

Ministry of Justice Rules for Access to Records

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Points

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Attachment 1, Point 4 Attachment 2;

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Amended per Letter

No. Fa-Mi-Zi-1070751413 Point 4

1. Ministry of Justice ("the Ministry ") has specially adopted these Rules in order to implement the provisions in the Archives Act Article 17 to Article 21 that govern access to the records of the Ministry.
2. The records in the Rules refer to written or non-written documents and its attachments that are archived by the Ministry according to the data processing procedure.
3. A party who wishes to view, hand-copy, or duplicate the records of the Ministry shall submit the " Ministry of Justice Access to Records Application Form" (Attachment 1, Available for download on the website of the Ministry) to the Ministry with the following information for the application :
 - (1) The name, date of birth, phone number, domicile(residence), and ID number of the applicant. The name of the group, firm or business establishment, and the name, date of birth, phone number, domicile(residence) of the administrator or the representative if the applicant is a juridical person or other groups that has an administrator or representative.
 - (2) The name, date of birth, phone number, domicile(residence), ID number of the agent, if any. Provide power of attorney if it is an appointed representative; Explain the relation if it is statutory

representative.

(3) Application Item

(4) Record Name or Description of Subject

(5) Record Number

(6) Application Purpose

(7) The necessary reason of the need for the original record.

(8) Application Date

The application of the preceding paragraph may be delivered in person or by mail.

4. Applications processed by the Ministry that fail to follow proper procedures or provide all the required materials shall be notified to supplement the application or make an amendment within seven days; if the applicant is unable to make an amendment or supplement the application by the deadline, the application shall be rejected forthwith. The archive administration unit will have the case-handling unit review whether to approve or reject the application and provide their review opinion. Within thirty days of receiving the request for the records of the Ministry, the decision on whether to approve or reject an application shall be sent to the applicant in a written form (Attachment 2) ; the 30-day period for deciding whether to approve or reject an application shall be counted from the day on which the applicant supplements the application or makes an amendment.

Besides the rejected applications, the written notice shall state the following particulars :

(1) The approval decision of the access to the records of the Ministry.

(2) The manner, time, and place of the access to the records of the Ministry.

(3) The precautions and charging standard of the access to the records of the Ministry.

(4) Evidential documents that shall be brought.

5. When a party applies to view, hand-copy, or duplicate records, the Ministry can reject the application under the following conditions

stated in the Archive Act Article 18 :

- (1) Records that concern national security secret information
- (2) Records that concern criminal information
- (3) Records that concern industrial security information
- (4) Records that concern certification of knowledge skills and qualification information
- (5) Records that concern personnel and salary information.
- (6) Records that are obliged to be kept confidential according to acts, regulations, or contracts
- (7) Other records that concern defending the public interest or the legitimate right and interests of a third party.

Hand-Copied or duplicated records shall be held in accordance with the Copyright Act and its relevant regulations if copyright matters are involved.

6. When a party applies to view, hand-copy, or duplicate records of the Ministry, the application shall be in the unit of a case or a file; if records contain materials that are restricted from access to the applicant according to the restrictions from the preceding paragraph, only the other parts without restrictions shall be provided. When a party applies to view, hand-copy, or duplicate records of the Ministry, any access shall be granted in principle to reproductions; if the original record of the Ministry is needed, the reason shall be stated during application.

7. The access service area of the records of the Ministry is located at 10F., No. 130, Sec. 1, Chongqing S. Rd., Zhongzheng Dist., Taipei City 100. Access service hours are from 9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m., Monday through Friday. Access service is not available on weekends or national holidays. Announcements will be made separately if access service is not available due to other reasons.

8. Non-staff from the Ministry shall show identification documents and complete the registration procedure to enter the access service area of the records. An applicant who wishes to access the records shall show the letter of approval and be accompanied by the

designated personnel from the Ministry.

9. When an applicant enters the access service area, he or she shall observe the following requirements:

- (1) Applicants are not allowed to drink, eat, smoke, engage in noisy behavior or bother others.
- (2) Hand-copying of records shall be done only with a pencil or a portable computer; duplicating of records shall be in principle to the instructions of using the printing equipment by oneself.
- (3) Applicants are not allowed to damage or soil the premises and the equipment in the access service area.

10. An applicant who accesses records of the Ministry shall keep them fully intact, and shall not engage in any of the following behaviors: :

- (1) Annotating, altering, changing, removing, marking, or soiling the records.
- (2) Pulling bound records apart.
- (3) Damaging or altering the records in some other way.

If an applicant commits any of the violations listed under the preceding paragraph, the Ministry may revoke access privileges.

When the circumstances involve criminal liability, the applicant will be sent to the prosecutor office for investigation.

11. Records being accessed shall not be taken outside the access service area, and the records shall be kept by the designated personnel from the Ministry if the applicant needs to leave the access service area. The records shall be returned on the same day. The personnel from the Ministry shall return the applicant's identification document after making sure that there are no errors.

12. Fees for approved applications shall be paid by the applicant in accordance with the Fee Standards for Viewing, Hand-copying or Duplication of Archives set by the National Archives Administration (Attachment 3). The Ministry shall prepare a receipt and provide it to the applicant.