

Content

Title :	Regulation on the Management of Classified Records
Date :	2005.05.10
Legislative :	1. Promulgated on October 24, 2001. 2. Deletion of Article 3, amendment to Articles 4, 5, 6, 9, 10, 13, 15, 16, 22, and 25, and addition of Article 22-1 promulgated on April 21, 2004. 3. Amendment to Article 18 per Executive Yuan Decree No. Tai Mi 0940018295 dated May 10, 2005.
Content :	Article 1 This Regulation is prescribed in accordance with Article 16 of the Archives Act (hereinafter referred to as the Act). Article 2 The term classified records shall mean records which have been determined as classified in accordance with relevant laws and regulations. Article 3 (Deleted) Article 4 When classified records are filed, the officer in charge shall seal them in an exclusive envelope. On the cover of such envelope, the officer in charge shall specify the name of the division, file number of the issuer, subject or name of the file, classification number, pages, quantities, number of attachments, starting and ending dates of the records in the files, retention period, classification levels and duration of confidentiality, or the conditions declassification. After affixing a name or title seal on the envelope, the records shall be sent to the responsible records management division for filing. The subject or name of the file may be presented by a code or a pseudonym. If necessary, each government agency may design an exclusive envelope in uniform format with reference to the examples designed by the central archives competent authority. When the records manager checks classified records, he/she shall only check the items specified on the cover and shall not open the seal. If the items stated in the cover are incomplete, the records shall be returned to be corrected. Article 5 The catalogs of classified records shall not be submitted to the central archives competent authority or published. Article 6 Classified records and general records shall be separately stored in different places and be stored according to their classification levels. This rule also applies to microfilms or duplication of classified records. Classified records shall be stored in a safe-deposit box or other cabinet with security control function and be secured with locks requiring passwords or codes. When necessary, such safe-deposit boxes shall be stored in a security room or a secret chamber that has been fitted with an alarm and monitoring system. The safe-deposit box or cabinet, security locks, alarm, and monitoring system stated in the preceding paragraph should be checked at least once a month to ensure its safety. Article 7 The places or areas where classified records are stored may be prohibited

or restricted from entering or exiting personnel and items, and other necessary control measures may be adopted.

Article 8

The head of a government agency shall designate a person or the chief officer of records management division to manage classified records.

Article 9

If an internal division of the government agency requests for classified records, it shall sign off a retrieval form to be approved by the chief officer of the responsible division; however, if the requested records are classified national security information, it shall be authorized or approved in writing by the responsible persons in the original government agency or its superior agency.

To request secret level or higher level of classified records, the person filing the request shall go to the records management division to sign for receipt.

When classified records are loaned, attention shall be given to their security maintenance. When necessary, they shall be sealed in an envelope or placed in an exclusive box for delivery of classified records. Other protection measures may be used.

Article 10

Classified records requested under Article 9 shall be returned within the permitted period. If it is necessary to extend the said period, extension shall be requested and approved by the responsible persons in the first paragraph of Article 9. Loaned records may be recalled at any time when necessary.

Article 11

The request of classified records between agencies shall be filed in writing and be approved by the head or authorized person of the agency holding such classified records.

The written request in the preceding paragraph shall specify the period of request, the name of the responsible agency, the name of the responsible officer and information for contact.

If it is necessary to extend said period of loan, it shall apply for extension.

Requested records may be recalled at any time if necessary.

The preceding four paragraphs shall apply to the transfer of classified records managed by the central archives competent authority.

Article 12

When requisitioning for classified records, a letter specifying the legal basis, the purpose of the requisition, the period of requisition, the name of the responsible agency, the name of the responsible officer and the information for contact shall be provided.

Article 13

In order to prevent damage to the original records when requesting or requisitioning classified records in accordance with laws and regulations, duplications may be provided. The classified records shall be immediately returned after usage.

Article 14

When each government agency provides classified records to other agencies, it shall specify the classification levels of classified records and the obligation to keep the information in confidence in writing. The classified records shall be immediately returned after usage by the agency requesting or requisition the records.

Article 15

The officer requesting classified records shall seal the exclusive envelopes of classified records with a sign and with a return date when classified records are returned.

When the request of classified records is in the secret level or higher

level, the person filing the request shall go to the records management division to sign for receipt.

When classified records are returned, the records manager shall check whether the envelope is sealed according to relevant regulations. If the envelope is not sealed, he/she shall notify the person filing the request to take necessary measures and take notes on the request records.

Article 16

Top secret records shall not be duplicated.

The duplication of classified records which are classified national security information shall be authorized or approved by the responsible persons in the original government agency or its superior agency in writing; the duplication of regular classified information shall be approved by the chief officer or higher level officer.

The duplicated classified records shall specify the classification level, the period for keeping the information classified or the conditions for declassification, the term duplication and the number of duplications. If several duplications are made, they shall be marked in serial numbers. The duplications shall be deemed as equivalent to the originals and shall be properly preserved; the duplications shall be destroyed immediately when there is no need for further use.

Article 17

The head of government agency shall appoint a person to process the storage of classified records on microfilms, electronic files or other forms.

The storage stated in the preceding paragraph shall be implemented separately from general records.

Article 18

Classified records shall not be destroyed before they are declassified; however, this requirement shall not apply when the circumstance has already submitted in paragraph 1 of Article 14 of the Retention Period and Destruction Regulations for Agency Records.

Article 19

The transfer or destruction of classified records shall be conducted by a person appointed by the head of the government agency and shall take necessary security measures.

Article 20

In case of classified records being lost, damaged, changed, unbounded, records management division shall coordinate with the responsible division to investigate and impose a penalty according to relevant regulations. If further legal responsibilities are involved, this matter shall be handled in accordance with relevant laws.

Article 21

When records managers responsible for managing classified records are transferred or resigned, they shall make a list regarding the classified records under their custody and deliver them one by one to appointed officer by the head of the government agency or the chief records manager officer.

Article 22

The responsible division shall deal with the change of classification levels or the declassification of classified records according to relevant laws or regulations.

Records management division shall check classified records periodically.

When checking classified records, the records management division may request the responsible division to deal with the change of classification levels or the declassification of classified records according to relevant laws or regulations. Provided that when the period for keeping the information classified has expired, the matters relevant to declassification shall be handled by the records management division in consultation with the business division.

Article 22-1

If the original government agency which approved the classification levels of the classified record is dissolved or merged with another authority or reorganized, the change or declassification of the classification levels shall be conducted by the take-over agency. If there is no take-over agency, the superior agency of the original government agency or the competent authority shall be responsible.

Article 23

During the transfer of classified records managed by the central archives competent authority, the agency taking over the position shall coordinate with the central archives competent authority to deal with the change of the classification levels or the declassification of classified records according to relevant laws or regulations.

Article 24

Upon the declassification of classified records, they shall be managed as general records.

Article 25

This Regulation shall come into force from the date of the Act coming into force.

Amendments to this Regulation shall come into force from the date of promulgation.

Files : 機密檔案管理辦法EN.pdf

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