
Content

Title : The Freedom of Government Information Law **CH**

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Chapter 1 General Principles

Article 1 This Law is enacted to establish the institution for the publication of government information, facilitate people to share and fairly utilize government information, protect people's right to know, further people's understanding, trust and overseeing of public affairs, and encourage public participation in democracy.

Article 2 Government information shall be made available to the public in accordance with the Law, except which regulated in other laws, the provisions of that law shall prevail.

Article 3 "Government information" as defined in the Law means information which a government agency produces or acquires within its respective authority and is saved in the forms of documents, pictures, photos, magnetic disks, magnetic tapes, optical disks, microfilms, integrated circuits chips or others which can be read, seen, listened or understood with the assistance of technology or auxiliary methods.

Article 4 A government agency as defined in the Law means any of the central government agencies, local government agencies, and institutes for experiment, research, education, culture, medicine, and management of special funds that are established by those agencies. Individuals, legal persons or entities that are delegated to exercise the state power are treated as government agencies within the scope of such delegation.

Article 5 Government information shall be made available to the public actively in accordance with the Law or provided as requested by any person.

Chapter 2 Active Publication of Government Information

Article 6 The administrative measures directly related to people's rights and interests as well as other relevant government information shall be made available to the public actively and timely.

Article 7 The information shall be made available to the public actively as follows, except for the information referred to in Article 18 that is restricted from making available to the public or provision:

1. Treaties, diplomatic documents, laws, Emergency Orders, regulations and orders which are made in accordance with the Central Regulatory Standardization Law, and local autonomous laws and regulations.
2. The interpretary orders and discretionary standards made by government agencies for helping the inferior government agencies or the subordinates to interpret the laws consistently, find the facts, and exercise the discretionary power.
3. The structures, duties, addresses, telephone numbers, fax numbers, websites and e-mail addresses of government agencies.
4. Documents about administrative guidance.
5. Administrative plans, statistics and research reports.
6. Budgets and audits.
7. The results of petitions and the decisions of administrative appeals.
8. Documents related to public works and procurements.

9. Subsidies that are paid or accepted.

10. Meeting records of the agencies based on a collegiate system.

"Research reports" as defined in paragraph 1, subparagraph 5, means the reports produced by experts or scholars that are funded and authorized by a government agency, or by government employees who are sent overseas for survey, study, research, or intern.

"Meeting records of the agencies based on a collegiate system" as defined in paragraph 1, subparagraph 10, means records consisting of gist of motions, programs, content of resolutions and list of the members who attend the meeting of the agency in which each member exercises the authority independently according to law.

Article 8

The active publication of government information shall be made to consider the feasibility of technology and choose among the following ways as appropriate, except as otherwise provided for by law:

1. Publish on government registers or other publications.
2. Transmit on telecommunications networks or by other ways to provide the public for online search.
3. Make available for public browsing, transcribing, photocopying, recording, videotaping, or photographing.
4. Hold a press conference or hearing.
5. Any other possible ways of which the public can be made aware.

The government information referred in Article 8, paragraph 1, subparagraph 1, shall be publicized actively in accordance with paragraph 1, subparagraph 1.

Chapter 3 Request for Providing Government Information

Article 9

The nationals of the Republic of China who register their permanent residence in the Republic of China and the legal persons or groups that are established by the nationals may request government agencies to provide government information in accordance with this Law. The same procedure shall also apply to the nationals holding a passport of the Republic of China who reside overseas.

Foreigners may request government information in accordance with this Law only when the laws of their countries do not restrict the nationals of the Republic of China from requesting government information of such country.

Article 10

Each person who requests the government agency to provide the government information shall submit a written application specifying the following matters:

1. Name, date of birth, ID number, address and telephone number of the applicant. Where the applicant is a legal person or group, the name, registered number and business location. Where the applicant is a foreigner, foreign legal person or group, the nationality, passport number and related certifications shall also be specified.
2. Where the applicant having a legal agent or representative, the name, date of birth, and domicile.
3. The gist of content and number of the requested government information.
4. The purpose of requesting the government information.
5. Date of application.

The request referred to in paragraph 1 may be made by mail. The request may be made in the form of electronic transmission after authenticated by a certification authority of electronic signature.

Article 11

The government agency shall notify the applicant to correct the request within seven days if it is remediable. The government agency may disallow the request without consulting anyone if it is not remediable or not corrected before the deadline.

Article 12

Within fifteen days of receiving the request for government information, the government agency shall determine whether to approve such a request; the time may be extended for no longer than fifteen days if necessary. If the information referred to in paragraph 1 involves the right of a particular person, legal person or group, the government agency shall notify the particular person, legal person or group to make a comment within ten days, except that the particular person, legal person or group

had agreed to provide or make available to the public.

If the location of the particular person, legal person or group referred to in paragraph 2 is unknown, the government agency shall announce the content of notification in public.

If the particular person, legal person or group referred to in paragraph 2 make no comment within ten days, the government agency shall determine without consulting anyone.

Article 13 Once a government agency approves a request for government information, it can provide a copy of the information or allow the applicant to browse, transcribe or photograph upon the type of medium where the information is saved. If the information requested involves intellectual property issues or is hard to make a copy of, the government agency may allow the information to be browsed only.

If the government information requested had been made available to the public actively in accordance with any laws or paragraph 1-3 of Article 8 of this Law, the government agency may inform the applicant of the way to obtain the information instead of providing it.

Article 14 Where the content of the government information about an individual, legal person or group is wrong or incomplete, the individual, legal person or group may request the government agency to correct or supplement the information.

According to paragraph 1, the applicant shall submit a written form specifying the following matters, in addition to those as specified in Article 10, paragraph 1, subparagraph 1, 2 and 5:

1. The name and numbers of the information requested for correction or supplement, and the matters that are wrongly recorded or incomplete.
2. The reason of correction or supplement.
3. The related certifications.

The request referred to in paragraph 1 may be made by mail. The request may be made in the form of electronic transmission after authenticated by a certification authority of electronic signature.

Article 15 After receiving the request for correcting or supplementing the government information within thirty days, the government agency shall determine whether to approve such a request; the time may be extended for no longer than thirty days if necessary.

Where a government agency is requested to correct or supplement the government information, Article 9, 11 and paragraph 2 to 4 of Article 12 shall apply *mutatis mutandis*.

Article 16 The government agency shall notify the applicant in writing of the way of provision, date, fee and method of payment, or the outcome of correction or supplement when the government agency approves the request for providing, correcting or supplementing the government information, unless the payment and acquisition of documents are made on the spot.

If the content of the information referred to in paragraph 1 shall not be deleted or would not be appropriate to be deleted, the government agency may note and supplement the content that should be corrected.

The government agency shall notify the applicant in writing when the government agency rejects the request of providing, correcting or supplementing the government information in whole or in part.

The notification of approval may be made in the form of electronic transmission when the request for providing, correcting or supplementing the government information is made in electronic transmission in accordance with paragraph 2 of Article 10 or paragraph 3 of Article 14, or when the address of electronic transmission is noted in the request.

Article 17 Where the requested information is not produced or acquired by the requested agency within its respective authority, the requested agency shall, in addition to explaining the situation, pass to other able agencies and notify the applicant if affirming that other government agencies produced or acquired the information within its respective authority.

Chapter 4 Restrictions on Publication of Government Information

Article 18 The government information as follows shall be restricted from making

available to the public or provision:

1. Classified by law as national secrets, required to maintain confidentiality or prohibited from provision to the public according to other laws, regulations, or orders.
2. Making available to the public or provision will obstruct the investigation, prosecution, or law enforcement of a crime, impair the fair trial of a criminal defendant, or injure other people's life, body, freedom or property.
3. The draft for internal use or other preparatory works before the government agency make a decision. Such works can be made available to the public or be provided if deemed necessary to public interest.
4. Making available to the public or provision of the information will make difficult or disrupt the purpose of such works, where the government agency acquired or produced such information to enforce the works of supervision, management, investigation or ban.
5. Making available to the public or provision of the material about the test or certification of specialized knowledge, skill or qualification will effect the enforcement of fairness and efficiency.
6. Making available to the public or provision will invade personal privacy, professional secrets, or authors' ventilating right, except where it is necessary for public interest, protects people's life, body, health, or is consented by the person concerned.
7. Making available to the public or provision of the information about trade secrets or business operations of a person, legal person or group will hamper the right, competitive position or just interests of such person, legal person or group, except where it is necessary for public interest, protects people's life, body, health, or is consented by the person concerned.
8. Making available to the public or provision of the cultural heritage that requires special management will possibly destruct or decrease its values.
9. Making available to the public or provision of the information about government-run business entities will impair the just interest in operating the business, except where it is necessary for public interest. Government information containing materials that are restricted from making available to the public or provision, as specified in the above paragraphs, shall make other part of such information available to the public or be provided.

Article 19 A government agency shall accept the request of the government information that contains restricted contents as referred in Article 18 if there is a change in situation and it is no longer necessary to restrict the publication or refuse the provision of such information.

Chapter 5 Relief

Article 20 An applicant who has an objection to the decision made by a government agency for the request of providing, correcting or supplementing the government information may seek for administrative relief as provided by law.

Article 21 The administrative appeals agencies and the administrative courts may make in-camera review of the government information, in whole or in part, during the investigation of such disputes.

Chapter 6 Supplementary Provisions

Article 22 A government agency may charge a fee according to the purpose of requesting the government information, when making available or providing such information in accordance with this Law. The fees may be reduced or waived if the applicant requests the government information for academic research or public interest use.
The fees as referred to in paragraph 1 shall include the costs of searching, examining, copying and duplicating the government information. The standard of such fees shall be made by each respective government agency.

Article 23 Government employees shall be punished or reprimanded according to law and the severity of the offense if they violate the relevant provisions

set forth in this Law when performing duty.

Article 24 The Law shall be in force from the date of promulgation.
