

Personal Information Protection Act

Date : 1995.08.11 (Announced)

Date : 2015.12.30 (Amended)

1.Promulgated by Presidential Decree Ref. No. ROC-President-(I)-Yi-5960 dated August 11, 1995

2.Amended on May 26, 2010

3.Amended on December 30, 2015

The joint announcement was made on January 10, 2019 by the Ministry of Justice Order fa-lu-zi No. 10803500010 and the National Development Council fa-fa-zi No. 1080080004A. The relevant matters set out in Article 53 and Article 55 pertaining to “The Ministry of Justice” shall be handled by “The National Development Council” as governing body.

Chapter I General Provisions

Article 1

Personal Information Protection Act (hereinafter “this Law”) is enacted to govern the collection, processing and use of personal information so as to prevent harm on personality rights, and to facilitate the proper use of personal information.

Article 2

The terms used herein denote the following meanings:

1. Personal information: the name, date of birth, I.D. Card number, passport number, characteristics, fingerprints, marital status, family, education, occupation, medical record, medical treatment, genetic information, sexual life, health examination, criminal record, contact information, financial conditions, social activities and other information which may be used to identify a natural person, both directly and indirectly;
2. Personal information file: A collection of personal information built to allow information retrieval and management by automatic or non-automatic measures;
3. Collection: To collect personal information in any form and way;
4. Processing: To record, input, store, compile, correct, duplicate, retrieve, delete, output, connect or internally transmit information for the purpose of establishing or using a personal information file;
5. Use: All methods of personal information use other than processing;
6. International transmission: The cross-border processing or use of personal information;
7. Government agency refers to a government agency or administrative juridical person at the central or local government level which is empowered to exercise sovereign power;
8. Non-government agency refers to the natural persons, juridical persons or groups other than those stated in the proceeding item;
9. The Party means an individual of whom the personal information has been collected, processed or used in accordance with this Law.

Article 3

The following rights should be exercised by the Party with regard to his personal

information and should not be waived in advance or limited by a specific agreement:

1. any inquiry and request for a review of the personal information;
 2. any request to make duplications of the personal information;
 3. any request to supplement or correct the personal information;
 4. any request to discontinue collection, processing or use of personal information;
- and
5. any request to delete the personal information.

Article 4

Whoever commissioned by a government agency or non-government agency to collect, process or use personal information should be considered the commissioning agency within the scope of this Law.

Article 5

The rights and interests of the Party should be respected in collecting, processing or using personal information and the information should be handled in accordance with the principle of bona fide. It should not go beyond the purpose of collection and should be reasonable and fair.

Article 6

Personal information of medical records, medical treatment, genetic information, sexual life, health examination and criminal records should not be collected, processed or used. However, the following situations are not subject to the limits set in the preceding sentence:

1. when in accordance with law;
2. when it is necessary for a government agency to perform its legal duties or for a non- government agency to fulfill its legal obligation, and proper security measures are adopted prior or subsequent to such collection, processing or use;
3. when the Party has made public such information by himself, or when the information concerned has been publicized legally;
4. where it is necessary to perform statistical or other academic research, a government agency or an academic research institution collects, processes, or uses personal information for the purpose of medical treatment, public health, or crime prevention. The information may not lead to the identification of a specific person after its processing by the provider, or from the disclosure by the collector;
5. where it is necessary to assist a government agency in performing its legal duties or a non-government agency in fulfilling its legal obligations, and proper security measures are adopted prior or subsequent to such collection, processing, or use;
6. where the Party has consented in writing; unless such consent exceeds the necessary scope of the specific purpose; the collection, processing or use merely with the consent of the Party is prohibited by other statutes; or such consent is against the Party's will.

Article 8 and Article 9 shall apply mutatis mutandis to the collection, processing, or use of personal information in accordance with the preceding Paragraph; Paragraphs 1, 2 and 4 of Article 7 shall apply mutatis mutandis to the written consent specified in Item 6 of the preceding Paragraph. The notification should be in written form.

Article 7

The consent mentioned in Item 2 of Article 15 and Item 5 of Paragraph 1 of Article 19 means a declaration of intention made by the Party to allow the collection or

processing of personal information after notification is given by the collector in accordance with this Act.

The consent mentioned in Item 7 of Article 16 and Item 6 of Paragraph 1 of Article 20 means a separate declaration of intention made by the Party to allow the use of personal information after the collector has expressly notified the Party of the purpose other than the originally-specified purpose, and the scope of use, and also the impact of whether consent is given or not on the Party's rights and interests.

The Party's consent may be presumed given pursuant to Item 2 of Article 15 and Item 5 of Paragraph 1 of Article 19 if the Party does not indicate any refusal, and also provides his/her personal information, when a government or non-government agency gives express notice to the Party in accordance with Paragraph 1 of Article 8.

The collector shall have the burden of proving that the Party has given the consent under this Act.

Article 8

The following items should be told precisely to the Party by a government agency or non-government agency, in accordance with Article 15 or Article 19:

1. the name of the government agency or the non-government agency;
2. purpose of collection;
3. classification of the personal information;
4. time period, area, target and way of the use of personal information;
5. rights of the Party and ways to exercise them as prescribed in Article 3;
6. the influence on his rights and interests while the Party chooses not to provide his personal information;

The following situations may be exempted from the notice prescribed in the preceding Paragraph:

1. when in accordance with law;
2. when the collection of personal information is necessary for the government agency to perform its official duties or the non government agency to fulfill the legal obligation;
3. when the notice will impair the government agency in performing its official duties;
4. when the notice will impair public interests.
5. when the Party should have known the content of the notification already;
6. when the collection of personal information is for non-profit purposes and clearly does not cause any detriment to the Party.

Article 9

A government agency or non-government agency should notify the Party of the source of information and Item 1 to 5 of Paragraph 1 of the preceding Article, before processing or using personal information collected in accordance with Article 15 or 19 which was not provided by the Party.

The notification mentioned in the preceding Paragraph may not be given for the followings:

1. Under one of the situations listed in Paragraph 2 of the preceding Article;
2. When the Party has made public such information by himself or when the information has been publicized legally;
3. When the notification may not be made to the Party or his legal representative;
4. When it is necessary for public interests on statistics or the purpose of academic research. The information may not be used to identify a specific person after a treatment of the provider or the disclosure of the collector;
5. Personal information collected by the mass media for the purpose of news reporting

on the basis of public interests;

The notification mentioned in Paragraph 1 may be undertaken when the personal information is used against the Party for the first time.

Article 10

Upon the request of the Party, the government agency or non-government agency should reply to the inquiry, offer for a review or provide duplications on the personal information collected, except the followings:

1. when the national security, diplomatic and military secrets, the macro-economic interests or other major national interests may be harmed;
2. when the performance of official duties may be interfered with; and
3. when the major interests of the collecting agency or a third person may be affected.

Article 11

The government agency or the non-government agency should ensure the accuracy of personal information, and correct or supplement it, ex officio or upon the request of the Party.

In the event of a dispute regarding the accuracy of personal information, its processing or use shall be ceased voluntarily or upon the request of the Party, unless the processing or use is either necessary for the performance of an official duty or fulfillment of a legal obligation, or agreed to by the Party in writing, and the dispute has been recorded.

The information collected should be deleted, discontinued to process or use, ex officio or upon the request of the Party when the specific purpose no longer exists or time period expires. However, the preceding sentence may not be applicable when it is necessary for the performance of an official duty or fulfillment of a legal obligation and has been recorded, or when it is agreed by the Party in writing.

The information collected should be deleted, discontinued to process or use, ex officio or upon the request of the Party in the cases where a violation of this Law occurred during collecting, processing or using that information.

In the cases where the government agency or the non-government agency should be attributed to of not correcting or supplementing personal information, persons to whom the personal information was provided should be notified after correction or supplement.

Article 12

When the personal information is stolen, disclosed, altered or infringed in other ways due to the violation of this Law, the government agency or non-government agency should notify the Party after an inspection.

Article 13

Where a request is made by the Party to the government agency or the non-government agency pursuant to Article 10, it should be determined within fifteen days. It may be extended to a time period of no longer than fifteen days when necessary and the Party should be notified of that in writing.

Where a request is made by the Party to the government agency or the non-government agency pursuant to Article 11, it should be determined within thirty days. It may be extended to a time period of no longer than thirty days when necessary and the Party should be notified of that in writing.

Article 14

The government agency or the non government agency may charge a fee to those who make an inquiry or request to review, or make duplications of the personal information.

Chapter II Information Collection, Processing and Use by a Government Agency

Article 15

Except the information stated in Paragraph 1 of Article 6, the government agency should not collect or process personal information unless there is a specific purpose and should comply with one of the following conditions:

1. it is within the scope of job functions provided by laws and regulations;
2. consent has been given by the Party;
3. the rights and interests of the Party may not be harmed.

Article 16

Except the information stated in Paragraph 1 of Article 6, the government agency should use the personal information in accordance with the scope of its job functions provided by laws and regulations, and in compliance with the specific purpose of collection. However, the information may be used outside the scope upon the occurrence of one of the following conditions:

1. it is in accordance with law;
2. it is necessary for national security or promotion of public interests;
3. it is to prevent harm on the life, body, freedom or property of the Party;
4. it is to prevent harm on the rights and interests of other people;
5. it is necessary for public interests on statistics or the purpose of academic research conducted by a government agency or an academic research institution, respectively. The information may not lead to the identification of a specific person after its processing by the provider, or from the disclosure by the collector;
6. such use may benefit the Party; and
7. consent has been given by the Party.

Article 17

The government agency may publicize the following items on the Internet or by other proper means for inquiries; the above provisions are applicable to amendment thereof:

1. name of personal information file;
2. name of the government agency keeping the personal information file and its contact information;
3. basis and purpose of keeping the file;
4. classification of personal information.

Article 18

The government agency which keeps personal information files should assign personnel(s) on security and maintenance of those files to prevent them from being stolen, altered, damaged, destroyed or disclosed.

Chapter III Information Collection, Processing and Use by a Non-government Agency

Article 19

Except the information stated in Paragraph 1 of Article 6, the non-government agency should not collect or process personal information unless there is a specific purpose and should comply with one of the following conditions:

1. it is in accordance with law;
2. there is a contractual or quasi-contractual relationship between the Parties, and proper security measures have been adopted;
3. the Party has made public such information by himself or when the information has been publicized legally;
4. it is necessary for public interests on statistics or the purpose of academic research conducted by a research institution. The information may not lead to the identification of a specific person after its processing by the provider, or from the disclosure by the collector;
5. consent has been given by the Party;
6. it is necessary to promote public interests;
7. the personal information is obtained from publicly available resources. However, it is exempted if the information is limited by the Party on the processing or use and the interests of the Party should be protected;
8. the rights and interests of the Party are not harmed.

By the time when the collector or processor realizes or has been notified of the provision in Item 7 of the preceding Paragraph by the Party, he should delete, stop processing or using the personal information, ex officio or upon the request of the Party.

Article 20

Except the information stated in Paragraph 1 of Article 6, the non-government agency should use the personal information in accordance with the scope of the specific purpose of collection provided. However, the information may be used outside the scope upon the occurrence of one of the following conditions:

1. it is in accordance with law;
2. it is necessary to promote public interests;
3. it is to prevent harm on the life, body, freedom or property of the Party;
4. it is to prevent harm on the rights and interests of other people;
5. it is necessary for public interests on statistics or the purpose of academic research conducted by a government agency or an academic research institution, respectively. The information may not lead to the identification of a specific person after its processing by the provider, or from the disclosure by the collector;
6. consent has been given by the Party;
7. such use benefits the Party.

When the non-government agency uses the personal information for the purpose of marketing pursuant to the preceding Paragraph and has been turned down by the Party, the agency should stop its action.

The non-government agency should notify the Party the measures of refusal at the first marketing action and should pay for fees necessary.

Article 21

If one of the followings has occurred when the non-government agency transmits personal information internationally, the government authority in charge of subject industry may limit its action:

1. Where it involves major national interests;

2. Where national treaty or agreement specifies otherwise;
3. Where the country receiving personal information lacks of proper regulations towards the protection of personal information and it might harm the rights and interests of the Party;
4. Where international transmission of personal information is made through an indirect method in which the provisions of this Law may not be applicable.

Article 22

The government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government may perform an inspection by its staff workers who carry badges, if it is necessary for the protection of personal information, the disposal after termination of business, the limitation of international transmission, other routine examinations, or if this Law may be violated. Those who perform the inspection should illustrate the action, take necessary measures and provide relating documents.

When the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government conducts such an inspection as stipulated in the preceding Paragraph, may detain or duplicate the personal information or its files which may be confiscated or may be served as evidence. The owner, holder or keeper of those objects should offer them upon request. A compulsory enforcement that might harm the rights of the non-government agency the least may be applied to refusals without proper reasons. When the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government conducts the inspection stipulated in Paragraph 1 of this Article, the professional of information technology, telecommunications or law may be accompanied.

The non-government agency and its personnel should not evade, obstruct or refuse the entering, inspection or measures adopted which are stipulated in Paragraph 1 and 2 of this Article.

All the personnel who take part in the inspection should fulfill the obligation of confidentiality for the information obtained during the job-undertaking.

Article 23

The objects detained or duplicated in accordance with Paragraph 2 of the preceding Article should be sealed or tagged, and properly located. Those may not be carried or kept may be guarded by a designated personnel, or be kept by the owner or suitable persons. If it is no more necessary to keep the detained or duplicated objects, or when a punishment is not applied or a confiscation is not applied, those objects should be returned. However, it does not apply to objects that should be confiscated or kept for other cases.

Article 24

The non-government agency, owner, holder, keeper or interested persons of those detained or duplicated objects may raise an objection to the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government for the demand, compulsory enforcement, detention, or duplication mentioned in the preceding two Articles.

For the objection mentioned in the preceding Paragraph, the government authority in charge of subject industry at the central government level, municipality directly under

the central government or county or city government should stop or alter such acts immediately, when it is considered reasonable. Otherwise, it may continue such acts. Upon the request of the person who raises the objection, the competent government authority should issue a record of reasons towards the objection.

The objection against the decision of the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government in the preceding Paragraph may only be raised jointly with the objection against the decision of the case. However, people who may not raise an objection against the decision of the case as regulated in Paragraph 1 of this Article may bring an administrative litigation against the action mentioned in the same Paragraph.

Article 25

For the non-government agency that violates the provisions of this Law, one of the following actions may be ordered jointly with a fine as regulated by the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government:

1. to forbid the collecting, processing or use of the personal information;
2. to demand the deletion of the personal information files already processed;
3. to confiscate or to destroy the personal information illegally collected;
4. to publicize the violation case, the name of the non-government agency, and the name of the person in charge.

The decisions mentioned in the preceding Paragraph should be done by the measures that may harm the non-government agency the least and should be within the range set in this Law.

Article 26

After performing the inspection mentioned in Article 22, the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government may publicize the result of that after the consent of the non-government agency, if there is no violation found.

Article 27

The non-government agency which keeps personal information files should adopt proper security measures to prevent them from being stolen, altered, damaged, destroyed or disclosed.

The government authority in charge of subject industry at the central government level may designate a non-government agency for setting up the plan of security measures for the personal information file or the disposal measures for the personal information after termination of business.

The rules of the fore-mentioned plan and processing methods should be set up by the government authority in charge of subject industry at the central government level.

Chapter IV Damages and Class Litigation

Article 28

A government agency should be liable for damages and compensation caused by illegal collection, processing and using of personal information, or other ways of infringement on the rights of the Party due to violation of this Law. However, it does not apply to damages caused by natural disaster, incident or other force majeure.

A proper amount of monetary compensation may be requested for damage not to properties. A proper rehabilitation action may be requested upon infringement to reputation.

The total amount of compensation for the damages referred to in the two preceding Paragraphs shall be no less than NT\$500 but no more than NT\$20,000 for each case of damages per person in the cases where the victims in the two preceding Paragraphs may not or cannot provide evidence for actual damage amount.

With regard to damages caused to multi parties by the same cause and fact, the total amount of compensation should not exceed NT\$200 million. However, if the interests involved are over the amount in the preceding sentence, the amount of interests should be set as the limit.

If the total amount of damage caused by the same cause and fact exceeds the amount mentioned in the preceding Paragraph, the compensation amount to the victim should not be limited by the baseline(NT\$500) set in Paragraph 3 of this Article.

The right of claim referred to in the second Paragraph above should not be transferred or inherited. However, it does not apply to the situation where the monetary compensation has been undertaken according to an agreement or the case has been brought to the court.

Article 29

A non-government agency should be liable for damages and compensation caused by illegal collection, processing and using of personal information, or other ways of infringement on the rights of the Party due to violation of this Law. However, it does not apply to the situation where the non-government agency can be proved to be unintentional or non-negligent.

The provisions of Paragraphs 2 to 6 of the preceding Article are applicable to claims for damages made in accordance with the provisions of the preceding Paragraph.

Article 30

The right to claim for damage compensation will be terminated two years since the claimant has been aware of the damages and the person(s) who is liable for the compensation, or five years since the date the damage actually occurred.

Article 31

Aside from the provisions of this Law, the provisions of the State Compensation Law may be applied to a government agency, while the Civil Code may be applied to a non-government agency.

Article 32

A business juridical person or a charitable juridical person that brings a case to the court in accordance with this Chapter should fulfill the following conditions:

1. The total registered assets of a business juridical person should reach NT\$10 million or more, or the total number of members of a charitable juridical person should be 100 or more;
2. The protection of personal information is set in its charter;
3. It has been established for more than 3 years after its approval.

Article 33

The litigation brought to the court against a government agency in accordance with this Law should be subject to the exclusive jurisdiction of the district court where the

agency is located. The litigation against a non-government agency is subject to the exclusive jurisdiction of the district court where its headquarters, main office of operation or domicile is located.

If the non-government agency in the preceding Paragraph is natural person and has no place of domicile in the Republic of China, or where it is unknown, his place of residence in the Republic of China shall be deemed to be the place of domicile. Where he has no place of residence in the Republic of China or where it is unknown, his last place of domicile in the Republic of China shall be deemed to be the place of domicile. Where he has no last place of domicile, the district court where the central government is located shall have exclusive jurisdiction.

If the non-government agency mentioned in the first Paragraph is a juridical person or a group and has no headquarters, main office of operation, or unknown for both, the district court where the central government is located shall have exclusive jurisdiction.

Article 34

For cases caused by the same cause and fact and there are multi Parties infringed, the business juridical person or charitable juridical person may bring a lawsuit to the court by its own name, after obtaining a written authorization of litigation rights of 20 or more Parties. The Parties may withdraw their authorization by writing before the closure of the oral debate and the court should be notified of it.

For the litigation in accordance with the preceding Paragraph, the court may publicize it to other parties that may have been infringed, upon request of ex officio that those Parties may authorize their litigation rights to the business juridical person or charitable juridical person in the preceding Paragraph within a specified period. The business juridical person or charitable juridical person may expand its claim before the closure of the oral debate.

Other parties that haven been infringed by the same cause and fact that choose not to follow the rule in the preceding Paragraph may bring the case to the court with the specified period for the court to combine the cases.

Other Parties that have been infringed by the same cause and fact may apply to the court the announcement of the preceding Paragraph.

The announcement of the two preceding Paragraph may be publicized on the bulletin of the court, on the Internet or other proper location. Should the court considers it necessary, it may be posted on the communiques or newspaper and the fees should be paid by the National Treasury.

For the business juridical person or charitable juridical association that brings a case to the court in accordance with Paragraph 1 and the target amount exceeds NT\$600,000, the exceeding portion should be waived of court fees.

Article 35

The court proceedings should be discontinued partly if the Party withdraws his authorization of litigation right according to the first Paragraph of the preceding Article. The Party should resume the proceeding or the court may request the Party to do so, ex officio.

For the case where more than one Party withdraws his litigation right after the business juridical person or charitable juridical person has brought the case to the court in accordance with the preceding Article, the remaining part of court proceedings may be continued, even when there are fewer than 20 Parties remained.

Article 36

The extinctive prescription for the right to claim for damage compensation for each Party in accordance with Paragraph 1 and 2 of Article 34 should be calculated separately.

Article 37

The business juridical person or charitable juridical person should act as the representative of litigation right authorized by the Party. However, the Party may set a limit on abandonment, withdrawal or reconciliation.

The limit set by one of the Parties in the preceding Paragraph should not be applicable to other Parties.

The limit mentioned in Paragraph 1 of this Article should be illustrated in the documents mentioned in the first Paragraph of Article 34 or should be brought to the court in writing.

Article 38

In the event the Party is object to the decision pursuant to Article 34, he may withdraw the authorization given to the business juridical person or charitable juridical person before the expiration of the period of an appeal and then file an appeal himself.

After receiving the decision document, the business juridical person or charitable juridical person should notify the Party of the outcome and also notify the Party in writing within 7 days as to whether or not an appeal should be file.

Article 39

The business juridical person or charitable juridical person should deduct necessary litigation fees from the compensation received in accordance with the result of the case in Article 34 and deliver the remaining amount to the authorizing Parties.

The business juridical person or charitable juridical person should not ask for remuneration for the lawsuit which brought out in accordance with Paragraph 1 of Article 34.

Article 40

The business juridical person or charitable juridical person should authorize its litigation right to an attorney while bringing out a lawsuit to the court in accordance with the provisions of this Chapter.

Chapter V Penalties

Article 41

Any person who, with the intention to acquire illegal profits for himself/herself or a third party, or to impair other person's interests, violates Paragraph 1 of Article 6, Articles 15, 16, 19, and Paragraph 1 of Article 20, or an order or disciplinary action of limitation on international transmission made by the competent authority in charge of the subject industry at the central government level in accordance with Article 21, which violation if sufficient to harm other people's rights, shall be subject to imprisonment for not more than five years or a fine of not more than NT\$1,000,000, or both.

Article 42

A person who intends to make unlawful profits for himself or for a third party, or intends to infringe upon the interests of others by illegally changing or deleting personal information files, or by other illegal means and has impeded the accuracy of

other people's personal information files and caused damages to others should be imposed of an imprisonment or custody of no more than 5 years, or a fine of no more than NT\$1,000,000, or both.

Article 43

The above two Articles may be applicable to a citizen of the Republic of China who commits those crimes to citizens of the Republic of China outside the territory of the Country.

Article 44

A government official who takes advantage of his position, or opportunity or means available to him to commit the offenses prescribed in this Chapter should be subject to punishments half as severe as those enumerated above.

Article 45

The offenses referred to in this Chapter should be instituted only upon a complaint, except offenses specified in Article 41 and those against a government agency in Article 42.

Article 46

In the event where a more severe punishment is provided for in other laws with respect to the offenses outlined in this Chapter, the more severe one should be applied.

Article 47

Upon occurrence of any of the followings, the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government should impose an administrative fine of no less than NT\$50,000 but no more than NT\$500,000 on the non-government agency and should order the said agency to take corrective measures within a specified time period. In the event when the agency fails to do so, a fine should be imposed each time the violation occurs:

1. a violation of the provisions of Paragraph 1 of Article 6;
2. a violation of the provisions of Article 19;
3. a violation of the provisions of Paragraph 1 of Article 20; and
4. a violation of the order of the limitation on international transmission imposed by the government authority in charge of subject industry at the central government level concerning the restriction of international transmission of personal information in accordance with the provisions of Article 21.

Article 48

Upon occurrence of any of the following, the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government should order the non-government agency to take corrective measures within a specified time period. If they are not taken within that period, an administrative fine of no less than NT\$20,000 but no more than NT\$200,000 should be imposed upon the agency each time a violation of any of the followings occurs:

1. A violation of the provisions of Article 8 or Article 9;
2. A violation of the provisions of Article 10, Article 11, Article 12 or Article 13

hereinabove;

3. A violation of the provisions of Paragraph 2 or Paragraph 3 of Article 20 hereinabove;

4. A violation of the provisions of Paragraph 1 of Article 27 or a failure to set up a security and maintenance plan for personal information file or a disposal measure for the personal information after termination of business in accordance with Paragraph 2 of Article 27.

Article 49

A non-government agency violates the provisions of Paragraph 4 of Article 22 without proper reasons should be imposed of an administrative fine of no less than NT\$20,000 by the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government.

Article 50

The main representative, manager or other representative of a non-government agency who should be imposed of an administrative fine due to the violation of the preceding three Articles of the agency should be subject to the same amount of the fine, unless the obligation of the representative has been proved to be fulfilled.

Chapter VI Supplementary Provisions

Article 51

The provisions of this Law are not applicable to the following situations:

1. When an individual who collects, processes or uses personal information in the course of personal activity of a domestic nature; and
2. if the audio-visual information is collected, processed or used in public places or public activities and not associated with the other personal information.

The provisions of this Law are applicable to the government agency and the non-government agency, when they collect, process or use the personal information of the citizens of the Republic of China outside the territory of the Republic of China.

Article 52

The competencies prescribed to the government authority in charge of subject industry at the central government level, municipality directly under the central government, or county or city government may be appointed to the subordinate agencies, other agencies or charitable groups. The personnel of such agencies should fulfill the obligation of confidentiality for all the information obtained during the job-undertaking.

The charitable groups prescribed in the preceding Paragraph should not be authorized by the Party in accordance with Paragraph 1 of Article 34 for litigation rights and should proceed to the action for damages in its own name.

Article 53

The Ministry of Justice shall, in conjunction with the competent authority in charge of the subject industry at the central government level, prescribe, and provide government and non-government agencies for reference and use with, the specific purpose and the classification of personal information.

Article 54

After the enforcement of the amendments to this Act on December 15, 2015, any processing or use of personal information that was furnished before the amendments to this Act on May 26, 2010 not by the Party, shall be notified to the Party pursuant to Article 9 before such processing or use.

The notification prescribed in the preceding Paragraph may be given at the time where such personal information is first used after the enforcement of the amendments to this Act on 15 December, 2015.

Any use of personal information without notification given in accordance with the preceding two Paragraphs is deemed and punished as a violation of Article 9.

Article 55

The Enforcement Rule of this Act shall be prescribed by the Ministry of Justice.

Article 56

The date for enforcement of this Act shall be set by the Executive Yuan.

The deletion of Articles 19 to 22 and Article 43 in the old Act becomes effective since the date of promulgation.

Until the date of promulgation in the preceding Paragraph, the enterprises, groups or individuals designated in Paragraph 2 of Article 43 in the old Act who are required to process registration or special permit within six months after the designated date, may apply for termination of process; the government authority in charge of subject industry shall refund the fees that have already been paid upon termination of process. Those who have completed the process may also apply for the refund of fees that have already been paid.

For the fees that have already been paid, it shall be refunded together with the total daily interest from the date of payment by the obligor to the date of termination of process set by the government authority in charge of subject industry based on the fixed annual interest rate for a one-year time deposit announced by the Directorate General of the Postal Remittances and Savings Bank on the beginning date of payment. The same is applicable to the fee refund situation of the above-mentioned completion of process, thereto the fees shall be refunded from the date of payment by the obligor to the date when the government authority in charge of subject industry approves such application.

[Source: Laws & Regulations Database of The Republic of China]