

Content

Title :	Enforcement Rule of the Archives Act <b>Ch</b>
Date :	2020.08.05
Legislative :	1.The Rule are promulgated by the National Archives Administration via (90) Tang-Mi No. 0002054-1 Decree dated December 12, 2001. 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 3.Addition of Article 14-1 per the National Archives Administration Decree No. Tang-Zeng 10500091433 dated June 30, 2016 4. Articles 2, 6, 9, 10, 13, 18 , 21, 22, and 25 amended, and Article 26 deleted per the National Archives Administration Decree No. Dang-Mi-Zi-1090023834B dated August 8, 2020
Content :	<p>Article 1 This Rule is prescribed in accordance with Article 29 of the Archives Act (hereinafter referred to as the Act).</p> <p>Article 2 The term "management procedures" as used in subparagraph 2 of Article 2 of the Act shall mean the procedures followed in completing the approval, issuance, and generation of documents in accordance with laws and regulations governing document handling and government agencies operations. The phrase "written or non-written documents and information, including their attachments" as used in subparagraph 2 of Article 2 of the Act shall mean files and their attachments which were generated by the government agencies when dealing with official affairs, or were generated in connection with official affairs, including the documents, pictures, files, photographs, tapes, videotapes, 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 agencies.</p> <p>Article 3 Government agencies shall establish a division or appoint personnel to manage records in accordance with Article 4 of the Act and reference to the guidelines relevant to the establishment of the records management which are enacted by the central archives competent authority.</p> <p>Article 4 If any transportation of records abroad is approved by the relevant competent authorities in accordance with Article 5 of the Act, government agencies shall make a copy of such records to be stored in the form of microfilms, electronic files, or other methods and which shall be approved by its head in advance. If the records referred to in the preceding paragraph are permanent government agencies records, the approval of the central archives competent authority is also necessary.</p> <p>Article 5 When government agencies deliver objects to relevant institutions for custody in accordance with paragraph 2 of Article 6 of the Act, a written contract shall be signed or a record shall be made and filed for reference.</p> <p>Article 6 In subparagraphs 1 to 7 of Article 7 of the Act, the records management terms are defined as follows: 1.To check shall mean to examine and receive the records which are filed by</p>

the records management division or a records manager.

2.To classify shall mean to classify records into proper classification items according to their types or situations, and create proper titles for these records.

3.To catalog shall mean to describe the content and characteristic of the records in accordance with the Record Cataloging Rule and then to compile into the records catalogs.

4.To preserve shall mean to arrange records in sequence, to store them by binding the originals together, or making copies by microfilming, digitizing or other methods , and to keep them in separate storage properly.

5.To retrieve shall mean the process whereby an agency, due to internal or inter-agency operational needs, submits an application to request or requisition records, which are then provided by the records manager, upon approval from the responsible authority.

6.To dispose shall mean to examine each records by using records catalogs and then to destroy or transfer records or to take other necessary disposal measures when the record retention periods have expired or when the transfer dates for permanent records have arrived.

7.Security maintenance shall mean to take protective measures to maintain security and integrity of records, prevent records from damage, deterioration, destruction, or theft and to prevent their contents from becoming unreadable or unidentifiable, and for damaged records it shall mean the taking of restoration measures.

#### Article 7

The operational directions for government agencies relevant to checking, preserving, and retrieving under Article 7 of the Act shall be prescribed by the central archives competent authority.

#### Article 8

The records management division in government agencies shall process disposal of records at a minimum once every year.

#### Article 9

The premises and facilities for records storage established by government agencies shall comply with the Standards for Records Repositories and other relevant requirements adopted by the central archives competent authority. In administering and maintaining records, government agencies shall prevent records from being damaged by insects, mice, water, fire, smoke, light, heat, dust, dirt, mold, bacteria, theft, and earthquakes according to records preservation requirements adopted by the central archives competent authority.

#### Article 10

The records catalogs compiled by government agencies in accordance with Article 8 of the Act shall comply with the Record Classification Rule and Record Cataloging Rule adopted by the central archives competent authority, and shall be submitted once every six months to the central archives competent authority for recordation, as follows:

1.A first-level or second-level central government agency shall submit them directly.

2.A central government agency that is third-level or lower shall transmit them to a second-level agency for forwarding.

3.A special municipality government, special municipality council, county(city) government, or county(city) council shall submit them directly.

4.An agency under a municipal government shall transmit them to the municipal government for forwarding.

5.An agency under a county(city) government or other local government agencies shall transmit them to the county(city) government for forwarding.

The provisions in the preceding paragraph regarding the submission of records catalogs do not apply to records catalogs that are classified.

The first-level central government agencies of subparagraph 1 of the first paragraph are the following:

1. The Office of the President.

2. The Executive Yuan.
3. The Legislative Yuan.
4. The Judicial Yuan.
5. The Examination Yuan.
6. The Control Yuan.
7. National Security Council.

The records catalogs of the first paragraph shall be compiled and submitted electronically, in accordance with a format and timetable prescribed by the central archives competent authority.

#### Article 11

Every six months, the central archives competent authority shall publicize the catalogs of the archives and government agency records assembled in accordance with paragraph 3 of Article 8 of the Act by the following methods:

1. Transmit on telecommunications networks or by other ways to provide the public for online search.
2. Publish on government registers.
3. Make available for public viewing, hand-copying or duplicating.
4. Any other possible ways of which the public can be made aware.

#### Article 12

Government agencies shall complete the retrospective cataloging of the records which were made before the enforcement of the Act and which are still within the retention periods.

The retrospective catalog of records with permanent preservation value under the preceding paragraph shall be completed within five years from the date on which the Act enters into force; the retrospective catalog of records with temporary preservation value shall be completed within seven years.

#### Article 13

Where any one of the following circumstances obtains with respect to government agencies' records, an appraisal of their preservation value shall be carried out (this same requirement shall also apply, where an appraisal is deemed necessary, to all precious documents that have been obtained by the central archives competent authority from private individuals or organizations through donation, trusteeship, or purchase):

1. An appraisal is deemed necessary in order to adopt (or revise) a comprehensive records schedule.
2. Records transfer is to be carried out.
3. An appraisal is deemed necessary in order to carry out records destruction.
4. It is difficult to determine a record's retention period due to its old age.
5. There is a need to re-examine a record's retention period due to a change in preservation techniques.
6. There is some other need for an appraisal, as determined by the central archives competent authority.

The central archives competent authority may carry out an appraisal of the preservation value of the archives that it owns and administers when necessary.

Regulation on Appraisal of Records Preservation Value shall be adopted by the central archives competent authority.

#### Article 13-1

Management of archives, and handling of access thereto, may be commissioned by the central archives competent authority to other agencies (institutions) or private organizations.

#### Article 14

In privatizing a government-owned enterprise, the permanent records shall be transferred to the central archives competent authority. The temporary records shall be approved by its competent authority.

When necessary, the competent authority of a government-owned enterprise may commission another agency (institution) or private organization to

manage and access its temporary records.

#### Article 14-1

When a government agency is restructured into a government-owned enterprise, the records shall be transferred to its superior competent authority before restructuring.

When necessary, the superior competent authority may delegate its subordinate or commission another agency (institution) or organization to manage and access its records.

#### Article 15

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

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

When part of the duties have been transferred to other agencies, the relevant records shall be transferred to that agency together therewith.

#### Article 16

When government agencies request a private individual or organization to provide documents in accordance with Article 15 of the Act, it shall set forth a written list of the matters below:

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

#### Article 17

An item or a file is taken as the unit of the application for viewing, hand-copying, or duplicating records in accordance with Article 17 of the Act.

If the content of the records contains information to which access is restricted under any of the subparagraphs in Article 18 of the Act, only the other parts not subject to said restriction shall be provided.

In principle, access to records only implies access to duplicates. If it is necessary to use the originals, the reason shall be stated in the application.

#### Article 18

Applications to view, hand-copy, or duplicate records shall specify the following information:

- 1.The applicant's full name, date of birth, telephone number, domicile (or residence), and ID number. If the applicant is a legal person or other organization with an administrator or a representative, the application shall specify its name, the address of the office or the place of business, and the administrator's or the representative's name, date of birth, telephone number, domicile (or residence).
- 2.For an applicant with an agent: the agent's full name, date of birth, telephone number, domicile (or residence), and ID number; if an application is submitted by an agent by conduct, a power of attorney shall be submitted; if an application is submitted by a statutory agent, the agent shall declare his/her relationship with the applicant.
- 3.File numbers, case (serial) numbers, the names of the records, a summary description of their content, or other information available for querying file numbers.
- 4.The records to be accessed.
- 5.Purpose of application.
- 6.If it is necessary to access the original of a record, please explain why.
- 7.Date of application.

The applications of the preceding paragraph may be submitted in the following ways:

1. After an application has been signed, it may be delivered by hand, postal service, or fax.
2. An application that has been signed by the applicant using a digital signature that complies with the requirements of Article 10 of the Electronic Signatures Act may be submitted as an electronic file via an information system designated by the government agencies in question.
3. An applicant may use an electronic form provided by government agencies on their website or some other type of electronic equipment.

#### Article 19

If the government agencies consider that an application under Article 18 does not comply with the procedures or does not include complete materials, it shall notify the applicant to rectify within seven days. If the applicant fails to rectify within said period or is unable to do so, 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

The written notification described in Article 19 in the Act, except for the denial, shall specify the following information:

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

If the applicant applies for accessing records in accordance with paragraph 2 of Article 18 by electronic transmission or the address of electronic transmission is noted 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 records, government agencies shall provide a premises for viewing, hand-copying, and duplicating archives. In addition, they may conduct the following matters:

1. Consulting services.
2. Exhibitions.
3. Publishing of research.
4. Other outreach matters.

In carrying out the matters set out in the preceding paragraph, government agencies shall pay attention to both the public interest as well as individual rights and interests.

#### Article 22

Record content that anyone learns by accessing records shall be used in accordance with applicable legal protection provisions.

#### Article 23

Public access of the archives under Article 22 of the Act shall comply with the Act and the Direction for Access to Archives of the archives prescribed by the central archives competent authority.

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

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

#### Article 24

The records management division in the government agencies shall periodically make schedules, statistics of the files, classification, cataloging, preservation, retrieval, access, and disposition for records.

#### Article 25

In computerizing its management of documents and records, government agencies shall be governed by the requirement of the central archives competent authority and related competent authorities.

Article 26  
(Deleted)

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 records management on their supervised agencies periodically.

The central archives competent authority shall assist, train or evaluate the government agencies on records management. The government agencies may be rewarded and announced publicly if they have outstanding performance after evaluation.

Article 28

This Rule shall come into force from the date of the Act coming into force. Amendments to this Rule shall come into force from the date of promulgation.

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Files : 檔案法施行細則EN.pdf

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