users may be granted access to variables other than those which were already declared in the application to access in order to compile aggregation tables.

(5) Duration of use

Access to the questionnaire information may be granted for the period proportionate to the research period, etc. (the shorter the better).

(6) Location and environment of the access, location of storage, and the management method (except for on-site use)

Applicants have to meet the following criteria:

- (i) The access point of the questionnaire information must be located only in Japan.
- (ii) The access point must be limited to locked rooms preventing the transmission of the questionnaire information outside the access facilities. Also, computer systems on which the questionnaire information are stored must be safeguarded in place to ensure security of data, such as anchored with wire, to prevent being carried out illegally.
The access facilities are encouraged to be in one place, not dispersed. If they are not, a rational reason shall be stated.
- (iii) The questionnaire information must be stored in a limited medium and be safely kept in a locked cabinet. It is desirable for the data to be kept and accessed in the same place. If it is not, an adequate reason shall be stated.
- (iv) Access to the facilities shall be limited to persons in Japan. Otherwise, the facilities shall check the identities of the persons entering.
- (v) The access facilities shall prevent the users from connecting to external networks, including the Internet.
- (vi) The IT systems on which questionnaire information are stored shall have solutions applied to prevent computer viruses, security holes, fraudulent identification, and fraudulent operations.
- (vii) The entity hosting questionnaire information files shall not leave any analysis results containing the questionnaire information or intermediate outputs in computers that may be connected to outside networks, or a computer that another person may use. Also, the questionnaire information and the intermediate outputs must be stored in a protected IT environment to which access is restricted to the authorized person only.
- (viii) When a public organization accesses an original questionnaire, it has to access the questionnaire in a public business office and must not transmit the questionnaire outside the office.
- (ix) The entity hosting questionnaire information must ensure appropriate data management to prevent any incident of breach of confidentiality of the

intermediate outputs and disposal, including newly derived information, in addition to questionnaire information and destroy the dataset after use.

(7) Method and expected timing of dissemination of the results of statistical analysis

None of the data, either copied or borrowed may be disseminated without data processing.

When the user does not disseminate the results, he/she must provide justification.

The disseminated results of aggregated data need to be modified for confidentiality to ensure identification and estimation of individual statistical units is not possible.

The user shall state the source of the data by referring to data providing administrative organs, etc. and the specific name of questionnaire information, for example: *These are the results we analyzed independently based on questionnaire information from XX Ministry, XX survey.*

(8) Disposition of the questionnaire information after use

After completing the use, the user must destroy any copies and all intermediate outputs (except ones that the administrative organs agree not to dispose under No.12-2)).

(9) Copyright

The user needs to state that he/she will not claim his/her copyright in regards to the aggregation results made from questionnaire information in the application.

4) Modification of the application

(1) In the case where the application is still valid after modification

A new application has to be submitted incorporating the modifications. If mere formalities such as the name of the organization or the job title of the user are changed and/or the user is replaced due to a personnel reshuffle, the user shall inform the administrative organs, etc. of these changes with an appropriate method, such as by telephone or e-mail (no need to submit a new application).

Administrative organs, etc. shall manage this information appropriately.

(2) In the case where the application is invalid after modification

When a modification fails to meet the criteria under Article 9 of the Ordinance for Enforcement (e.g. the research is no longer subject to Grants-in-Aid for Scientific Research by the Ministry of Education, Culture, Sports, Science and Technology, etc.), the user shall promptly take the steps provided in No.12, 2) below.

If an output is already available, the user shall take the steps provided in No.12, 3) below as well.

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| No. 10 Notification of Assessment Results |
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The administrative organs shall develop an outline of procedures by referring to the items below, and notify the applicants of the result of assessment.

1) Assessment period

Administrative organs, etc. shall provide notification of the result of its decisions within 14 days, in principle, from the time the application is accepted.

2) Procedures after assessment

(1) Notification of approval and provision of questionnaire information

The administrative organs, etc. will notify the applicant of their approval for providing questionnaire information by a letter. The form of the letter shall be decided by referring to Form No. 6. If modification has to be made to the information provided in the application and the administrative organ, etc. accepts it with some conditions, notification of those conditions must be made in the letter also.

(2) Notification of non-approval

The administrative organ, etc. will notify the applicant of non-approval for providing questionnaire information by a letter. The form of the letter shall be decided by referring to Form No. 7.

No. 11 Provision of Questionnaire Information and Related Information

The administrative organ, etc. will provide the applicant with the questionnaire information recorded in electromagnetic media as well as other related information with 14 days after the notification of approval.

The method of provision is handing to the applicant directly; otherwise, the administrative organ, etc. can provide the questionnaire information through registered mail if the applicant desires and sends necessary stamps to the organ.

To maintain the security of questionnaire information, the data copied in electromagnetic media are encrypted and password-protected before being sent out to users.

The questionnaire information must be recorded in newly purchased electromagnetic media and must not be provided via the Internet, in order to prevent any confusion with other data and virus infections.

Additionally, the administrative organs, etc. shall inform the users of the obligation for appropriate data management under Article 42 (i) of the Act, and the confidentiality obligation under Article 43 of the Act, and the sanction under Article 57 (1) (iii) of the Act.

No. 12 Monitoring During the Period of Access and Confirmation of Disposition After Use

1) Monitoring during the period of access

The officer of the administrative organ, etc. is encouraged to visit the access facility, particularly in cases of access other than on-site access, and monitor the facility to secure confidentiality.

If the user wishes to take the results out of the designated area, the administrative organs, etc. need to confirm that the data have been modified to protect the confidentiality of respondents. If the data have not been modified, the users are encouraged to refrain from taking it out.

2) After completing the use

The user is encouraged to destroy, without being restored easily, any dataset, documents and intermediate outputs which have not been declared as possible output in the application. The printed copies must be destroyed by burning and the electronic copies must be destroyed by removing them quickly from the electromagnetic media or by crushing the media itself.

The user is required to report to the administrative organ, etc. after the completion of destruction. The form of the report needs to be designated by the administrative organ, etc. referring to Form No.6 in Attachment 1 (the contact point will receive the report).

The administrative organ, etc. is also encouraged to monitor the user to ensure the data are fully destroyed after their use.

A user who wishes to use the questionnaire information again in the future for a reasonable purpose such as making data-matching more efficient to identify respondents' names, is allowed to keep the questionnaire information under the written approval by the administrative organ, etc. In that case, all the information which the user can retain is a key code for matching to identify questionnaire information (serial numbers provided by the organ). The users shall store and access the questionnaire information under environments in line with the provisions of No. 9, 3), (6) above.

3) Report of the outcome

The administrative organ, etc. is encouraged to require the user in advance to submit a report on the outcome after the use is completed.

This report shall be in a form designated by the administrative organ, etc. by referring to Form No.6 in Attachment 2.

No. 13 Countermeasures against Management of Improper Use of Questionnaire Information

1) Sanction

The user must comply with the obligation for appropriate management of questionnaire information and the obligation of confidentiality in accordance with Article 42 (i) and Article 43 (ii) of the Act, and in the event of breach, the user is sanctioned in accordance with Article 57 (1) (iii) of the Act.

Similarly in the entrustment of statistical processing based on Article 34 of the Act and in the production/provision of anonymized data based on Article 35 and 36 of the Act, the breach of any of the provisions in the Act may result in a sanction, which may include terminating access to data taken.

The administrative organs, etc. on providing questionnaire information also have to fully ensure compliance with the obligations stipulated in legislation. In the event of non-compliance with Article 33 of the Act, the sanctions described in the Act as well as sanctions derived from operational procedures ^(Note 7) stipulated in Article 34 and 36 of the Act may be taken.

(Note 7) Simultaneous all-round suspension of service of secondary use of the questionnaire information based on Articles 33, 34, and 36 of the Act, at all ministries for a certain period of time.

2) Relation with the Whistleblower Protection Act

As the Whistleblower Protection Act (Law No.122 of 2004) applies to the Statistics Act, a worker who reports a violation of the Statistics Act is protected from disadvantageous treatment such as dismissal.

The administrative organ has to take necessary measures to develop internal regulations and designate a contact point for whistleblowers in accordance with the Whistleblower Protection Act and other related guidelines.

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| <h3>No. 14 Report to the Minister for Internal Affairs and Communications about the Status of Questionnaire Information Provision</h3> |
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The administrative organ, etc. must report annually to the Minister for Internal Affairs and Communications about the number of applications, approvals and non-approvals for the year in accordance with Article 55 of the Act.

Supplementary Provision

1. The guidelines revised on March 28, 2011, is in effect from June 1, 2011.
2. The “Administrative Guidelines Concerning Application for Approval to Use Questionnaire of Designated Statistics Survey for Other Purposes” decision by Director-General for Policy Planning (Statistical Standards), MIC

(Note) Appendices (forms, etc.) are omitted from this report.

For the complete version with appendices, go to the Ministry of Internal Affairs and Communication (MIC) website.

(MIC website: <http://www.stat.go.jp/indez/seido/houki.htm>)

* The version on the website is in Japanese only.

