

# 政府資訊公開法

## The Freedom of Government Information Law

### 第一章 總 則

#### Chapter 1 General Principles

**Article 1** 為建立政府資訊公開制度，便利人民共享及公平利用政府資訊，保障人民知的權利，增進人民對公共事務之瞭解、信賴及監督，並促進民主參與，特制定本法。

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** 政府資訊之公開，依本法之規定。但其他法律另有規定者，依其規定。

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** 本法所稱政府資訊，指政府機關於職權範圍內作成或取得而存在於文書、圖畫、照片、磁碟、磁帶、光碟片、微縮片、積體電路晶片等媒介物及其他得以讀、看、聽或以技術、輔助方法理解之任何紀錄內之訊息。

“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** 本法所稱政府機關，指中央、地方各級機關及其設立之實（試）驗、研究、文教、醫療及特種基金管理機構。

受政府機關委託行使公權力之個人、法人或團體，於本法適用範圍內，就其受託事務視同政府機關。

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** 政府資訊應依本法主動公開或應人民申請提供之。

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

## 第二章 政府資訊之主動公開

### Chapter 2 Active Publication of Government Information

**Article 6** 與人民權益攸關之施政、措施及其他有關之政府資訊，以主動公開為原則，並應適時為之。

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** 下列政府資訊，除依第十八條規定限制公開或不予提供者外，應主動公開：

- 一、條約、對外關係文書、法律、緊急命令、中央法規標準法所定之命令、法規命令及地方自治法規。
- 二、政府機關為協助下級機關或屬官統一解釋法令、認定事實、及行使裁量權，而訂頒之解釋性規定及裁量基準。
- 三、政府機關之組織、職掌、地址、電話、傳真、網址及電子郵件信箱帳號。
- 四、行政指導有關文書。
- 五、施政計畫、業務統計及研究報告。
- 六、預算及決算書。
- 七、請願之處理結果及訴願之決定。
- 八、書面之公共工程及採購契約。
- 九、支付或接受之補助。
- 十、合議制機關之會議紀錄。

前項第五款所稱研究報告，指由政府機關編列預算委託專家、學者進行之報告或派赴國外從事考察、進修、研究或實習人員所提出之報告。

第一項第十款所稱合議制機關之會議紀錄，指由依法獨立行使職權之成員組成之決策性機關，其所審議議案之案由、議程、決議內容及出席會議成員名單。

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

政府資訊之主動公開，除法律另有規定外，應斟酌公開技術之可行性，選擇其適當之下列方式行之：

- 一、刊載於政府機關公報或其他出版品。
- 二、利用電信網路傳送或其他方式供公眾線上查詢。
- 三、提供公開閱覽、抄錄、影印、錄音、錄影或攝影。
- 四、舉行記者會、說明會。
- 五、其他足以使公眾得知之方式。

前條第一項第一款之政府資訊，應採前項第一款之方式主動公開。

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** 具有中華民國國籍並在中華民國設籍之國民及其所設立之本國法人、團體，得依本法規定申請政府機關提供政府資訊。持有中華民國護照僑居國外之國民，亦同。

外國人，以其本國法令未限制中華民國國民申請提供其政府資訊者為限，亦得依本法申請之。

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** 向政府機關申請提供政府資訊者，應填具申請書，載明下列事項：

- 一、 申請人姓名、出生年月日、國民身分證統一編號及設籍或通訊地址及聯絡電話；申請人為法人或團體者，其名稱、立案證號、事務所或營業所所在地；申請人為外國人、法人或團體者，並應註明其國籍、護照號碼及相關證明文件。
- 二、 申請人有法定代理人、代表人者，其姓名、出生年月日及通訊處所。
- 三、 申請之政府資訊內容要旨及件數。
- 四、 申請政府資訊之用途。
- 五、 申請日期。

前項申請，得以書面通訊方式為之。其申請經電子簽章憑證機構認證後，得以電子傳遞方式為之。

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** 申請之方式或要件不備，其能補正者，政府機關應通知申請人於七日內補正。不能補正或屆期不補正者，得逕行駁回之。

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** 政府機關應於受理申請提供政府資訊之日起十五日內，為準駁之決定；必要時，得予延長，延長之期間不得逾十五日。

前項政府資訊涉及特定個人、法人或團體之權益者，應先以書面通知該特定個人、法人或團體於十日內表示意見。但該特定個人、法人或團體已表示同意公開或提供者，不在此限。

前項特定個人、法人或團體之所在不明者，政府機關應將通知內容公告之。

第二項所定之個人、法人或團體未於十日內表示意見者，政府機關得逕為準駁之決定。

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** 政府機關核准提供政府資訊之申請時，得按政府資訊所在媒介物之型態給予申請人重製或複製品或提供申請人閱覽、抄錄或攝影。其涉及他人智慧財產權或難於執行者，得僅供閱覽。

申請提供之政府資訊已依法律規定或第八條第一項第一款至第三款之方式主動公開者，政府機關得以告知查詢之方式以代提供。

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** 政府資訊內容關於個人、法人或團體之資料有錯誤或不完整者，該個人、法人或團體得申請政府機關依法更正或補充之。

前項情形，應填具申請書，除載明第十條第一項第一款、第二款及第五款規定之事項外，並載明下列事項：

- 一、申請更正或補充資訊之件名、件數及記載錯誤或不完整事項。
- 二、更正或補充之理由。
- 三、相關證明文件。

第一項之申請，得以書面通訊方式為之；其申請經電子簽章憑證機構認證後，得以電子傳遞方式為之。

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** 政府機關應於受理申請更正或補充政府資訊之日起三十日內，為准駁之決定；必要時，得予延長，延長之期間不得逾三十日。

第九條、第十一條及第十二條第二項至第四項之規定，於申請政府機關更正或補充政府資訊時，準用之。

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

政府機關核准提供、更正或補充政府資訊之申請時，除當場繳費取件外，應以書面通知申請人提供之方式、時間、費用及繳納方法或更正、補充之結果。

前項應更正之資訊，如其內容不得或不宜刪除者，得以附記應更正內容之方式為之。

政府機關全部或部分駁回提供、更正或補充政府資訊之申請時，應以書面記明理由通知申請人。

申請人依第十條第二項或第十四條第三項規定以電子傳遞方式申請提供、更正或補充政府資訊或申請時已註明電子傳遞地址者，第一項之核准通知，得以電子傳遞方式為之。

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

政府資訊非受理申請之機關於職權範圍內所作成或取得者，該受理機關除應

說明其情形外，如確知有其他政府機關於職權範圍內作成或取得該資訊者，應函轉該機關並通知申請人。

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.

#### 第四章 政府資訊公開之限制

##### Chapter 4 Restrictions on Publication of Government Information

##### Article 18

政府資訊屬於下列各款情形之一者，應限制公開或不予提供之：

- 一、 經依法核定為國家機密或其他法律、法規命令規定應秘密事項或限制、禁止公開者。
- 二、 公開或提供有礙犯罪之偵查、追訴、執行或足以妨害刑事被告受公正之裁判或有危害他人生命、身體、自由、財產者。
- 三、 政府機關作成意思決定前，內部單位之擬稿或其他準備作業。但對公益有必要者，得公開或提供之。
- 四、 政府機關為實施監督、管理、檢（調）查、取締等業務，而取得或製作監督、管理、檢（調）查、取締對象之相關資料，其公開或提供將對實施目的造成困難或妨害者。
- 五、 有關專門知識、技能或資格所為之考試、檢定或鑑定等有關資料，其公開或提供將影響其公正效率之執行者。
- 六、 公開或提供有侵害個人隱私、職業上秘密或著作權人之公開發表權者。但對公益有必要或為保護人民生命、身體、健康有必要或經當事人同意者，不在此限。
- 七、 個人、法人或團體營業上秘密或經營事業有關之資訊，其公開或提供有侵害該個人、法人或團體之權利、競爭地位或其他正當利益者。但對公益有必要或為保護人民生命、身體、健康有必要或經當事人同意者，不在此限。
- 八、 為保存文化資產必須特別管理，而公開或提供有滅失或減損其價值之虞者。
- 九、 公營事業機構經營之有關資料，其公開或提供將妨害其經營上之正當利益者。但對公益有必要者，得公開或提供之。

政府資訊含有前項各款限制公開或不予提供之事項者，應僅就其他部分公開或提供之。

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** 前條所定應限制公開或不予提供之政府資訊，因情事變更已無限制公開或拒絕提供之必要者，政府機關應受理申請提供。

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.

## 第五章 救 濟

### Chapter 5 Relief

Article 20 申請人對於政府機關就其申請提供、更正或補充政府資訊所為之決定不服者，得依法提起行政救濟。

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 受理訴願機關及行政法院審理有關政府資訊公開之爭訟時，得就該政府資訊之全部或一部進行秘密審理。

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 政府機關依本法公開或提供政府資訊時，得按申請政府資訊之用途，向申請人收取費用；申請政府資訊供學術研究或公益用途者，其費用得予減免。

前項費用，包括政府資訊之檢索、審查、複製及重製所需之成本；其收費標準，由各政府機關定之。

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 公務員執行職務違反本法規定者，應按其情節輕重，依法予以懲戒或懲處。

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 本法自公布日施行。

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