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| Title : | The Enforcement Rules of the Classified National Security Information Protection Act  |
| Announced Date : | 2003.09.26 |
| Legislative : | 1.Promulgated on September 26, 2003 |
| Article 1 | The Enforcement Rules of the Classified National Security Information Protection Act are enacted pursuant to the provisions set forth in Article 40 of the Classified National Security Information Protection Act ("this Act"). |
| Article 2 | Information may not be considered for classification unless it concerns: (1)military plans, weapons, or operations; (2)foreign government information relating to national defense, politics and economy; (3)intelligence activities, sources or methods; (4)technologies, equipments, or facilities for safeguarding the Government's telecommunications and information; (5)foreign relations or foreign activities of the Republic of China or Mainland affairs; (6)scientific, technological, or economic matters relating to the national security; or (7)other categories of information which are related to national security and which require protection against unauthorized disclosure. |
| Article 3 | The term "information" referred to in Article 2 of this Act means information produced or acquired by government agencies within the scope of their official duties and stored in any correspondence, memorandum, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, videotape, machine readable records, and other documentary material, that can be comprehended by ways of reading, seeing, listening or with the help of technologies or supplementary equipments. |
| Article 4 | The term "organizations" referred to in Article 3 of this Act means organizations established for testing, research, cultural and educational, medical, military, and funding management purposes. |
| Article 5 | The term "exceptionally grave damage" referred to in Article 4, Subparagraph 1 of this Act means the damage has incurred in one of the following situations: (1)a war, military action or armed force instituted by other country against our country; (2)a totally defeated military action; (3)a national riot; (4)a termination of the diplomatic relations or substantive foreign relations; (5)a loss of membership in an international organization; or (6)other situations where war, rebellion, material change in the diplomatic relations or substantive foreign relations or major threat to the existence of our country has occurred. |
| Article 6 | The term "serious damage" referred to in Article 4, Subparagraph 2 of this Act means the damage has incurred in one of the following situations: (1)a termination or sabotage of the military cooperation or military agreement; (2)a totally defeated single armed force or allied force; |

(3)a threat to personal safety of an intelligence agent or a termination of an intelligence operation;
(4)a decoding or destruction of Government's technologies, equipments or facilities established for the purpose of safeguarding the telecommunications and classified information;
(5)a termination or sabotage of the agreement or negotiation with Mainland China, Hong Kong or Macao;
(6)a grave adverse impact on the diplomatic relations or substantive foreign relations;
(7)a serious impairment to the membership, rights and interests in an international organization;
(8)a disruption to the establishment of a diplomatic relations, treaty, agreement or participation in an international organization;
(9)a disruption or sabotage of the consultation, agreement, negotiation or cooperation with other countries; or
(10)other situations where political and economic developments relating to national security or national interest are seriously impaired.

Article 7 The term "identifiable damage" referred to in Article 4, Subparagraph 3 of this Act means the damage has incurred in one of the following situations:
(1)other country's increased capability in collecting, analyzing, processing or utilizing intelligence information or our country's diminished capability in collecting, analyzing, processing or utilizing intelligence information;
(2)a diminution to the defense force or a sabotage of the military establishment and the preparation for war;
(3)a threat to safety and security of the military troops, vital military facilities or weapons and equipments;
(4)an adverse impact on the relations with Mainland China, Hong Kong or Macao;
(5)an adverse impact on the diplomatic relations or substantive foreign relations;
(6)an interference to the establishment of a diplomatic relations, treaty, agreement or participation in an international organization; or
(7)other situations where political and economic developments relating to national security or national interest are adversely affected.

Article 8 The term "protected" referred to in Article 6 of this Act means when an employee of an agency that does not have original classification authority originates information believed to require classification, the information shall be protected in the manner prescribed by the provisions set forth in Articles 13 to 26 of this Act.
If the agency which has appropriate subject matter interest and classification authority fails to decide within 30 days whether to classify that information, the protective measures shall be terminated and the information shall be handled as non-classified information.

Article 9 For classified information originated in an agency which has ceased to exist, the agency in possession shall be deemed to be the originating agency for all purposes under this Act. If there is no agency in possession, the superior agency or competent agency shall be deemed to be the originating agency for all purposes under this Act.

Article 10 The term "Minister" referred to in Article 7, Paragraph 1, Subparagraph 1, Section 2, and Article 7, Paragraph 1, Subparagraph 2, Section 5, and Article 7, Paragraph 1, Subparagraph 3, Section 4 of this Act, means the Minister of National Defense.
The term "officials" referred to in Article 7, Paragraph 1, Subparagraph 2, Section 1, and Article 7, Paragraph 1, Subparagraph 2, Section 4, and Article 7, Paragraph 1, Subparagraph 3, Section 1, and Article 7, Paragraph 2, Subparagraph 3, Section 3 of this Act, include the Chief Advisor of this agency, the Head of the agency and the troops Commander.
The term "diplomatic agency" referred to in Article 7, Paragraph 1, Subparagraph 3, Section 3 of this Act, include the Embassy, the Taipei Economic and Cultural Representative Division, and the Taipei Economic and Cultural Representative Office. The term "diplomatic agency head" referred to in Article 7, Paragraph 1, Subparagraph 3, Section 3 of this Act, means the supreme diplomatic representative appointed by the

Government of the Republic of China.

Each delegation of original classification authority under Article 7, Paragraph 1 of this Act shall be in writing. Delegations of original classification authority shall be held to an absolute minimum. Delegated original classification authority may not be redelegated.

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| Article 11 | Written records and electronic records shall be maintained for all information classification. |
| Article 12 | The term "other relevant source materials and drafts of classified information" referred to in Article 8 of this Act, shall be designated to their respective level of classification according to the content. However, if it is necessary to use or handle these relevant source materials and drafts together with classified information, these relevant source materials and drafts shall be designated to the same level of classification as classified information. |
| Article 13 | If information which are related to other agencies fall into one of the three classification designations, these relevant agencies shall be consulted before final classification or declassification in accordance with Article 9 or Article 30 of this Act. Written records for the procedure and content of classification or declassification shall be maintained and attached to the classified or declassified information. If there is dispute on matters pertaining to classification, classification designation and declassification during the consultation prescribed in the preceding paragraph, the superior agency governing these relevant agencies shall resolve the dispute. If there is no single superior agency governing these relevant agencies, their respective superior agency shall resolve the dispute by agreement. |
| Article 14 | <p>The downgrading authority prescribed in Article 10, Paragraph 1 of this Act, shall be exercised by the more superior agency between the original classification authority or the agency attempting to downgrade the information.</p> <p>Whoever wants to downgrade classified information by application prescribed in Article 10, Paragraph 1 of this Act, shall submit an application for downgrading to the original classification authority.</p> <p>When a person submits a declassification or downgrading application prescribed in Article 10, Paragraph 1 of this Act, the original classification authority shall decide within 30 days whether to declassify or downgrade that information. If our country is at war, the original classification authority shall decide within 10 days whether to declassify or downgrade that information.</p> |
| Article 15 | Classified information which is to be submitted to the Legislative Yuan for prolonged classification in accordance with the provisions set forth in Article 11, Paragraph 5 of this Act, shall be delivered to the Legislative Yuan six months prior to the date of declassification. If the Legislative Yuan fails to agree to prolong the classification upon reaching the date of declassification, the information shall be declassified immediately. |
| Article 16 | The term "national security information involving intelligence activities, sources or access" referred to in Article 12, Paragraph 1 of this Act means information relating to the projects or identities of the intelligence agencies or personnel. |
| Article 17 | <p>The classification designation marking prescribed in Article 13 of this Act shall be indicated conspicuously as follows:</p> <p>(1)on the upper left corner of each single-page or loose-leaves document written in vertical format; on the upper left corner of each negative and photograph developed from the negative; on the upper left corner of the added cover page or cover.</p> <p>(2)on the top of each single-page or loose-leaves document written in horizontal format; on the cover or bottom page of the bound volume.</p> <p>(3)on the cover and title of each film, microfilm, sound recording, videotape, machine readable records, and other documentary material. The classification designation shall also be announced in the beginning and at the end of the broadcasting or showing.</p> |

(4)on the front page and bottom page of each map, photographic map or graphics.

(5)on the material itself or on an attached card. If there is a security risk, the classification designation marking shall be marked conspicuously on other suitable place.

A Chinese translation of the classification designation shall also be marked on any foreign government information which retains its original classification designation.

The marking of date or event for declassification prescribed in Article 13 of this Act, shall be indicated conspicuously within brackets underneath the classification designation marking.

The marking of classification designation and date or event for declassification shall be double-crossed after the declassification or downgrading of classified information takes effect, and the following shall be shown on the face of papers copies of all declassified or downgrading documents:

(1)the declassification status or the new classification designation and the date or event for declassification;

(2)the effective date;

(3)the office of origin; and

(4)the agency and the identity of the declassification authority or the downgrading authority.

All reproduced classified information shall be marked conspicuously to put users on notice of its current classification status and the date or event for declassification as the original documents.

Article 18

When classified information is delivered to an agency, the receiving person shall make a record according to the markings indicated on the inner envelop containing the classified information and process the envelop in accordance with the following procedures:

(1)if the designated recipient is an agency or a head of an agency, the envelop which contains the classified information shall only be opened by the head of an agency or an authorized person.

(2)if the designated recipient is a person other than an agency or a head of an agency, the envelop which contains the classified information shall only be opened by that person.

Article 19

Written records or electronic records shall be specifically maintained for every sending and receiving of classified information. The respective classification designation of classified information shall also be marked on the records. If written records and electronic records are both maintained for every sending and receiving of classified information, the title and content of classified information shall not be shown on both records.

Article 20

If matters which are related to other units within an agency involve classified information, these relevant agencies shall be consulted before processing these matters. Written records for the procedure and content of consultation shall be maintained and attached to the matters being processed.

Article 21

Classified information shall be delivered as follows:

(1)For transfer of Top Secret information and Secret information within the agency, such information shall be delivered personally by the processing official.

(2)For interagency transfer of Top Secret information and Secret information, such information shall be delivered by the processing official or the designated official under military or civilian escort. For interagency transfer of Confidential information, such information shall be delivered by the processing official or the designated official or sent by double-registered mail.

For interagency delivery of Confidential information by the processing official or the designated official, the processing official or the designated official shall prepare for an emergency destruction of such information in case of an emergency.

If classified information is not delivered personally by the processing official but by the designated official, such information shall be delivered in a sealed envelop.

If classified information is transmitted through telecommunications, such

information shall be secured by encryption authorized or approved by the competent government agency.

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- Article 22 If a document containing classified information requires the processing official to affix a seal to the document, the processing official shall bring the seal and affix it to the document personally. The official who monitors the seal-affix process shall sign his or her name and affix the seal of authority for authentication without reviewing the content of the document.
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- Article 23 Classified information shall be sealed as follows:
(1)Top Secret information and Secret information shall be handled and sealed by the processing official.
(2)Classified information shall be contained in double-sealed envelopes. The inner envelop shall be securely sealed and mark the classification designation on the upper left corner of the envelop. The outer envelop shall be thick enough to protect the classified information contained in the inner envelop. The address of the sending agency, the address of the receiving agency, the identity of the sender, the identity of the recipient, and the document number shall all be indicated on the outer envelop and inner envelop. However, the classification designation or any other marks which are sufficient to indicate the content of classified information shall not be shown on the outer envelop.
(3)Giant volume of classified materials or mass quantity of classified information that cannot be contained and sealed according to the method prescribed in the preceding paragraph, shall be properly protected with necessary measures.
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- Article 24 When classified information is destroyed pursuant to the provisions set forth in Article 16 of this Act, the head of the possessing agency or its authorized official who destroys such information shall, within seven days after the emergency ends, submit a written report containing the title and quantity of classified information, the time, place and manner of destruction, and the identity of the person who destroys such information. If the agency which destroys classified information pursuant to the provisions set forth in Article 16 of this Act is not the original classification authority, the destroying agency shall also submit a written report to the original classification authority.
The term "superior agency" referred to in the preceding paragraph means that the Executive Yuan is the superior agency for municipal city governments including Taipei City government and Kaohsiung City government; the respective competent authority in the Central Government is the superior agency for county (city) governments; the county government is the superior agency for local government agencies.
If classified information destroyed pursuant to the provisions set forth in Article 16 of this Act constitutes a file under the Official Files Act, the competent authority of files in the Central Government shall be notified immediately.
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- Article 25 To make a reproduced classified information prescribed in Article 18 of this Act, a prior written authorization or approval from the original classification authority or its superior agency shall be obtained.
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- Article 26 When classified information needs to be reproduced by printing or other means, an official shall be dispatched to monitor the reproduction process. The mode, original draft or other materials used and the half-finished products and discarded products containing recognizable classified information, shall all be destroyed immediately after the reproduction completes. If these mode, original draft or other materials used and the half-finished products and discarded products cannot be destroyed immediately after the reproduction completes, they shall all be treated as reproduced classified information and protected in accordance with the provisions set forth in Article 18 of this Act.
Destruction of reproduced classified information pursuant to Article 18 Paragraph 3 of this Act does not require declassification, but requires written records of destruction to be attached to the original classified information.
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- Article 27 If a parliamentary discussion involves sensitive information believed to

require classification, the information shall be classified in advance. The chairman of the parliamentary discussion or the designated person shall orally announce the classification designation in the beginning of the parliamentary discussion and announce it again at the end of the parliamentary discussion.

Without obtaining a prior approval from the chairman of the parliamentary discussion or the original classification authority, no one is permitted to copy by hand, take photographs, record or use other means to preserve the content of the parliamentary discussion or send the audio and visual transmission of the parliamentary discussion. Any written copy, photograph, film, microfilm, sound recording, videotape of the parliamentary discussion with approval from the chairman or the original classification authority, shall be treated as original classified information and shall be designated the same level of classification as the parliamentary discussion.

Controls shall be established to ensure that the parliamentary discussion involving classified information is accessed only under conditions that will provide adequate protection and prevent access by unauthorized persons or materials with necessary measures. The periphery of the parliament involving Top Secret information and Secret information shall be safeguarded by the security personnel.

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| Article 28 | <p>Classified information shall be stored and safeguarded as follows:</p> <p>(1) Classified information shall be stored and safeguarded in office area, and cannot be carried out from the office area without obtaining a prior approval from the head of the agency or his or her authorized official.</p> <p>(2) Classified information shall be stored separately from non-classified information, and shall be safeguarded according to their respective classification designation.</p> <p>(3) Classified information shall be stored and locked in safes or other metal vaults equipped with a security system.</p> <p>(4) Electronic classified information shall be stored in disks, CD, VCD or DVD, and safeguarded in accordance with the provisions set forth in the preceding three paragraphs. Electronic classified information stored in database shall be secured by encryption authorized or approved by the competent government agency. The general public shall not have access to the database containing classified information.</p> |
| Article 29 | <p>When an official safeguarding classified information is resigned or transferred to another position, he or she shall list all classified information in possession item-by-item and transfer them to the authorized receiving official or the competent authority governing files.</p> |
| Article 30 | <p>An approval or disapproval of using classified information granted by the original classification authority in accordance with the provisions set forth in Article 21 of this Act shall be in writing. The written approval shall indicate clearly which portions of classified information are permitted to use, the extent of use and the purpose of use. The written disapproval shall indicate clearly the reasons for denying the request of using classified information.</p> <p>The original classification authority may disapprove a request of using classified information if one of the following situations occurs:</p> <p>(1) there are some solid evidence sufficient to indicate that permitting the requesting agency to use classified information will cause identifiable damage to the national security and national interest;</p> <p>(2) the requesting agency fails to provide sufficient reasons to indicate the necessity of using classified information;</p> <p>(3) the requesting agency may accomplish its mission by other means without using classified information.</p> |
| Article 31 | <p>The term "martial agencies" referred to in Article 24, Paragraph 2 of this Act, include all levels of the martial courts and the martial prosecution offices.</p> <p>The term "courts and prosecuting agencies" referred to in Article 25, Paragraph 1 of this Act, include all levels of the martial courts and the martial prosecution offices. The term "judges and prosecutors" referred to in Article 25, Paragraph 2 of this Act, include the martial court judges and the martial prosecutors.</p> |

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| Article 32 | <p>The term "personnel" referred to in Article 26, Paragraph 1 of this Act, include all persons who exercised the original classification authority or processed the classified information before this Act takes effect and such classified information has been reclassified in accordance with the provisions set forth in Article 39 of this Act.</p> <p>All personnel referred to in Article 26, Paragraph 1 of this Act who want to depart from this country, shall submit to the serving agency or commissioning agency a written application stating the itinerary, designation country or area, and a list of activities to do and persons to meet in the designation country or area. The serving agency or commissioning agency may grant or deny the application based on the applicant's involvement in processing or safeguarding classified information. The serving agency or commissioning agency shall notify the decision of approval or disapproval to the applicant within ten days after receiving the application. If the applicant is the head of the serving agency or commissioning agency, the applicant shall submit the application to the superior agency. The application shall then be decided by the head of the superior agency or the authorized official.</p> |
| Article 33 | <p>Classified information that is marked for automatic declassification in accordance with the provision set forth in Article 27 of this Act, is declassified accordingly without notification to the relevant agencies. After information is declassified automatically, the original declassification authority shall publish the reasons for declassification.</p> |
| Article 34 | <p>When classified information is eligible for declassification under Article 28 or Article 29 of this Act, the original classification authority or the authorized official shall decide within 10 days whether to declassify that information.</p> |
| Article 35 | <p>The term "publish" referred to in Article 33, Paragraph 2 of this Enforcement Rules and Article 31, Paragraph 1 of this Act, means that the original declassification authority may publish the declassification in official gazette or newspaper, or post it on the agency's website, or by other means accessible to the public.</p> |
| Article 36 | <p>The Enforcement Rules of this Act shall take effect from the date of promulgation of the Classified National Security Information Protection Act.</p> |