

Fair Trade Commission Directions on Application for Access to Files and Documents

Passed by the 1243rd Commissioners' Meeting on September 2, 2015
Promulgated by Order Kung Fa Tzu No.1041560660 on September 3, 2015
Promulgated by Order Kung Fa Tzu No.1111560076 on February 23, 2022

1. The directions are adopted to implement the provisions of Article 46 of the Administrative Procedure Act regarding access requests for files and documents.
2. An application form shall be filled out when an access request to files and documents is submitted. The applicant may appoint its delegate, as an agent, provided a power of attorney is submitted to the Fair Trade Commission (hereinafter referred to as “the Commission”).

The applicant referred to in the preceding paragraph shall be limited to parties and interested parties whose rights or legal interests will be affected by administrative procedures.

3. The scope of files and documents available for access request shall be referred to the “Access Reference List of the Fair Trade Commission for the Classification of the Files and Documents” , and shall be determined by the Commission in accordance with the provisions of Article 46 of the Administrative Procedure Act. In principle, files and documents as stated in the preceding paragraph can be provided in their original copies or by photocopies. If certain files and documents are access restricted therein, the remaining files and documents shall be available for access. If certain parts of the files and documents or parts of a document are access restricted therein, it shall be removed or sealed in appropriate manner so that the remaining files and documents would be available for access.
4. The Commission, upon receiving an access application, shall notify the information provider to make a comment within 10 days, except that the information provider had agreed to provide or make available to the public during the investigation process.

The comment made by the information provider as stated in the preceding paragraph may be used as reference by the Commission for the scope of files and documents available for access. If there is no reply within the time limit, the Commission shall determine according to the provisions of Point 5.
5. Within 15 days of receiving an access application, the Commission shall determine whether to approve such application. However, the 15-day period shall be calculated from the next day following the reply deadline for the information provider if there is a written notification to the information provider.

6. The applicant should arrive at the Commission at the appointment time. After verifying the identity of the applicant by the responsible staff, the applicant shall give the responsible staff the request for files or documents. The applicant should return the original copies to the responsible staff when the access is completed and then sign or seal on the registration form after the responsible staff has checked and received the original copies.

The applicant shall pay the fees, according to “Payment Standards of the Fair Trade Commission for Request for Government Information” , for the examining, transcribing, photocopying or photographing the related files and documents.

7. Access to files or documents shall be conducted at the Inspection Room designated by the Commission, in compliance with the following regulations:
 - (1) marking, altering, switching, removing, underlying, or damaging files or materials is prohibited;
 - (2) bound files may not be taken apart;
 - (3) any behavior that may damage files or materials is prohibited;
 - (4) files or materials shall be kept intact after the access.

In the event of any violation of the above regulations, the Commission may cease the access immediately and reject any further application.

8. Information obtained by the applicant or its agent through the process of this Directions shall not be used for any other purpose than the case itself, and shall be used in accordance with applicable laws and regulations on data protection. Any violation thereof shall be subject to penalties in accordance with the relevant laws and regulations.