

Statistics Act

(Act No. 53 of May 23, 2007)

All provisions of the Statistics Act (Act No. 18 of 1947) shall be revised.

Table of Contents

Chapter I General Provisions (Articles 1 to 4)

Chapter II Production of Official Statistics

Section 1 Fundamental Statistics (Articles 5 to 8)

Section 2 Statistical Surveys

Subsection 1 Fundamental Statistical Surveys (Articles 9 to 18)

Subsection 2 General Statistical Surveys (Articles 19 to 23)

Subsection 3 Statistical Surveys Conducted by Local Public Entities or Incorporated Administrative Agencies, etc. (Articles 24 and 25)

Section 3 Miscellaneous Provisions (Articles 26 to 31)

Chapter III Utilization and Provision of Questionnaire Information, etc. (Articles 32 to 38)

Chapter IV Protection of Questionnaire Information, etc. (Articles 39 to 43)

Chapter V The Statistics Commission (Articles 44 to 51)

Chapter VI Miscellaneous Provisions (Articles 52 to 56)

Chapter VII Penal Provisions (Articles 57 to 62)

Supplementary Provisions

Chapter I General Provisions

(Purposes)

Article 1 Recognizing that official statistics are critical information for the citizens in their reasonable decision making, the purposes of this Act are to promote systematic and efficient development of official statistics and to ensure the usefulness thereof through specifying basic matters concerning the production and provision of official statistics, and thereby to contribute to the sound development of the national economy and enhancement of the living standards of the citizens.

(Definitions)

Article 2 (1) The term "administrative organs" as used in this Act means organs established within the Cabinet or organs established under the jurisdiction of the

Cabinet pursuant to the provisions of laws, the Imperial Household Agency, organs provided in Article 49, paragraph (1) or paragraph (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or organs provided in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948).

- (2) The term "incorporated administrative agencies, etc." as used in this Act means juridical persons listed as follows:
- (i) Incorporated administrative agencies (meaning incorporated administrative agencies provided in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999; the same shall apply in the following items);
 - (ii) Juridical persons specified by a Cabinet Order among those directly incorporated by Acts, those incorporated through a special act for establishment under a special Act (excluding incorporated administrative agencies), or those incorporated under special Acts and where approval from administrative agencies is required for their incorporation.
- (3) The term "official statistics" as used in this Act means statistics produced by administrative organs, local public entities, or incorporated administrative agencies, etc. (hereinafter referred to as "administrative organs, etc.").
- (4) The term "fundamental statistics" as used in this Act means statistics falling under any of the following items:
- (i) Population census statistics provided in Article 5, paragraph (1);
 - (ii) National accounts provided in Article 6, paragraph (1);
 - (iii) Statistics that are or are to be produced by administrative organs and are designated by the Minister of Internal Affairs and Communications as those falling under any of the following:
 - (a) Statistics that are particularly important for planning national policies and implementing them;
 - (b) Statistics that are expected to be widely utilized for decisionmaking or research activities in the private sector;
 - (c) Statistics that are required to be produced by international conventions or plans established by international organizations or that are particularly important in view of international comparability.
- (5) The term "statistical surveys" as used in this Act means surveys conducted by administrative organs, etc. by requesting individuals or juridical persons, or other organizations to report facts for the purpose of producing statistics; provided, however, that the following shall be excluded:
- (i) Surveys conducted by administrative organs, etc. within respective organs;
 - (ii) Surveys on which any act or Cabinet Order, other than this Act and orders based on this Act, provides that administrative organs, etc. are requested to

report the fact;

- (iii) Surveys that administrative organs, etc. specified by a Cabinet Order conduct with regard to duties specified by a Cabinet Order.
- (6) The term "fundamental statistical surveys" as used in this Act means statistical surveys for the purpose of producing fundamental statistics.
- (7) The term "general statistical surveys" as used in this Act means surveys other than fundamental statistical surveys among statistical surveys conducted by administrative organs.
- (8) The term "establishment frame database" as used in this Act means the collection of information concerning establishments that is systematically organized so that the information may be retrieved by using computers.
- (9) The term "statistical standards" as used in this Act means technical standards for ensuring uniformity and comprehensiveness in producing official statistics.
- (10) The term "administrative record information" as used in this Act means information produced or acquired by officials of administrative organs in the course of their duties, held by the administrative organs for their officials to utilize organizationally, and recorded in administrative documents (meaning administrative documents provided in Article 2, paragraph (2) of the Act on Access to Information Held by Administrative Organs (Act No. 42 of 1999)) (such information shall exclude questionnaire information pertaining to fundamental statistical surveys and general statistical surveys, information recorded in the establishment frame database, and anonymized data.).
- (11) The term "questionnaire information" as used in this Act means information collected through statistical surveys that is recorded in documents, pictures, or electromagnetic records (meaning records made by an electronic form, a magnetic form, or any other form not recognizable to human perception).
- (12) The term "anonymized data" as used in this Act means questionnaire information that is processed so that no particular individuals or juridical persons, or other organizations shall be identified (including by way of collating it with other information), for the purpose of providing it for general use.

(Fundamental Principles)

- Article 3 (1) Official statistics shall be developed systematically through mutual cooperation and the appropriate sharing of roles among administrative organs, etc.
- (2) Official statistics shall be produced with appropriate and reasonable methodologies, so as to ensure neutrality and reliability.
 - (3) Official statistics shall be provided widely for the citizens so that they are easily accessible for their effective use.
 - (4) Confidential matters concerning individuals or juridical persons, or other

organizations that were used for producing official statistics shall be protected.

(Master Plan)

Article 4 (1) The government shall establish a Master Plan concerning the development of official statistics (hereinafter referred to as the "Master Plan" in this Article) in order to promote measures comprehensively and systematically concerning the development of official statistics.

(2) The Master Plan shall specify the following matters:

- (i) Basic policies for measures concerning the development of official statistics;
- (ii) Measures that the government shall implement comprehensively and systematically in order to develop official statistics;
- (iii) Other matters necessary to promote the development of official statistics.

(3) In establishing the Master Plan for official statistics, matters pertaining to fundamental statistics and those pertaining to other official statistics shall be stated separately.

(4) The Minister of Internal Affairs and Communications shall draw up a draft Master Plan while hearing the opinions of the Statistics Commission, and shall request a decision of the Cabinet.

(5) The Minister of Internal Affairs and Communications shall, when intending to prepare a draft Master Plan pursuant to the provision of the preceding paragraph,

take necessary measures in advance to reflect the opinions of the citizens pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications.

(6) The government shall revise the Master Plan approximately every five years, taking into account the changes in socioeconomic circumstances concerning statistics, based on evaluation of the effects of measures taken for the development of official statistics. In this case, the provisions of the preceding two paragraphs shall apply *mutatis mutandis*.

Chapter II Production of Official Statistics

Section 1 Fundamental Statistics

(Population Census Statistics)

Article 5 (1) With regard to persons specified by a Cabinet Order as those residing in Japan, the Minister of Internal Affairs and Communications shall conduct a complete census concerning individuals and households and produce statistics based on such a census (hereinafter referred to as "population census statistics" in this Article).

- (2) The Minister of Internal Affairs and Communications shall conduct a complete census as specified in the preceding paragraph (hereinafter referred to as the "population census") every ten years and produce population census statistics. In the fifth year from the preceding population census, the population census shall be conducted in a simplified manner to produce population census statistics.
- (3) In addition to what is provided for in the preceding paragraph, the Minister of Internal Affairs and Communications may conduct an extraordinary population census to produce population census statistics, when he/she finds it necessary.

(National Accounts Statistics)

- Article 6 (1) The Prime Minister shall establish standards for producing national accounts statistics (hereinafter referred to simply as the "production standards" in this Article) in accordance with the standards concerning the system of national accounts specified by the United Nations, and produce national accounts statistics at least once a year thereon.
- (2) The Prime Minister shall, when intending to establish the production standards, hear the opinions of the Statistics Commission in advance. The same shall also apply to the case where he/she intends to modify it.
 - (3) The Prime Minister shall, when having established the production standards, publicly notify to that effect. The same shall also apply to the case where he/she modified it.

(Designation of Fundamental Statistics)

- Article 7 (1) The Minister of Internal Affairs and Communications shall, when intending to make a designation under Article 2, paragraph (4), item (iii) (hereinafter referred to simply as a "designation" in this Article), consult with the head of the relevant administrative organ and hear the opinions of the Statistics Commission in advance.
- (2) The Minister of Internal Affairs and Communications shall, when having made a designation, publicly notify to that effect.
 - (3) The provisions of the preceding two paragraphs shall apply mutatis mutandis to changes in or cancellation of a designation.

(Publication of Fundamental Statistics, etc.)

- Article 8 (1) The head of an administrative organ shall, when having produced fundamental statistics, promptly publicize the fundamental statistics and matters specified by the Cabinet Order concerning fundamental statistics through the Internet or through other appropriate methods.
- (2) The head of an administrative organ shall, when intending to publicize the fundamental statistics prescribed in the preceding paragraph, specify the date

and methods of publication and publicize them through the Internet or through other appropriate methods in advance.

- (3) The head of an administrative organ shall preserve information on fundamental statistics on a longterm and systematic basis and take other appropriate measures so that the citizens may always have easy access to such information.

Section 2 Statistical Surveys

Subsection 1 Fundamental Statistical Surveys

(Approval of Fundamental Statistical Surveys)

Article 9 (1) The head of an administrative organ shall, when intending to conduct a fundamental statistical survey, obtain approval from the Minister of Internal Affairs and Communications in advance.

- (2) The head of an administrative organ who intends to obtain approval under the preceding paragraph shall submit a written application containing the following matters to the Minister of Internal Affairs and Communications:

- (i) The title and the purpose of the survey;
- (ii) The coverage of the survey;
- (iii) Matters on which a report is requested and the reference date or period;
- (iv) Persons requested to report;
- (v) Methods for requesting a report;
- (vi) The period for requesting a report;
- (vii) Tabulation items;
- (viii) Methods and the date for publicizing survey results;
- (ix) Statistical standards to be used and other matters specified by an Ordinance of the Ministry of Internal Affairs and Communications.

- (3) Questionnaires and other documents specified by an Ordinance of the Ministry of Internal Affairs and Communications shall be attached to a written application under the preceding paragraph.

- (4) The Minister of Internal Affairs and Communications shall, when an application for approval set forth in paragraph (1) has been filed, hear the opinions of the Statistics Commission; provided, however, that this shall not apply to the matters that the Statistics Commission finds to be minor.

(Standard for Approval)

Article 10 The Minister of Internal Affairs and Communications shall, when finding that a fundamental statistical survey pertaining to an application for approval under Article 9, paragraph (1) conform to all the following requirements, grant

approval under the same paragraph:

- (i) Matters listed in Article 9, paragraph (2), items (ii) to (vi) are necessary and sufficient in light of the purpose of producing the fundamental statistics;
- (ii) The fundamental statistical survey is reasonable and appropriate in terms of statistical techniques;
- (iii) Duplication with other fundamental statistical surveys is within the limit considered to be reasonable.

(Changes or Suspension of Fundamental Statistical Surveys)

Article 11 (1) The head of an administrative organ shall, when intending to change or suspend a fundamental statistical survey for which he/she has obtained approval under Article 9, paragraph (1), obtain approval from the Minister of Internal Affairs and Communications in advance.

- (2) The provision of Article 9, paragraph (4) shall apply mutatis mutandis to the approval for changes in and suspension of fundamental statistical surveys prescribed in the preceding paragraph, and the provision of Article 10 shall apply mutatis mutandis to the approval for changes in fundamental statistical surveys provided in the same paragraph.

(Request for Measures)

Article 12 (1) The Minister of Internal Affairs and Communications may, when finding that a fundamental statistical survey which is being conducted based on the approval under Article 9, paragraph (1) has become unconformable to any of the requirements listed in each item of Article 10, request the head of the relevant administrative organ to change or suspend the fundamental statistical survey.

- (2) The Minister of Internal Affairs and Communications shall, when intending to request a change or suspension pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

(Obligation to Report)

Article 13 (1) The head of an administrative organ may, when conducting a fundamental statistical survey based on the approval under Article 9, paragraph (1), request individuals or juridical persons, or other organizations to report on matters necessary for producing fundamental statistics.

- (2) A person who has been requested to report pursuant to the provision of the preceding paragraph shall not refuse such request nor make a false report.
- (3) When a person who has been requested to report pursuant to the provision of paragraph (1) is a minor (excluding those who have the same capacity as adults with regard to work) or an adult ward, the statutory representative thereof shall

be obliged to report in lieu of the person in question.

(Enumerators)

Article 14 The head of an administrative organ may put in place enumerators when it is necessary for conducting a fundamental statistical survey.

(Entry and Inspection, etc.)

Article 15 (1) The head of an administrative organ may, when finding it necessary to request an accurate report for a fundamental statistical survey which he/she conducts, request the person who has been requested to report for the fundamental statistical survey to submit materials concerning the report, or have his/her enumerators or other officials enter the necessary places to inspect books, documents, and other articles, or question any persons concerned.

(2) Enumerators or other officials who enter a place for inspection pursuant to the provision of the preceding paragraph shall carry a certificate for identification and produce it to the persons concerned when requested.

(3) The authority pursuant to the provision of paragraph (1) shall not be construed as that of the purpose of criminal investigation.

(Affairs Undertaken by Local Public Entities)

Article 16 A part of the affairs concerning fundamental statistical surveys may be undertaken by the heads of local public entities or boards of education pursuant to the provision of a Cabinet Order.

(Prohibition of Impersonating Fundamental Statistical Surveys)

Article 17 No person shall acquire information from individuals or juridical persons or other organizations by using an indication or explanation that might lead persons to misidentify it as a request for a report for the population census or other fundamental statistical surveys.

(Delegation to Orders)

Article 18 In addition to what is provided for in this Act, matters necessary in conducting fundamental statistical surveys shall be specified by orders.

Subsection 2 General Statistical Surveys

(Approval of General Statistical Surveys)

Article 19 (1) The head of an administrative organ shall, when intending to conduct a general statistical survey, obtain approval from the Minister of Internal Affairs

and Communications in advance.

(2) The provisions of Article 9, paragraph (2) and paragraph (3) shall apply mutatis mutandis to the approval set forth in the preceding paragraph.

(Standard for Approval)

Article 20 The Minister of Internal Affairs and Communications shall, when finding that a general statistical survey pertaining to an application for approval under Article 19, paragraph (1) conforms to all of the following requirements, grant approval under the same paragraph:

- (i) The general statistical survey is rational and reasonable in terms of statistical techniques;
- (ii) Duplication with other statistical surveys conducted by administrative organs is within the limit considered to be reasonable.

(Changes in or Suspension of General Statistical Surveys)

Article 21 (1) The head of an administrative organ shall, when intending to change an general statistical survey for which he/she had obtained approval under Article 19, paragraph (1), obtain approval from the Minister of Internal Affairs and Communications in advance; provided, however, that this shall not apply when he/she intends to make minor changes specified by an Ordinance of the Ministry of Internal Affairs and Communications.

- (2) The provision of the preceding Article shall apply mutatis mutandis to approval for changes in general statistical surveys specified in the preceding paragraph.
- (3) The head of an administrative organ shall, when intending to suspend an general statistical survey for which he/she had obtained approval under Article 19, paragraph (1), notify to that effect to the Minister of Internal Affairs and Communications in advance.

(Request for Improvement of General Statistical Surveys)

Article 22 (1) The Minister of Internal Affairs and Communications may, when finding that a general statistical survey which is being conducted based on the approval under Article 19, paragraph (1) has become uncomformable to any of the requirements listed in each item of Article 20, request the head of the relevant administrative organ to change matters for requesting a report or take other measures necessary for making the survey conform to the requirements.

- (2) When the head of an administrative organ set forth in the preceding paragraph has not responded to the request under the same paragraph, the Minister of Internal Affairs and Communications may request the suspension of the general statistical survey.

(Publication of the Results of General Statistical Surveys, etc.)

Article 23 (1) The head of an administrative organ shall, when having compiled the results of a general statistical survey, promptly publicize the results of the general statistical survey and matters specified by the Cabinet Order concerning general statistical surveys through the Internet or through other appropriate methods; provided, however, that if there are any special circumstances, the whole or a part of them may be withheld to be publicized.

(2) The provision of Article 8, paragraph (3) shall apply mutatis mutandis to information concerning the results of general statistical surveys.

Subsection 3 Statistical Surveys Conducted by Local Public

Entities or Incorporated Administrative Agencies, etc.

(Statistical Surveys Conducted by Local Public Entities)

Article 24 (1) The head of a local public entity (limited to those specified by a Cabinet Order, taking into account the size of the entity; the same shall apply hereinafter, excluding in Article 30, Article 41, item (v) and item (vi), and Article 53) or any other executive committees shall, when intending to conduct a statistical survey, notify the following matters to the Minister of Internal Affairs and Communications in advance, pursuant to the provision of a Cabinet Order. The same shall also apply to the case where he/she intends to change any such matters.

(i) The title and the purpose of the survey;

(ii) The coverage of the survey;

(iii) Matters on which a report is requested and the reference date or period;

(iv) Persons requested to report;

(v) Methods for requesting a report;

(vi) The period for requesting a report.

(2) The Minister of Internal Affairs and Communications may, when finding it likely that the statistical survey for which a notification under the preceding paragraph was made might hinder the implementation of a fundamental statistical survey, request the head of the local public entity or any other executive committees to change or suspend the statistical survey for which the notification was made.

(Statistical Surveys Conducted by Incorporated Administrative Agencies, etc.)

Article 25 An incorporated administrative agency, etc. (limited to those specified by a Cabinet Order as those that are supposed to conduct large scale statistical

surveys, taking into account the contents of the business thereof or other circumstances) shall, when intending to conduct a statistical survey, notify the matters listed in each item of Article 24, paragraph (1) to the Minister of Internal Affairs and Communications in advance, pursuant to the provision of a Cabinet Order. The same shall also apply to the case where it intends to change them.

Section 3 Miscellaneous Provisions

(Notice of Methods to Produce Fundamental Statistics)

Article 26 (1) The head of an administrative organ shall, when producing fundamental statistics through a method other than statistical surveys, notify the method to the Minister of Internal Affairs and Communications in advance. The same shall also apply to the case where he/she intends to change the method (excluding the case where he/she intends to make minor changes specified by a Cabinet Order).

- (2) The Minister of Internal Affairs and Communications may, when finding it necessary to improve the method of producing fundamental statistics for which a notification was made under the preceding paragraph, present his/her opinions to the head of the relevant administrative organ.
- (3) The Minister of Internal Affairs and Communications shall, when intending to present his/her opinions pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

(Development of Establishment Frame Database)

Article 27 (1) The Minister of Internal Affairs and Communications shall develop an establishment frame database by utilizing questionnaire information pertaining to fundamental statistical surveys or general statistical surveys, questioning juridical persons and other organizations or through other methods, for the purpose of contributing to the accurate and efficient production of statistics by administrative organs, local public entities, and incorporated administrative agencies, etc. that have made a notification under Article 25 (hereinafter referred to as "incorporated administrative agencies, etc. under Article 25") and the reduction of the burden on respondents of statistical surveys by them.

- (2) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 may receive information recorded in the establishment frame database from the Minister of Internal Affairs and Communications for the following purposes:
 - (i) For sampling for the statistical surveys they conduct concerning

establishments;

(ii) For producing statistics concerning establishments.

(Establishment of Statistical Standards)

Article 28 (1) The Minister of Internal Affairs and Communications shall establish statistical standards pursuant to the provision of a Cabinet Order.

(2) The Minister of Internal Affairs and Communications shall, when intending to establish statistical standards under the preceding paragraph, hear the opinions of the Statistics Commission in advance. The same shall also apply to the case where he/she intends to revise or abolish such standards.

(3) The Minister of Internal Affairs and Communications shall, when having established statistical standards under paragraph (1), publicly notify such standards. The same shall also apply to the case where he/she has modified or abolished such standards.

(Request for Cooperation)

Article 29 (1) The head of an administrative organ may, when finding that utilizing administrative record information held by other administrative organs would contribute significantly to the accurate and efficient production of statistics and the reduction of the burden on respondents of statistical surveys, request the heads of the administrative organs that hold the administrative record information to provide such information. In this case, the head of the administrative organ that requests the provision of administrative record information shall clearly indicate the purpose of using it and other matters specified by a Cabinet Order to the heads of the administrative organs that hold the relevant administrative record information.

(2) In addition to what is specified in the preceding paragraph, the head of an administrative organ may, when finding it necessary for conducting fundamental statistical surveys smoothly or for producing fundamental statistics, request the heads of other administrative organs to research, report, or offer other cooperation.

Article 30 In addition to what is specified in the preceding Article, the head of an administrative organ may, when finding it necessary for conducting fundamental statistical surveys smoothly or for producing fundamental statistics, request the heads of local public entities and other persons concerned to cooperate.

Article 31 (1) The Minister of Internal Affairs and Communications may, when finding it necessary for producing fundamental statistics, request the heads of administrative organs, other than the one that produces the fundamental

statistics, and other persons concerned to provide necessary materials to and cooperate in other matters with the head of the administrative organ that produces the fundamental statistics.

- (2) The Minister of Internal Affairs and Communications shall, when intending to make a request under the preceding paragraph, hear the opinions of the Statistics Commission in advance.

Chapter III Utilization and Provision of Questionnaire

Information, etc.

(Secondary Use of Questionnaire Information)

Article 32 The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may utilize questionnaire information pertaining to statistical surveys they have conducted in the following cases:

- (i) When producing statistics or conducting statistical research (hereinafter referred to as "production of statistics, etc.");
- (ii) When preparing lists of names to be used for surveys for producing statistics.

(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.

(Production of Statistics, etc. by Entrustment)

Article 34 The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may conduct production of statistics, etc. by utilizing questionnaire information pertaining to statistical surveys conducted by himself/

herself in response to the request from the citizens, pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications, within limits that would not cause any hindrance to the performance of his/her business, when finding that it would contribute to the development of academic researches or in other cases specified by an Ordinance of the Ministry of Internal Affairs and Communications.

(Production of Anonymized Data)

Article 35 (1) The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may produce anonymized data by processing questionnaire information pertaining to statistical surveys they have conducted.

(2) The head of an administrative organ shall, when intending to produce anonymized data pertaining to fundamental statistical surveys pursuant to the provision of the preceding paragraph, hear the opinions of the Statistics Commission in advance.

(Provision of Anonymized Data)

Article 36 The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 may provide anonymized data produced pursuant to the provision of Article 35, paragraph (1) upon a request from the citizens, pursuant to the provision of an Ordinance of the Ministry of Internal Affairs and Communications, when finding that it would contribute to the development of academic researches or in other cases specified by an Ordinance of the Ministry of Internal Affairs and Communications.

(Entrustment of Duties)

Article 37 The head of an administrative organ or an incorporated administrative agency, etc. under Article 25 shall, when intending to entrust all of the work to be conducted pursuant to the provisions of Article 34 or Article 36 with regard to questionnaire information pertaining to statistical surveys they have conducted, entrust such businesses to incorporated administrative agencies, etc. specified by a Cabinet Order, taking into account the contents of the business thereof or other circumstances.

(Fees)

Article 38 (1) A person who makes an entrustment to the head of an administrative organ pursuant to the provision of Article 34 or a person who receives the provision of anonymized data produced by the head of an administrative organ pursuant to the provision of Article 36 shall pay a fee specified by a Cabinet

Order by taking into account the actual cost to the national government (when an incorporated administrative agency, etc. which have accepted an entrustment under the preceding Article (hereinafter referred to as "entrusted incorporated administrative agency, etc." in this Article) conduct all of the duties pursuant to the provision of Article 34 or Article 36, a fee shall be paid to the entrusted incorporated administrative agency, etc.).

- (2) A fee paid to an entrusted incorporated administrative agency, etc. pursuant to the provision of the preceding paragraph shall be deemed to be the revenue of the entrusted incorporated administrative agency, etc.
- (3) A person who makes an entrustment to an incorporated administrative agency, etc. under Article 25 pursuant to the provision of Article 34 or a person who receives the anonymized data produced by an incorporated administrative agency, etc. under Article 25 pursuant to the provision of Article 36 shall pay a fee specified by the incorporated administrative agency, etc. under Article 25 by taking into account the actual cost and the amount of fee under paragraph (1) to the incorporated administrative agency, etc. under Article 25.
- (4) An incorporated administrative agency, etc. under Article 25 shall make the fee schedule under the preceding paragraph available for public view.

Chapter IV Protection of Questionnaire Information, etc.

(Appropriate Management of Questionnaire Information, etc.)

Article 39 (1) Any person listed in the following items shall take measures necessary for managing information specified in the respective items in an appropriate manner:

- (i) The head of an administrative organ: questionnaire information pertaining to statistical surveys conducted by the administrative organ, questionnaire information pertaining to fundamental statistical surveys or general statistical surveys to be utilized pursuant to the provision of Article 27, paragraph (1), information recorded in the establishment frame database, administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1), and anonymized data produced pursuant to the provision of Article 35, paragraph (1);
- (ii) The head of a local public entity or any other executive committees: questionnaire information pertaining to statistical surveys conducted by the local public entity, and information recorded in the establishment frame database that was provided by the Minister of Internal Affairs and Communications pursuant to the provision of Article 27, paragraph (2);
- (iii) An incorporated administrative agency, etc. under Article 25: questionnaire

information pertaining to statistical surveys conducted by the incorporated administrative agency, etc. under Article 25, information recorded in the establishment frame database, and anonymized data produced pursuant to the provision of Article 35, paragraph (1).

- (2) The provision of the preceding paragraph shall apply mutatis mutandis to a person who has accepted an entrustment of 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.

(Restriction on Use of Questionnaire Information, etc.)

Article 40 (1) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 shall not utilize themselves or provide questionnaire information pertaining to statistical surveys they have conducted for purposes other than the original purpose of the statistical surveys except as otherwise provided by this Act (in the case of the head of a local public entity or any other executive committees, except as otherwise provided by this Act or an Ordinance of the local public entity).

- (2) The head of an administrative organ, the head of a local public entity or any other executive committees, or an incorporated administrative agency, etc. under Article 25 who have received the information recorded in the establishment frame database from the Minister of Internal Affairs and Communications pursuant to the provision of Article 27, paragraph (2) shall not utilize themselves or provide information recorded in the establishment frame database for purposes other than those listed in each item of the same paragraph.

- (3) The head of an administrative organ who has received the provision of administrative record information pursuant to the provision of Article 29, paragraph (1) shall not utilize himself/herself or provide the administrative record information for purposes other than those clearly indicated pursuant to the provision of the same paragraph.

(Confidentiality Obligation)

Article 41 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 who is or was an official of an administrative organ engaged in the handling of information specified in Article 39, paragraph (1), item (i): the business to handle the information;
- (ii) A person who is or was an official of a local public entity engaged in the

- handling of information specified in Article 39, paragraph (1), item (ii): the business to handle the information;
- (iii) A person who is or was an executive officer or an employee of an incorporated administrative agency, etc. under Article 25 engaged in the handling of information specified in Article 39, paragraph (1), item (iii): the business to handle the information;
- (iv) A person who has accepted an entrustment of business concerning the handling of information specified in the preceding three items from an administrative organ, a local public entity, or an incorporated administrative agency, etc. under Article 25 or a person who is or was engaged in other business pertaining to the entrustment: the business pertaining to the entrustment;
- (v) In the case where part of the businesses concerning fundamental statistical surveys shall be conducted by a local public entity pursuant to the provision of Article 16, a person who is or was an official of the local public entity engaged in the handling of questionnaire information pertaining to fundamental statistical surveys: information recorded in the establishment frame database, and administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1): the business to handle the information;
- (vi) A person who has accepted an entrustment of business concerning the handling of information provided in the preceding item from a local public entity provided 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.

(Appropriate Management by a Person Who Has Received Questionnaire Information, etc.)

Article 42 (1) 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.

(Confidentiality Obligation of a Person Who Has Received Questionnaire Information, etc.)

Article 43 (1) 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.

Chapter V The Statistics Commission

(Establishment)

Article 44 The Statistics Commission (hereinafter referred to as "the Commission") shall be established in the Ministry of Internal Affairs and Communications.

(Affairs under the Jurisdiction)

Article 45 The Commission shall deal with matters under the authority thereof pursuant to the provisions of this Act.

(Organization)

Article 46 (1) The Commission shall be composed of 13 members or less.

(2) Temporary members may be installed in the Commission when it is necessary to have them study and deliberate special matters.

(3) Expert members may be installed in the Commission when it is necessary to have them research specialized matters.

(Appointment of Members, etc.)

Article 47 (1) Members and temporary members shall be appointed by the Prime Minister from among persons with relevant knowledge and experience.

(2) Expert members shall be appointed by the Prime Minister from among persons with relevant knowledge and experience concerning the relevant specialized matters.

(Term of Office of Members, etc.)

Article 48 (1) The term of office of members shall be two years; provided, however, that the term of office of a fill-in member shall be the remaining term of such a predecessor.

(2) Members may be reappointed.

(3) Temporary members shall be dismissed upon termination of the study of and deliberation on the relevant special matters pertaining to the appointment thereof.

(4) Expert members shall be dismissed upon termination of the research on the relevant specialized matters pertaining to the appointment thereof.

(5) Members, temporary members, and expert members shall be parttime.

(Chairperson)

Article 49 (1) The Commission shall put in place a chairperson, who shall be elected from among the members.

(2) The chairperson shall preside over the affairs of the Commission and represent it.

(3) Should the chairperson have an accident, a member he/she has appointed in advance shall carry out the duties of chairperson in his/her place.

(Request for Submission of Materials)

Article 50 The Commission may, when finding it necessary for performing affairs under the jurisdiction, request the heads of relevant administrative organs to submit materials, state their opinions, explain, and offer other necessary cooperation.

(Delegation to a Cabinet Order)

Article 51 In addition to what is provided for in this Act, necessary matters concerning the Commission shall be prescribed by a Cabinet Order.

Chapter VI Miscellaneous Provisions

(Exclusion from Application of the Act on the Protection of Personal Information Held by Administrative Organs, etc.)

Article 52 (1) Personal information (meaning personal information prescribed in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) and personal information prescribed in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. (Act No. 59 of 2003); hereinafter the same shall apply in this paragraph) contained in questionnaire information pertaining to fundamental statistical surveys and general statistical surveys, personal information contained in the establishment frame database, and personal information contained in administrative record information provided by other administrative organs pursuant to the provision of Article 29, paragraph (1) shall be excluded from the application of such Acts.

(2) The provisions of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc. shall not apply to personal information (such personal information shall be as provided in Article 2, paragraph (2) of the Act on the Protection of Personal Information Held by Incorporated Administrative Agencies, etc.) contained in questionnaire information pertaining to statistical surveys conducted by incorporated administrative agencies, etc. under Article 25 which fall under incorporated administrative agencies, etc. provided in Article 2, paragraph (1) of the said Act.

(Promotion of Research and Study concerning Methods to Produce Official Statistics, etc.)

Article 53 The national government and local public entities shall promote research, study and development concerning methods to produce official statistics, and at the same time, shall provide training and take other measures for securing the enumerators and other personnel who are engaged in the production of official statistics and for enhancing their quality.

(Provision of Whereabouts Information of Official Statistics)

Article 54 The Minister of Internal Affairs and Communications shall, for the convenience of persons who intend to utilize official statistics, take necessary measures to promptly provide whereabouts information of official statistics through the use of the Internet or other advanced information and telecommunications networks.

(Publication of the Situation of the Enforcement, etc.)

Article 55 (1) The Minister of Internal Affairs and Communications may request the

heads of administrative organs, heads of local public entities or other executive committees, or incorporated administrative agencies, etc. under Article 25 to report on the situation of the enforcement of this Act.

- (2) The Minister of Internal Affairs and Communications shall compile those reports set forth in the preceding paragraph every year, publicize the outline thereof and report the outline to the Commission.
- (3) The Commission may, when there have been any reports pursuant to the provision of the preceding paragraph, state its opinions on the enforcement of this Act to the Prime Minister, the Minister of Internal Affairs and Communications, or the heads of the administrative organs concerned.

(Request for Submission of Materials and Explanation)

Article 56 In addition to what is specified in paragraph (1) of the preceding Article, the Minister of Internal Affairs and Communications may, when finding it necessary for the enforcement of this Act, request the heads of the administrative organs concerned or other persons concerned to submit materials and make an explanation.

Chapter VII Penal Provisions

Article 57 (1) Any person who falls under any of the following items shall be punished by imprisonment with work for not more than two years or a fine of not more than 1,000,000 yen:

- (i) Any person who, in violation of Article 17, acquired information of individuals or juridical persons, or other organizations by using an indication or explanation that might lead persons to misidentify it as a request for a report for the population census or any other fundamental statistical surveys;
 - (ii) Any person who, in violation of Article 41, divulged any secret of individuals or juridical persons, or other organizations which he/she learned with regard to the business thereof;
 - (iii) Any person who, in violation of Article 43, paragraph (1), divulged any secret of individuals or juridical persons, or other organizations which he/she learned with regard to the business thereof.
- (2) An attempt of the crime set forth in item (i) of the preceding paragraph shall be punished.

Article 58 When a person who is or was engaged in the business of fundamental statistics divulged or misappropriated the fundamental statistics prior to the date of publication specified pursuant to the provision of Article 8, paragraph (2),

he/she shall be punished by imprisonment with work for not more than one year or a fine of not more than 1,000,000 yen.

Article 59 (1) When a person listed in each item of Article 41 provided or misappropriated the information specified in each item of the same Article that he/she handles, for the purpose of acquiring a wrongful gain for himself/herself or a third party, he/she shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

(2) When a person listed in each item of Article 43, paragraph (1) provided or misappropriated the questionnaire information pertaining to his/her handling or utilization thereof, for the purpose of acquiring a wrongful gain for himself/herself or a third party, he/she shall be punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 60 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen:

- (i) A person who hindered another person requested to report a fundamental statistical survey under Article 13 in complying with the request for a report;
- (ii) A person engaged in the production of fundamental statistics who acted to falsify fundamental statistics.

Article 61 Any person who falls under any of the following items shall be punished by a fine of not more than 500,000 yen:

- (i) Any person who, in violation of Article 13, refused to make a report of a fundamental statistical survey or has made a false report;
- (ii) A person who did not submit materials under Article 15, paragraph (1) or submitted false materials, who refused, hindered, or avoided inspections under the same paragraph, or who did not give answers to questions under the same paragraph or gave false answers;
- (iii) A person having received the provision of anonymized data under Article 36, a person having accepted an entrustment of business concerning the handling of the anonymized data, or a person being or having been engaged in other business pertaining to the said entrustment, who provided or misappropriated the anonymized data for the purpose of acquiring a wrongful gain for himself/herself or a third party.

Article 62 Crimes set forth in Article 57, paragraph (1), items (ii) and (iii), Article 58, Article 59, and Article 61, item (iii) shall apply to a person who committed such crimes outside of Japan.

Supplementary Provisions

(Effective Date)

Article 1 This Act shall come into effect as from the date specified by a Cabinet Order within a period not exceeding two years from the day of promulgation; provided, however, that the provisions of Chapter 1, Chapter 5, and Article 3 and Article 22 of the Supplementary Provisions shall come into effect as from the date specified by a Cabinet Order within a period not exceeding six months from the day of promulgation.

(Repeal of the Statistical Reports Coordination Act)

Article 2 The Statistical Reports Coordination Act (Act No. 148 of 1952) shall be repealed.

(Preparations)

Article 3 Establishment of a production standard under Article 6 of the Statistics Act after revision (hereinafter referred to as the "New Act"), development of the establishment frame database under Article 27 of the New Act, establishment of statistical standards under Article 28 of the New Act, production of anonymized data under Article 35 of the New Act and procedures and other acts necessary for these may be conducted even prior to the effective date of this Act (hereinafter referred to as the "effective date") in accordance with the provisions of the New Act.

(Implementation Year of the First Population Census)

Article 4 The first population census under the main clause of Article 5, paragraph (2) of the New Act shall be implemented in 2010.

(Transitional Measures concerning Designated Statistics)

Article 5 Designated statistics that have already been designated pursuant to the provision of Article 2 of the Statistics Act prior to revision (hereinafter referred to as the "Old Act") at the time of the enforcement of this Act (limited to designated statistics publicly notified by the Minister of Internal Affairs and Communications as of the effective date) shall be deemed to be fundamental statistics designated pursuant to the provision of Article 2, paragraph 4, item (iii) of the New Act.

(Transitional Measures concerning Designated Statistical Surveys)

Article 6 Designated statistical surveys that have been approved pursuant to the provision of Article 7, paragraph (1) of the Old Act prior to the effective date (when any changes have been approved pursuant to the provision of paragraph (2) of the same Article, designated statistical surveys after the changes) shall be deemed to be fundamental statistical surveys approved pursuant to the provision of Article 9, paragraph (1) of the New Act.

(Transitional Measures concerning Notified Statistical Surveys)

Article 7 (1) Statistical surveys that have been notified pursuant to the provision of Article 8, paragraph (1) of the Old Act prior to the effective date (limited to those notified by administrative organs) shall not be required to obtain approval from the Minister of Internal Affairs and Communications for the period until the day on which one year has elapsed from the effective date, notwithstanding the provision of Article 19, paragraph (1) of the New Act.

(2) Among statistical surveys that have been notified pursuant to the provision of Article 8, paragraph (1) of the Old Act prior to the effective date, those notified by local public entities shall be deemed to be statistical surveys notified pursuant to the provision of Article 24, paragraph (1) of the New Act as of the effective date, and those notified by incorporated administrative agencies, etc. that fall under statistical surveys to which the provision of Article 25 of the New Act shall apply after the effective date shall be deemed to be statistical surveys notified pursuant to the provision of the same Article as of the effective date.

(Transitional Measures concerning Utilization of Questionnaires)

Article 8 (1) A person who has already utilized questionnaires pursuant to the provision of Article 15, paragraph (2) of the Old Act at the time of the enforcement of this Act may utilize the questionnaires in accordance with the provisions then in force for the period until the day on which six months have elapsed from the effective date, notwithstanding the provisions of the New Act.

(2) With regard to the disposition of applications for approval under Article 15, paragraph (2) of the Old Act which were filed prior to the effective date and for which approval or disapproval has not yet been determined at the time of the enforcement of this Act, the provisions then in force shall remain applicable.

(Transitional Measures concerning Questionnaires and Statistical Reports)

Article 9 (1) Information recorded in questionnaires which were collected to produce designated statistics pursuant to the provisions of the Old Act shall be deemed to be questionnaire information pertaining to fundamental statistical surveys pursuant to the provisions of the New Act.

(2) Information recorded in questionnaires which were collected through notified

statistical surveys (limited to those conducted by administrative organs) pursuant to the provisions of the Old Act shall be deemed to be questionnaire information pertaining to general statistical surveys pursuant to the provisions of the New Act, information recorded in questionnaires which were collected through notified statistical surveys (limited to those conducted by local public entities) pursuant to the provisions of the Old Act shall be deemed to be questionnaire information pertaining to statistical surveys conducted by local public entities pursuant to the provisions of the New Act, and information recorded in questionnaires which were collected through notified statistical surveys (limited to those conducted by incorporated administrative agencies, etc. that fall under statistical surveys to which the provision of Article 25 of the New Act shall apply after the effective date) pursuant to the provisions of the Old Act shall be deemed to be questionnaire information pertaining to statistical surveys conducted by incorporated administrative agencies, etc. under Article 25 pursuant to the provisions of the New Act.

(3) Information recorded in statistical reports which have been obtained by collecting statistical reports pursuant to the provision of the Statistical Reports Coordination Act (hereinafter referred to as the "Old Statistical Reports Coordination Act") prior to the repeal under Article 2 of the Supplementary Provisions shall be deemed to be questionnaire information pertaining to general statistical surveys pursuant to the provisions of the New Act; provided, however, that the provisions of Articles 32 to 38, Article 40, paragraph (1) and Article 52 of the New Act shall not apply to information among statistical reports that is recorded in parts other than those pertaining to matters that are entered in written applications under Article 4, paragraph (2) of the Old Statistical Reports Coordination Act and that are solely used to produce statistics.

(Transitional Measures concerning Publication of the Results)

Article 10 With regard to the application of the provision of Article 16 of the Old Act to the results of designated statistical surveys that have not been publicized prior to the effective date, the provisions then in force shall remain applicable.

(Transitional Measures concerning Penal Provisions)

Article 11 With regard to the application of penal provisions to the acts committed prior to the effective date, the provisions then in force shall remain applicable.

(Transitional Measures concerning Collection of Statistical Reports)

Article 12 Collection of statistical reports that have obtained approval under Article 4, paragraph (1) of the Old Statistical Reports Coordination Act prior to the effective date shall be deemed to be general statistical surveys that have obtained

approval under Article 19, paragraph (1) of the New Act for the period until the expiration of the term for approval specified pursuant to the provision of Article 5, paragraph (2) of the Old Statistical Reports Coordination Act.

(Transitional Measures concerning Filing of Objections)

Article 13 With regard to procedures for objections filed against the Minister of Internal Affairs and Communications pursuant to the provision of Article 11, paragraph (1) of the Old Statistical Reports Coordination Act prior to the effective date, the provisions then in force shall remain applicable.

(Effects of Disposition or Procedures pursuant to the Provisions of the Old Act, etc.)

Article 14 Disposition, procedures, or other acts that have been conducted pursuant to the provisions of the Old Act, the Old Statistical Reports Coordination Act, or orders pursuant to the Acts prior to the effective date and for which the New Act or orders pursuant to the New Act have equivalent provisions shall be deemed to have been conducted pursuant to the equivalent provisions of the New Act or orders pursuant to the New Act, except as otherwise provided by these Supplementary Provisions.

(Relationship with Ordinances of Local Public Entities)

Article 15 (1) When ordinances of local public entities have the provisions in which the acts to be regulated by the New Act shall be punished, the parts pertaining to the acts shall cease to be effective upon enforcement of this Act.

(2) When the provisions of Ordinances of local public entities cease to be effective pursuant to the provision of the preceding paragraph, with regard to the punishment for violations committed prior to the invalidation, the provisions then in force shall remain applicable even after the invalidation, unless the local public entities provide otherwise in their Ordinances.

(Delegation to a Cabinet Order)

Article 16 In addition to what is provided for in Article 5 to the preceding Article of the Supplementary Provisions, any necessary transitional measures for the enforcement of this Act shall be specified by a Cabinet Order.

(Review)

Article 17 Approximately five years after this Act comes into effect, the government shall take into account the situation of the enforcement of the provision of Article 37 of the New Act, review this provision, and take any necessary measures based on the results of the review, when it is found to be necessary.

(Articles 18 to 24 of the Supplementary Provisions are omitted.)