

Content

Title :	Directions for Access to Archives Ch
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Content :	<p>1.These Directions were adopted to provide public access to archives as required by Article 22 of the Archives Act.</p> <p>2.These Directions shall apply to archives managed by the National Archives Administration (NAA) of the National Development Council and by other agencies or private entities to which the NAA outsources such management.</p> <p>3.The expression "public access to archives" as used in these Directions includes the following:</p> <p>(1)Publication of catalog information.</p> <p>(2)Provision of consulting services.</p> <p>(3)Provision of records for viewing, hand-copying, or duplication.</p> <p>(4)Editing of archives or publishing of research.</p> <p>(5)Exhibitions.</p> <p>(6)Provision of records upon request or requisition by agencies.</p> <p>(7)Other matters related to public access.</p> <p>4.The NAA shall act on its own initiative to publicize catalog information on archives, using the following methods:</p> <p>(1)By using Internet delivery or other means to provide public access.</p> <p>(2)By publishing such records in government publications.</p> <p>(3)By providing them for public viewing, hand-copying, or duplication.</p> <p>(4)By using other methods that the public would be aware of.</p> <p>5.The NAA shall charge specific persons with responsibility for helping members of the public to access archives, and shall provide consulting services, to include the following:</p> <p>(1)Providing information regarding the NAA.</p> <p>(2)Providing information on archival holdings, and assistance with searches for archives.</p> <p>(3)Processing applications for access to national archives, or lending them to other government agencies.</p> <p>(4)Explaining legislation governing access to archives.</p> <p>(5)Providing guidance to users.</p> <p>The scope of NAA consulting services does not extend to answering questions about matters unrelated to NAA work, such as medical matters, national security, and military secrets, nor will we help answer riddles, solve translation problems, help with homework, or provide answers to test questions.</p>

6. A party who intends to apply for access to archives shall first use the Archives Access service or a subject-specific catalog to check NAA holdings. After that, one may apply by: (a) filling out or printing out the Application for Access to Archival Records and submitting it to the NAA via mail or fax; (b) scanning an image of a filled out application form and sending it in via email; or (c) using a citizen digital certificate to apply via the NAA website.

7. A party who intends to access archives shall indicate the following matters on the application form:

(1) The applicant's full name, date of birth, telephone number, domicile (or residence), and ID number. If the applicant is a juristic person or another entity with a manager or representative, the applicant shall provide its name and business office or business establishment, and the full name, date of birth, telephone number, and domicile (or residence) of such manager or representative.

(2) For an applicant that has an agent: the agent's full name, date of birth, telephone number, domicile (or residence), and ID number.

(3) The records to be accessed.

(4) The names of the records or a summary description of their content.

(5) The file numbers of the records.

(6) Purpose of application.

(7) If it is necessary to access the original of a record, please explain why.

(8) Date of application.

(9) Other matters as may be specified by the NAA.

If the agent referred to in subparagraph 2 of the preceding paragraph is an agent by conduct, the applicant shall furnish a power of attorney and an identification document; if the agent is a statutory agent, the applicant shall declare his/her relationship with the involved party and furnish relevant documentary evidence.

When an applicant who seeks to access a national archive is a party to the subject matter of that record, the applicant shall furnish an identification document; when the party to the subject matter is deceased or disappeared and his/her heir applies to access an archive related to the involved party, the heir shall additionally submit documentary proof of his/her relationship to the involved party.

A foreign national who applies to access an archive shall furnish a photocopy of his/her alien resident certificate, passport, or other proof of identity. If necessary, such applicant shall support the application by furnishing documentary proof showing whether his/her country has any legislation that restricts the ability of citizens of the Republic of China to apply for access to government information in that country.

8. Approval or rejection of an application for access to archives shall be made in accordance with the provisions of the Archives Act, the Freedom of Government Information Law, and other applicable legislation. Where disclosure of the content of an archive is legally restricted, the various parts of the record shall be treated separately, and only the non-restricted parts shall be provided.

When application is made to access an archive that is already 30 or more

years old, after the applicant furnishes a confidentiality pledge, the NAA may provide the archive at a designated location for reading or hand-copying, and may also provide non-restricted parts of the record for reproduction, unless one of the following circumstances applies:

- (1)The archive is classified.
- (2)The government agency that transferred the archive indicates there is a likelihood that access to the record would seriously affect national security, national interests, or the conduct of foreign relations.
- (3)A party to the subject matter of the archive, or an heir thereof, states that he/she is unwilling to disclose personal documents.

Where the content of an archive involves the intellectual property rights of another party, or is not easily reproduced or copied, it is acceptable to make the record available only for on-site inspection.

If a national research institution, a public or private university, or an academic research institution established with the approval of the Ministry of Education needs to contact a party to the subject matter of an archive, it shall submit an application to the NAA together with a research plan and an affidavit affirming that it is researching the archives in question. The NAA, after considering the application, may provide the address and telephone number of a person mentioned in an archive that is at least 30 years old.

A party to the subject matter of the archive, or an heir thereof, who believes that either the content of the archive or a statement made in materials pertaining to that party is erroneous or incomplete may furnish relevant documentary evidence and apply to include a supplementary opinion in the archive.

Information that an applicant learns by accessing an archive shall be used in accordance with all applicable protection provisions set out in the law. Any violation shall be subject to punishment pursuant to applicable laws.

9.The national archives to which access is granted shall in principle be reproductions. In any one of the following situations, however, the NAA may provide an original:

- (1)There is no reproduction of the archives, and provision of the entire volume has been approved.
- (2)The NAA has agreed that the applicant has a need to use the original record.

10.Applications for access to archives shall be processed in accordance with the following principles:

- (1)Once the NAA has approved access to an archive, access shall be provided forthwith. If it is necessary to mail the record, once the NAA has received payment for the related fees, it shall mail a receipt and a reproduction of the record.
- (2)Before a decision has been made whether to approve an application for access to archives, if the total number of pages requested exceeds 500, the NAA shall handle the approval and notification process in batches, sequenced in the order of priority as indicated by the applicant. If no order of priority has been indicated, approval decisions shall be made in order of the application form reference numbers. After the applicant provides notification that the requested records have been read or obtained, the NAA shall continue to handle pending approval decisions.

(3) If the applicant fails to read or obtain a national archive within 60 days of the day following delivery of notice of approval and fails also to ask the NAA for an extension, or if the applicant has obtained an extension but 90 days have elapsed since the day following delivery of the first notice of approval, the applicant shall not be provided access to the archives until after he/she has again filled out and submitted an application and the NAA has approved it.

(4) If an original archive is in such a poor state of preservation that it cannot be accessed, or if access to any part of its content is restricted, an approval decision shall not be made until after the record has been repaired or digitized.

When it is not possible to provide access to a requested archive due to repair, digitization, exhibition, intra-agency or inter-agency loan of the original, or some other circumstance, the NAA shall notify the applicant of the reason and when it can be accessed.

11. To facilitate public access to archives, there shall be established an archives access location which shall be equipped as necessary with photographic, photocopying, and computer equipment that members of the public can use to view, hand-copy, or duplicate archives. This location shall also be equipped with any needed surveillance systems and fire safety equipment.

12. A member of the public who enters the national archives access site to access archives shall comply with the provisions of the Archives Act and applicable NAA rules.

13. A member of the public or a government agency that quotes a national archive, prepares a publication based thereon, or publicly exhibits a reproduction of an archive shall provide attribution to the source.

14. Exhibitions and other publicity activities focusing on national archives may be held as necessary to promote public access to archives.

The activities set out in the preceding paragraph shall be held in such a manner as to accord proper attention to the public interest and the rightful interests of third parties.

15. A government agency that intends to request or requisition an archive shall present a written request and specify the following matters:

- (1) Name of the government agency.
- (2) The record's file number or a summary of its content.
- (3) Purpose and time of the request or requisition.
- (4) Legal basis of the requisition.
- (5) If use of the original is needed, specify the reason.

When a government agency needs—in order to perform statutory duties involving research or publishing, or to carry out a special research project—to request large quantities of archives that the agency itself did not transfer to the NAA in the first place, the NAA may provide the records after the agency furnishes a confidentiality pledge.

Where archives are to be requested or requisitioned in massive quantity, or are otherwise special in some way, the NAA may ask the agency to provide needed manpower or resources.

16. When a government agency requests or requisitions archives, matters pertaining to the custody and return of records, recall of overdue records, and inspection of returned records shall be subject *mutatis mutandis* to

points 10 through 14 of the NAA's Directions for Retrieval to Government Agencies' Records.

17. For a government agency or private entity that has contracted to provide management of archives, the provisions of these Directions shall apply *mutatis mutandis* to its contracted provision of public access to national archives.

Data Source : National Development Council Laws and Regulations Retrieving System