



Article Content

Title Archives Act **Ch**

Amended Date 2008.07.02

Category National Development Council (國家發展委員會)

Chapter 1 General Provisions

Article 1 This Act was enacted to refine the management of archives by the government, to promote public awareness and use of archives, and to optimize the functions of the archives. Matters not provided for herein shall be governed by other applicable laws.

Article 2 The terms in this Act are defined as follows :
(1)"The government agencies" shall mean the central government agencies and the local government agencies (hereinafter referred to as "the government agency")
(2)"Archives" shall mean written or non-written documents and records, including their attachments, which are kept in files and managed by the government agency.
(3)"National Archives " shall mean archives which are with permanent preservation value and have been transferred to the central archives authority-in-charge to be managed.
(4)"Government agency records" shall mean archives managed by the government agency.

Article 3 The central archives authority-in-charge set up by the Executive Yuan shall govern matters relating to archives. Before such authority-in-charge is established, the Executive Yuan shall appoint an agency to exercise the aforesaid authority. The aforesaid central archives authority-in-charge shall be established within two years of the promulgation of this Act.
The organization of the central archives authority-in-charge shall be enacted by law. A National Archives management committee shall be established by the central archives authority-in-charge. The mission of the committee is to appraise and classify archives, determine retention periods of archives and settle related issues.

Article 4 The government agency shall create a division or appoint personnel for the purpose of archives management. The government agency shall also prepare an annual archives management plan and budget.

Article 5 Any transportation of archives abroad is prohibited unless approved by the relevant authority-in-charge.

Chapter 2 Archives Management

Article 6 Archives management shall observe the uniform planning and consolidated managing principle.
For the purpose of providing exhibition, research, preservation and education, items attached to the archives may be entrusted to a relevant agency.

- Article 7 The operations of archives management are as follows:
1.Checking.
2.Classification.
3.Cataloging.
4.Preservation.
5.Retrieval and access.
6.Disposition.
7.Security control.
8.Other operations of archives management and providing required relevant facilities.
- Article 8 The classification and cataloging of archives shall be carried out under the classification systems and cataloging guidelines prescribed by the central archives authority-in-charge.
The government agency shall submit its archives catalogs to the central archives authority-in-charge periodically.
The central archives authority-in-charge shall assemble and periodically publish national and government agency records catalogs with directions for their use archives.
The central archives authority-in-charge shall establish a research department to improve archives management and research, as well as to edit and publish relevant archives information.
- Article 9 Archives may be stored in the form of microfilm or other methods. The implementation regulations for storing archives shall be enacted by the central archives authority-in-charge.
Each of the archives stored under the preceding paragraph shall be regarded as an original, authentic archive if it has been verified by an agency preserving it.
Duplications of archives shall be presumed as authentic if its authenticity has been verified by the agency storing it.
- Article 10 In terms of retention periods, archives shall be classified into permanent and temporary records according to their characteristics and value.
- Article 11 Permanent records shall be transferred to the central archives authority-in-charge. The regulation governing such transfers shall be drafted by the central archives authority-in-charge and to be approved by the Executive Yuan.
- Article 12 Temporary records shall not be destroyed before the expiration of the retention period or contrary to the procedure as provided in the relevant regulations.
Before the government agency destroys archives, a catalog describing the contents of all such archives shall be submitted to the central archives authority-in-charge for review.
After archives have been approved by the central archives authority-in-charge for destruction, such archives shall be electronically stored before destruction if necessary.
The regulation governing retention periods and destruction procedure shall be drafted by the central archives authority-in-charge and to be approved by the Executive Yuan.
- Article 13 A government officer, when transferring from one duty to another or resigning from a position, is obligated to transfer the archives under custody to the person taking over

the position. The archives so transferred shall be kept in their entirety without any omission. None of them shall be omitted, destroyed or lost during such transfer. The preceding paragraph also applies when a privately owned institution or entity becomes a government owned institution or corporation, and vice versa.

Article 14 The central archives authority-in-charge may act as donee, trustee or purchaser of any documents or records with permanent preservation value owned by a private individual or legal entity.
The donor of said documents or records may be encouraged or rewarded. The regulations governing such encouragement and rewards shall be enacted by the central archives authority-in-charge.

Article 15 If the government agency considers it necessary to preserve a written document or non-written item owned by a private individual or legal entity, the government agency may acquire it for the purpose of converting it into an archive in the form of microfilm or other methods

Article 16 The central archives authority-in-charge shall propose to the Executive Yuan to prescribe regulations governing the management of classified archives.

Chapter 3 Access

Article 17 Applications for viewing, copying or duplicating archives shall declare the reason(s) in writing. The government agency shall not refuse the applications unless it is based on the law.

Article 18 The individual agency may deny the application under the preceding article for the following causes:

- 1.The archives concern national confidentiality.
- 2.The archives concern criminal information.
- 3.The archives concern industrial confidentiality.
- 4.The archives concern technique information and qualification reviews.
- 5.The archives concern personnel management and salaries.
- 6.The archives must be kept as confidential under laws or agreements.
- 7.Other causes to ensure public interest or a third party's due right or interest.

Article 19 When an application under Article 17 is filed, the government agency shall inform the applicant whether the application is approved or denied in writing within 30 days of its receipt of the application. If the application is denied, the reason(s) for denial shall be given to the applicant.

Article 20 Viewing and copying archives shall be conducted at the place and time assigned by the government agency. The following actions are not allowed:

- 1.Adding annotations, altering, changing, removing, marking or damaging the content of the archives;
- 2.Unpicking the bound archives;
- 3.Destroying or altering the content of the archives by other methods.

Article 21 The government agency may charge from those who have been permitted to view, copy or duplicate archives according to the fee standard enacted by the central archives

authority-in-charge.

Article 22 National archives shall be accessed for utilization no later than 30 years after creation. Under special circumstances, a Legislative Yuan's approval is required to delay publication.

Chapter 4 Penal Provisions

Article 23 Anyone who violates Article 5 by transporting archives abroad without authorization shall be punished by a maximum of two years imprisonment or detention; in lieu thereof, or in addition thereto, a fine of maximum NT\$ 50,000. Anyone who violates Article 5 by transporting archives abroad without authorization shall be punished by a maximum of two years imprisonment or detention; in lieu thereof, or in addition thereto, a fine of maximum NT\$ 50,000.

An attempt crime specified in the preceding paragraph is punishable.

Article 24 Anyone who knows that archives shall not be destroyed but still destroys such archives shall be punished by a maximum of two years imprisonment or detention; in lieu thereof, or in addition thereto, a fine of maximum NT\$ 50,000.
In the event that anyone violating the procedure provided in Article 12 to destroy archives, the preceding paragraph shall be applied also. The first paragraph of this article also applies to one who violates Article 13.

Article 25 Records or their duplications stored in accordance with Article 9 in the form of microfilm or other forms shall be deemed as documents as defined in the Criminal Code and any relevant criminal offenses shall be punishable

Article 26 The government agency is entitled to cease archives viewing or copying by whoever violates the provision of Article 20. If a criminal offence is involved, the case shall be referred to a prosecutor for investigation.

Chapter 5 Supplementary Provisions

Article 27 After the enforcement of this Act, the government agency's archives management operations and regulations promulgated thereof which are inconsistent with the provisions of this Act shall be amended within the period appointed by the central archives authority-in-charge.

Article 28 The provisions set forth in the Act shall apply mutatis mutandis to public junior colleges, colleges and universities as well as state-owned enterprises. The same applies where individuals or entities that are delegated to exercise the state power within the scope of delegation.

Article 29 The enforcement rules of this Act shall be enacted by the central archives authority-in-charge

Article 30 This Act shall be effective upon the date set by the Executive Yuan.