

Content

Title :	Directions for Access to Archives Ch
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Legislative :	Issued per 12 December 2001 Letter No. Dang-Mi-Zi-0002066 of National Archives Administration Amended per 11 January 2005 Letter No. Dang-Ying-Zi-0940014003 of National Archives Administration Amended per 31 December 2014 Letter No. Dang-Ying-Zi-1030013146 of National Archives Administration, National Development Council Amended per 8 December 2017 Order No. Dang-Ying-Zi-1060013783B of National Archives Administration, National Development Council Amended per 27 February 2020 Order No. Dang-Ying-Zi-1090018065B of National Archives Administration, National Development Council
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> <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:</p> <p>(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 submit an application electronically via the Archives Access service system.</p> <p>The number of archives that may be applied for in accordance with the</p>

preceding paragraph is limited to no more than 10 volumes per application; provided, however, that this restriction shall not apply where any one of the following circumstances applies:

(1) Archives that the NAA has already made access decisions.

(2) A party to the subject matter of the archives, or an heir thereof, is seeking to access the archives in question.

(3) The number of volumes in an archives catalog has been changed.

Electronic archives to which the NAA provides access free-of-charge via Archives Access service system may be downloaded by the public without any application.

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 archive shall be treated separately, and only the non-restricted parts shall be provided.

When an application is made to access to archives already 30 or more years old, the applicant, after furnishing a confidentiality pledge, may read or hand-copy the archive at a designated location, and may also reproduce non-restricted parts of the archive, unless one of the following circumstances applies:

(1) The archive is classified.

(2) The government agency that transferred the archive indicates there is likelihood that access to the archive 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 archive 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 archive 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.

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

(1) There is no reproduction of the archives, and provision of the entire volume has been approved following inspection of the original item's state of preservation.

(2) The NAA has agreed that the applicant has a need to use the original archive.

10. Provision of access to archives shall be handled in accordance with the following principles:

(1) For archives that the NAA has made access decisions:

A. The NAA may provide the archives on the spot, or may set another date for their provision.

B. Reproductions may be sent by mail, provided on the spot, or delivered via electronic ways.

C. If the original of an archive has not yet been digitized, the applicant may be allowed to photograph it.

(2) For archives other than those described in the preceding subparagraphs:

A. Multiple archives requested under a single application may be delivered in the order of priority as indicated by the applicant.

B. With respect to a single application, the NAA shall make approval decisions for at least five volumes once every 15 working days; provided, however, that where a confidentiality pledge has been furnished pursuant to the provisions of Article 8, paragraph 2 herein, the NAA shall make approval decisions for at least 10 volumes.

C. For archives that the NAA has agreed to provide, such provision shall be handled in the manner set out in the preceding subparagraphs.

(3) Retrieval of archives:

A. Within 15 days of the day next following the NAA's delivery of an archive retrieval notice, if the applicant fails to contact the NAA, the NAA may temporarily suspend processing of the provision of other archives requested under the same application.

B. Within 30 days of the day next following delivery of the notice to retrieve archives as referred to in the preceding item, if the applicant has neither retrieved the requested archives nor requested that the NAA grant an extension, or if the applicant fails to retrieve the archives within 60 days of the day next following the delivery of such an extension request, processing of the application shall be deemed complete.

C. An applicant may not submit another application until after he/she has retrieved all the archives requested in the current application, or until after processing of the current application has been completed.

(4) When it is temporarily 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, after the NAA notifies the applicant of the reason and when it can be accessed, processing of the application shall be deemed complete.

When an application to reproduce a archive is submitted, once the NAA has received payment for the related fees, it shall deliver a receipt and a reproduction of the archive.

Where an application to access a archive has been submitted electronically as set out in Article 6 above, the NAA may, with the permission of the applicant, deliver the archive retrieval notice electronically.

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 (institution) that intends to request or requisition archives (other than electronic archives to which the NAA provides access free-of-charge via Archives Access service system, which may be downloaded by the public without any application) shall present a written request and specify the following matters:

- (1) Name of the government agency (institution).
- (2) The archive'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) The reason for any need to access the original of an archive.

When a confidential archive is requested or requisitioned, the consent of the government agency (institution) that originally transferred the archive shall first be obtained.

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

When a government agency (institution) needs—in order to perform statutory duties involving research, publishing, or an exhibition, or to carry out a special research project—to request archives that the agency (institution) itself did not transfer to the NAA in the first place, the NAA may provide the archives after the agency (institution) furnishes a confidentiality pledge. However, for archives that the NAA has made access decisions, a confidentiality pledge need not be furnished.

When a government agency (institution) that has requested archives in accordance with the provisions of the preceding paragraph and applies to reproduce archives that the NAA has already digitized, or it applies to have archives digitized, reproduction fees shall be collected in an amount equal to half of what is called for under the provisions of Article 4, paragraph 1 of the "Fee Standards for Viewing, Hand-copying or Duplication of Archives."

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.