

Archives Act

1. Promulgated to 30 articles in all per Presidential Decree No. Hua-Zong-Yi-Yi-Zi 8800297480 dated Dec. 15, 1999.
2. Implemented on January 1, 2002 per Executive Yuan Decree No. Tai 90 Mi 063882 dated November 2, 2001.
3. Amendment to Article 28 of the Archives Act per Presidential Decree No. Hua-Zong-Yi-Yi-Zi-09700112211 dated July 2, 2008

Chapter 1: General Provisions

Article 1

This Act is enacted to refine the management of records by the government, to make records available and accessible to the public, and to optimize the functions of the records.

Matters not covered by this Act shall be governed by other relevant laws and regulations.

Article 2

The terms in this Act are defined as follows :

1. Government agencies shall mean the central government agencies and the local government agencies (hereinafter referred to as government agencies)
2. Records shall mean written or non-written documents and information, including their attachments, which are kept in files and managed by government agencies.
3. Archives shall mean records which are with permanent preservation value and have been transferred to the central archives competent authority to be managed.
4. Government agency records shall mean records managed by government agencies.

Article 3

The central archives competent authority set up by the Executive Yuan shall govern matters relating to records. Before such competent authority is established, the Executive Yuan shall appoint an agency to exercise the aforesaid authority.

The central archives competent authority in the preceding paragraph shall be established within two years after the promulgation of this Act.

The organization of the central archives competent authority shall be enacted by law.

The archives management committee shall be established by the central archives competent authority. The mission of the committee is to appraise and classify records,

determine retention periods of records and settle related issues.

Article 4

Each government agency shall create a division or appoint personnel for the purpose of records management and prepare an annual records management plan and budget.

Article 5

No transportation of records abroad is allowed unless approved by the relevant competent authority.

Chapter 2: Archives Management

Article 6

Records management shall be based on the principle of the uniform planning and centralized management .

For the purpose of exhibition, research, preservation and education, objects in relation to the records may be delivered to relevant institutions for custody.

Article 7

The operations of records management are as follows:

1. Check-in.
2. Classification.
3. Cataloging.
4. Preservation.
5. Retrieval and access.
6. Disposition.
7. Safety maintenance.
8. Other operations of records management and provision of required relevant facilities.

Article 8

The classification and cataloging of records shall be carried out under the classification systems and cataloging guidelines prescribed by the central archives competent authority.

Government agencies shall submit their records catalogs to the central archives competent authority periodically.

The central archives competent authority shall assemble and periodically publish archives and government agency records catalogs, along with instructions for their use.

The central archives competent authority shall establish a research department to improve archives organization and research, as well as to compile and publish relevant archives information.

Article 9

Records may be stored in the form of microfilm or other methods. The implementation regulations for storing records shall be prescribed by the central archives competent authority.

Each of the records stored in accordance with the preceding paragraph shall be regarded as equivalent to the original if it has been verified by the agency preserving it. Duplications of records shall be deemed as equivalent to the originals or deemed authentic if its authenticity has been verified by the agency preserving them.

Article 10

In terms of retention periods, records shall be classified into permanent records or temporary records according to their characteristics and value.

Article 11

Permanent records shall be transferred to the central archives competent authority. The regulation governing such transfers shall be drafted by the central archives competent authority and submitted to the Executive Yuan for approval.

Article 12

Temporary records shall not be destroyed before the expiration of the retention period or contrary to the procedure as provided in the relevant regulations.

Before government agencies destroy records, a catalog describing the contents of all such records shall be submitted to the central archives competent authority for review.

After records have been approved by the central archives competent authority for destruction, such records shall be electronically stored before destruction if necessary.

The regulation governing retention periods and destruction procedure shall be drafted by the central archives competent authority and submitted to the Executive Yuan for approval.

Article 13

A government officer, when transferring from one duty to another or resigning from a position, is obligated to transfer the records under their custody to the person

taking over the position. The records so transferred shall be kept in their entirety without any omission. None of them shall be omitted, destroyed or lost during such transfer.

The preceding paragraph also applies when a private enterprise or entity becomes a government-owned enterprise, and vice versa.

Article 14

The central archives competent authority may receive donations of, hold in trust of, or purchase documents or information with permanent preservation value owned by private individuals or organizations.

The donor of documents or information specified in the preceding paragraph may be rewarded. The regulation governing such rewards shall be prescribed by the central archives competent authority.

Article 15

If government agencies consider it necessary to preserve a written document or non-written information owned by private individuals or organizations, they may acquire it for the purpose of converting it into records in the form of microfilm or other methods.

Article 16

The regulation on the management of classified records shall be submitted to the Executive Yuan for approval by the central archives competent authority.

Chapter 3: Access

Article 17

Applications for viewing, hand-copying or duplicating records shall declare the reason(s) in writing. Government agencies shall not reject unless otherwise stated in the law.

Article 18

Government agencies may deny the application filed under Article 17 if the records for the following causes:

1. concern classified national security information.
2. concern criminal information.
3. concern industrial confidentiality.
4. concern the test or certification of specialized knowledge, technician skills and qualification.

5. concern personnel management and salaries.
6. must be kept as confidential under laws, regulations or contracts.
7. affect public interest or a third party's due right or interest.

Article 19

When an application is filed under Article 17, government agencies shall inform the applicant whether the application is approved or rejected in writing within thirty days of receiving the application. If the application is rejected, the reason(s) for rejection shall be specified.

Article 20

Viewing and hand-copying records shall be conducted at the place and time stated by government agencies. The following actions shall not be allowed:

1. Adding annotations, altering, changing, removing, marking or damaging the content of the records;
2. Unbinding the bound records;
3. Destroying or altering the content of the records in any other ways.

Article 21

For those who have been permitted to view, hand-copy or duplicate records, government agencies may charge a fee according to the fee standard prescribed by the central archives competent authority.

Article 22

Archives shall be made accessible to the public no more than thirty years after their creation. Under extraordinary circumstances, the Legislative Yuan may approve a prolonged period of non-accessibility.

Chapter 4: Penal Provisions

Article 23

Anyone who violates Article 5 by transporting records abroad without authorization shall be sentenced to fixed term imprisonment of no more than two years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of less than NT\$ 50,000 may be imposed.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 24

Anyone who knows that archives shall not be destroyed but still destroys such records shall be sentenced to fixed term imprisonment of no more than two years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of less than NT\$50,000 may be imposed.

In the event that anyone violating the procedure provided in Article 12 to destroy archives, the preceding paragraph shall be applied also.

The first paragraph of this Article also applies to anyone who violates Article 13.

Article 25

Records or their duplications stored in accordance with Article 9 in the form of microfilm or other forms shall be deemed as documents as defined crime of Offenses of Forging Instruments or Seals in the Chapter of the Criminal Code and any relevant criminal offenses.

Article 26

Government agencies may cease records viewing or hand-copying by whoever violates of Article 20. If a criminal offence is involved, the case shall be referred to prosecutorial agencies for investigation.

Chapter 5: Supplementary Provisions

Article 27

After the enforcement of this Act, government agencies' records management operations and regulations promulgated thereof which are inconsistent with this Act shall be adjusted within a prescribed time period by the central archives competent authority.

Article 28

The provisions set forth in the Act shall apply mutatis mutandis to public junior colleges, colleges and universities as well as government-owned enterprises. They also apply where individuals or organizations commissioned to exercise public authority within the scope of commission.

Article 29

The enforcement rule of this Act shall be prescribed by the central archives competent authority.

Article 30

The date of enforcement of this Act shall be prescribed by the Executive Yuan.