

## Chapter III. Legal System of Statistics

### 1. Purpose of Official Statistical Law in general

The statistical laws stipulate basic principles, procedures, and promises regarding the administration of statistics. The purpose of statistical laws is to provide a framework for statistical administration so as to ensure conformity with established goals and set out the proper procedures to follow. Their objectives can be summarized as follows:

- To produce accurate statistics
- To produce statistics that are easy to use
- To minimize the burden on the Japanese people.
- To promote secondary use of statistical data
- To ensure complete confidentiality

### 2. Outline of Official Statistical Laws

#### 2.1 Types of Statistical Laws

Laws and regulations that relate to statistics can be classified into a few groups:

- (i) Organization laws that establish the structure of statistical organizations and their duties (such as the Ministry of Internal Affairs and Communications Act),
- (ii) Basic laws and operation laws about statistical operations that stipulate the basics of statistical activities, and their methods and procedures (such as the Statistics Act and prefectural ordinances about surveys),
- (iii) Laws about the actual implementation of individual surveys (ministerial ordinances about Fundamental Statistical Surveys and prefectural rules about surveys).

#### 2.2 Contents of the Statistics Act

The Statistics Act (Act No.53 of 2007) came into effect in April 2009 as the basic law for statistics after the complete revision of the previous act (Act No.18 of 1946). The points of the new act are as follows.

- Fundamental Statistics  
Important statistics, compiled by administrative organs, are identified as Fundamental Statistics and developed systematically as the core of the statistical system. (Section 1, Chapter II)
- Fundamental Statistical Surveys and General Statistical Surveys  
Fundamental Statistical Surveys and General Statistical Surveys by national

administrative organs undergo individual clearance and coordination through MIC with a view to developing statistical surveys systematically and reducing the reporting burden by eliminating overlapping. (Subsection 1 and 2, Section 2, Chapter II)

- Statistical Surveys Conducted by Local Public Entities or Incorporated Administrative Agencies, etc. (Subsection 3, Section 2, Chapter II)
- Master Plan for Statistics (Article 4)
- Development of Establishment Frame Database  
MIC develops the Establishment Frame Database and provides data for the purpose of contributing to the accurate and efficient production of statistics, and the reduction of the burden on respondents of statistical surveys. (Article 27)
- Request for Cooperation to the Head of an Administrative Organ  
For the accurate and efficient production of statistics and the reduction of the burden on respondents of statistical surveys, the head of an administrative organ may request another administrative organ to submit the administrative record information it holds or may request the head of another administrative organ to offer cooperation. (Article 29 to 31)
- Establishment of the Statistics Commission (Chapter IV)
- Secondary use of Questionnaire Information pertaining to statistical surveys  
Regulations are established for the provision of statistics compiled on a tailor-made aggregation basis, and for the provision of anonymous micro data for academic and research purposes. (Chapter III)
- Appropriate Management of Questionnaires, Restriction on Use of Questionnaire Information, Confidentiality Obligation (Chapter IV)
- Penalties(Chapter VII)  
There are penalties imposed for violation of the obligation to manage questionnaires appropriately, protect confidentiality, or report on matters necessary for producing fundamental statistics to the head of the administrative organ conducting a fundamental survey.

### 2.3 Other Legislation related to Statistical Activities

### 2.3.1 The relationship between the Statistics Act and legislation for protection of personal information

When administrative organs or local governments collect information for their statistical surveys, it is often the case that the information contains personal information. Basically, in the Statistics Act, it is explicitly stipulated how personal information should be handled.

On the other hand, there are several laws providing general matters on handling personal information, including the Act on the Protection of Personal Information Held by Administrative Organs, the Act on the Protection of Personal Information Held by Incorporated Agencies, the Act on the Protection of Personal Information, and local government ordinances on the Protection of Personal Information. The relationship between the Statistics Act and these legislations is described as follows.

#### 2.3.1.1 Act on the Protection of Personal Information Held by Administrative Organs (Act No.58 of 2003)

This Act provides the basic matters concerning the handling of personal information by administrative organizations for organizational use, as well as disclosure and corrections. However, in the Statistics Act, the provision of Article 52, paragraph (1) determines to exclude the following information from application of the Act on the Protection of Personal Information Held by Administrative Organs:

- Personal Information contained in questionnaires pertaining to fundamental statistical surveys and general statistical surveys
- Personal information contained in the establishment frame database
- Personal information contained in administrative records provided by other administrative organs pursuant to the provision of Article 29, paragraph (1).

This is because, recognizing the following features of personal information collected thorough statistical surveys, the Statistics Act specifies obligations and penalties more rigorously, such as the obligation for appropriate maintenance of questionnaires, and the obligation regarding confidentiality and penalties for violations:

(i) Personal information collected in statistical surveys is provided and utilized after being processed so that no particular individual can be identified,

(ii) The Statistics Act specifies necessary measures to handle personal information, including strict restriction on the use of questionnaire

information other than for the original purpose of the statistical survey,

(iii) Statistical surveys that can be conducted not only by the central government but also local governments are implemented in an integrated and consistent way in accordance with the Statistics Act.

#### 2.3.1.2 The Act on Protection of Personal Information Held by Incorporated Administrative Agencies(Act No.59 of 2003)

This Act provides the basic matters concerning the handling of personal information held by Incorporated Administrative Agencies for organizational use, as well as disclosure and corrections.

Before conducting a statistical survey, these agencies must notify the Minister of Internal Affairs and Communications in accordance with the Statistics Act, and the rules in 2.3.1.1. above could be applied to their handling of personal information. Furthermore, it is not appropriate to apply the Act on Protection of Personal Information Held by Incorporated Administrative Agencies to an agency that handles information collected in statistical surveys, as that could hinder the smooth progress of the work. Therefore, the Statistics Act excludes the above-mentioned information from application of the Act on Protection of Personal Information Held by Incorporated Administrative Agencies, as does the Act on the Protection of Personal Information Held by Administrative Organs.

#### 2.3.1.3 The Act on the Protection of Personal Information(Act No.57 of 2003)

This act stipulates rules for the private sector, which handles a large quantity of personal information in operational use.

When administrative organs or local governments entrust a private sector entity with the handling of personal data, the entity is required to comply with various obligations that are prescribed in the Act on the Protection of Personal Information. A respondent of a statistical survey is permitted to report another person's information to an administrative organ, e.g. in a survey requesting hospitals to report information about their patients, in accordance with Article 23, paragraph (1) and (2), which allows a business operator handling personal information to provide personal data to a third party in cases where the provision of personal data is allowed by laws and regulation.

#### 2.3.1.4 Local Government Ordinances

When local governments deal with personal information in the administrative processing for statistical surveys or in implementing statistical surveys which are

approved by the Minister of Internal Affairs and Communications, they should comply with the obligations for confidentiality in the Statistics Act.

As for rules for secondary use of personal information collected through surveys which are approved by the Minister of Internal Affairs and Communications, the Statistics Act entrusts local governments to establish roles, and the government formulates ordinances called "Statistical Survey Ordinances." This depends on the circumstances of each government.

As for statistical surveys conducted by municipalities other than cities designated by government ordinance, and towns and villages, such municipalities are not required to obtain approval from the Minister of Internal Affairs and Communications. In most cases, ordinances for such surveys consider the protection of personal information because most municipalities do not prepare ordinances specialized for statistical surveys.

#### 2.3.2 Act on Access to Information Held by Administrative Organs(Act No.42 of 1999)

This act, providing the right to request the disclosure of administrative documents, is also applied to requests for documents related to statistical surveys.

On the other hand, in order to ensure truthfulness, the Statistics Act prescribes a confidentiality obligation regarding any secret that an individual, corporation, or other organization has learned with regard to statistical surveys. The Act also restricts the use or provision of questionnaire information pertaining to statistical surveys that such an individual, juridical person, or other organization has conducted for purposes other than the original purpose of the statistical surveys.

Because of this, in view of ensuring appropriate implementation of both the disclosure of administrative documents under the Act on Access to Information Held by Administrative Organs (Act No.42 of 1999) and the protection of personal information under the Statistics Acts, the "Guideline for the disclosure of documents related to statistical surveys held in administrative organization" was agreed upon in March 2001 at the meeting of directors in charge of statistics in ministries. Since then, in accordance with the guideline, administrative organizations have determined whether or not to disclose documents related to statistical surveys, including (i) questionnaire information, (ii) aggregated data, (iii) a list of statistical survey respondents, and (iv) a list of enumerators.