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| Title : | The Enforcement Rules of the Archives Act  |
| Date : | 2016.06.30 |
| Legislative : | <p>1.The Rules are promulgated by the National Archives Administration via (90) Tang-Mi No. 0002054-1 Decree dated December 12, 2001.</p> <p>2.Amendment to Articles 10, 11, 12, 14, 21 and 28, addition of Article 13-1 per the National Archives Administration Decree No. Tang-Zeng 0940000011 dated January 3, 2005</p> <p>3. Addition of Article 14-1 per the National Archives Administration Decree No. Tang-Zeng 10500091433 dated June 30, 2016</p> |
| Content : | <p>Article 1.</p> <p>The Rules were enacted according to Article 29 of the Archives Act (hereinafter referred to as the “Act”).</p> <p>Article 2.</p> <p>The phrase “written or non-written documents and records, including their attachments” in subparagraph (2) of Article 2 of the Act shall mean the recorded documents and their attachments which were made by the government agency when dealing with or arising from official affairs, including but not limited to the documents, pictures, records, photographs, tapes, video tapes, microfilms, digital information or other documents or objects which can be heard, read, viewed or understood by means of technology and which are held or preserved by the government agency.</p> <p>Article 3.</p> <p>The government agency shall create a division or appoint personnel to manage archives according to Article 4 of the Act and the guidelines relevant to the establishment of the archives management which are enacted by the central archives authority-in-charge.</p> <p>Article 4.</p> <p>If any transportation of archives abroad is approved by the relevant authority-in-charge according to Article 5 of the Act, the government agency shall make a copy of such archives to be stored in the form of microfilms, electronic files or other methods and which shall be approved by its chief officer in advance.</p> <p>If the archives referred to in the preceding paragraph are permanent records, the approval of the central archives authority-in-charge is also necessary.</p> <p>Article 5.</p> <p>When the government agency entrusts objects to an agency according to Paragraph 2 of Article 6 of the Act, a written agreement shall be executed or a record shall be made.</p> <p>Article 6.</p> <p>The archive management terms used in subparagraph 1 to 7 of Article 7 of the Act are defined as follows:</p> <p>1. “Checking” shall mean examining and receiving the archives which are filed by the archivist.</p> |

2. "Classification" shall mean archives being classified into proper classification levels according to their types or subjects and to file them under proper titles.
3. "Cataloging" shall mean indexing archives catalogs according to the content and characteristic of the archives and in accordance with the rules related to the archives catalogs.
4. "Preservation" shall mean archives being arranged in order and to store them properly by binding the originals together or making microfilm copies or digital copies or copies using other methods.
5. " Retrieval " shall mean to get or borrow the archives for reference by the agency itself or by the other agencies from the archivist under the authority of its supervisor by filing the application to the archivist.
6. "Disposition" shall mean archives catalog being examined by index and then respectively to destroy or transfer archives or to take other necessary management when the archives' retention period expires or when the time to transfer the permanent records occurs.
7. "Security control" shall mean archives being protected and restored from damages in order to maintain secure and complete archives and to prevent archives from damages, deterioration, destruction, stealing and so forth.

Article 7.

The operational directions for the government agency relevant to checking , preserving and retrieving under Article 7 of the Act shall be enacted by the central archives authority-in-charge.

Article 8.

The archivist division in the government agency shall process disposition of archives at a minimum once every year.

Article 9.

The place and equipments to preserve archives in the government agency shall comply with the directions relevant to the equipment requirements of archival repository enacted by the central archives authority-in-charge.

In order to preserve archives, the government agency shall prevent archives from being damaged by bugs, mice, water, fire, smoke, light, heat, dust, dirty, mold, germs, stealing, and earthquakes according to the directions relevant to preservation techniques of archives enacted by the central archives authority-in-charge.

Article 10.

The government agency shall compile archive catalogs according to Article 8 of the Act and comply with the Archives and Records Arrangement Directions, and Archives and Records Description Directions, enacted by the central archives authority-in-charge. It shall submit its archive catalogs to the central archives authority-in-charge for reference every six months. More specifically,

1. The first and second level agencies in the central government shall submit them directly.
2. The third or lower level agencies in the central government shall transmit them to the second level agencies for submission.
3. Provincial government, provincial consultative council, municipal government, municipal council, county/city government and county/city council shall submit them directly.
4. Individual agencies under the municipal government shall transmit them to the municipal government for submission.

5. Individual agencies under the county/city government or other local agencies shall transmit them to the county/city government for submission.

The classified archives catalogs are not subject to the submission requirements outlined above.

The first level agencies of the central government in subparagraph 1 of the first paragraph are as follows:

1. The National Assembly.
2. The Office of the President.
3. The Executive Yuan.
4. The Legislative Yuan.
5. The Judicial Yuan.
6. The Civil Service Yuan.
7. The Ombudsman Yuan.
8. The National Security Council.

Compilation and submission of the archives catalogs according to the first paragraph shall be made in electronic format. Such format and implementation are laid down by the central archives authority-in-charge.

Article 11.

Every six months, the central archives authority-in-charge shall publicize the catalogues of the national archives and government agency records assembled in accordance with Paragraph 3 of Article 8 of the Act by the following methods:

1. On the Internet or other on-line services.
2. In government publications.
3. By public copying, duplicating or viewing..
4. Any other methods which can be accessible to the public.

Article 12.

The government agency shall complete the retrospective cataloging of the archives which were made before the enforcement of the Act and which are still within the retention periods.

The retrospective catalog of archives with permanent preservation value under the preceding paragraph shall be completed within five years of the enforcement of the Act; the retrospective catalog of archives with temporary preservation value shall be completed within seven years.

Article 13-1.

The central archives authority-in-charge may authorize other agencies or private organizations to manage and apply the National Archives.

Article 14.

When a government-owned institution or corporation becomes a privately-owned institution or corporation, the permanent records shall be transferred to the central archives authority-in-charge. The temporary records shall be approved by its direct authority-in-charge.

The authority-in-charge of a government-owned institution or corporation may authorize a private institution or corporation to manage and apply its temporary records.

Article 14-1.

When a government agency is restructured into a government-owned institution or corporation, the archives before restructuring shall be transferred to its direct authority-in-charge.

The direct authority-in-charge may authorize its subordinate or another agency, private institution or corporation to manage and apply its archives.

Article 15.

When an agency is abolished, the permanent records shall be transferred to the central archives authority-in-charge. The management of those archives within certain retention periods shall be transferred to its direct authority-in charge or the appointed agency, or to be destroyed in accordance with the relevant regulations.

When an agency is transformed, all of the archives shall be transferred to the agency taking over the business.

When part of the business of an agency is transferred to another agency, the relevant archives shall be transferred to that agency.

Article 16.

When the government agency requests a private individual or legal entity to provide documents in accordance with Article 15 of the Act, it shall specify the following items in writing:

1. The reference of the request.
2. The purpose of the request.
3. The methods for duplication.
4. The authorized scope for the use.
5. The date of return.

Article 17.

A case or a file is taken as the unit of the application for viewing, copying or duplicating archives in accordance with Article 17 of the Act.

If the content of the archives contains the subparagraphs restricted in Article 18 of the Act, only the other parts without said restriction shall be provided.

Duplicates are provided for access to archives in principle. If it is necessary to use the originals, the application shall specify the reasons.

Article 18.

The applicant shall specify the following items when applying for viewing, copying or

duplicating archives:

1. The applicant's name, birthday, telephone number, residence/address and ID number. If the applicant is a juristic person or other legal entity with an administrator or a representative, its name, head office or business office, name of its administrator or representative, with their name, birthday, telephone number and residence/address shall be specified.
2. If the application is filed by an agent, the agent's name, birthday, telephone number, residence/address and ID number shall be specified. If the agency is created at will, a power of attorney shall be submitted. If the agency is a statutory agency, the relationship shall be specified.
3. The items for the application.
4. The name or the content subject of the file.
5. File number.
6. The purpose for the application.
7. The reason to use the originals of the archives if necessary.
8. The date of the application.

The preceding application can be written and sent by mail. If the application is filed by electronic signature and certified by a certification organization, it can be transmitted by electronic format.

Article 19.

If the government agency thinks that an application under the preceding article does not comply with the procedures or does not include complete information, it shall notify the applicant to rectify within seven days. If the applicant fails to rectify within said period, such application may be denied.

In the event of the circumstance set forth in the preceding paragraph, the thirty-day period under Article 19 of the Act begins from the rectification date.

Article 20.

In the written notice informed in accordance with Article 19 of the Act, the denial and the following items shall be included:

1. The reason for obtaining approval of the access to archives.
2. The methods, time and place to access archives.
3. The access notice and access fee standards.
4. The certificates for application.

If the applicant applies for accessing archives in accordance with Paragraph 2 of Article 18 by transmission in electronic format or the email address is written in the application form, the notice in the preceding paragraph may be transmitted in electronic format.

Article 21.

In order to promote public access to archives, the government agency shall prepare the place and necessary equipment for viewing, copying and duplicating archives. In addition, it may conduct the following business:

1. Providing services for archive reference.
2. Conducting archive exhibitions.
3. Editing or publishing archive information.

Other promotion services for archive application.

Article 22.

When the copying or duplicating of archives involves copyright issues, the Copyright Law or relevant regulations shall be complied.

Article 23.

Public access of the national archives under Article 22 of the Act shall comply with the guidelines relevant to the public access of the national archives enacted by the central archives authority-in-charge.

If the national archives under a special circumstance cannot be accessed within thirty years in accordance with Article 22 of the Act, the agency responsible for the management of those archives may transfer the reasons and the delay period to the central archives authority-in-charge for submitting to the Executive Yuan for obtaining the approval by the Legislative Yuan.

The aforementioned thirty-year period is calculated from the files and begins on the latest date of the record of that file.

Article 24.

The archivist division in the government agency shall periodically make schedules, statistics of the files, classification, cataloging, preservation, retrieval and access, and disposition for archives.

Article 25.

The government agency shall comply with the regulations enacted by the central archives authority-in-charge or other relevant agencies to conduct the computerization for archives management by using the national archives information system established by the central archives authority-in-charge or the archives management system established by itself.

Article 26.

The government agency shall submit directions related to archives management to the central archives authority-in-charge for reference.

Article 27.

The first two levels agencies in the central government, municipal government, and county/city government shall conduct evaluations and issue reward/punishment related to archives management on their supervised agencies periodically.

The central archives authority-in-charge shall assist, train or evaluate the government agency on archives management. The government agency may be rewarded and announced publicly if it has outstanding performance after evaluation.

Article 28.

The Rules shall be effective on the effective date of the Act.
The amendments of the Rules shall be effective on the date of promulgation.



Attachments : 檔案法施行細則The Enforcement Rules of the Archives Act.pdf

Data Source : National Development Council Laws and Regulations Retrieving System