


Content

Title :	Operational Principle of Government Open Data for Executive Yuan's Agencies 
Date :	2023.01.19
Legislative :	1. Promulgated by EXECUTIVE YUAN Order No.1022460185 on 23th, February 2013. 2. Amended and promulgated by EXECUTIVE YUAN Order No.1123000083 on 19th, January 2023.
Content :	<p>Article 1</p> <p>The principle is promulgated to promote the purpose of maximizing government open data for the Executive Yuan and its Subordinating Organization (Hereinafter known as the Agencies). Pursuant to The Freedom of Government Information Law, government data is promoted in an open format, machine-readable way and a maintained quality for the use of the public. The data is also integrated with the resources and creativities from private sectors to attain transparent information and no restrictions on the administration to the public.</p> <p>Article 2</p> <p>The scope of government open data refers to the disclosure of varieties of electronic data including texts, non-personal data, photos, images, sounds, and metadata acquired or composed by the agencies under duties and regulations. These are permitted to be disclosed according to The Freedom of Government Information Law.</p> <p>Article 3</p> <p>Definition:</p> <p>The term "open" means government data that is available in an open format to the public on the Internet and provided for users like individuals, schools, associations, enterprises or government agencies to download and utilize as required.</p> <p>The term "data set" means a group of electronic data as the basic unit of government open data.</p> <p>The term "open format" means the file format of data set which can be accessed without using specific software or hardware.</p> <p>Article 4</p> <p>The provision methods of government data are distinguished as follows:</p> <p>Open data — released in an open format, free of charge and without restrictions on purposes, regions as well as periods. Govern the licensing of access with no revocation.</p> <p>Data provided by application — available in an open format and govern the licensing of access with charge, reserving the right of revocation or other restriction conditions.</p> <p>Existing government data in an open format that is acquired or composed by the agencies under duties and regulations by application should be rendered, other than justification.</p> <p>When each agency develops the application of innovative service, preferential open data had better be provided for individuals, schools, associations, and enterprises to facilitate the innovative service and value-added applications.</p> <p>Article 5</p> <p>Recognition of open data should be considered whether the access pertains to personal privacy, trade secrets or establishment and</p>

whether the agencies providing data and acquiring cost of extra customized expenses have complete rights and re-authorization.

Open data could be changed into provision through application or restriction on making it available by issued guidance from the directors of agencies as well as reasons and suspension announced on the government open data platform:

Due to changes of circumstances or other justification, open data is no longer in compliance with the public interest by continuing offering it to the public.

The impairment of interest in the third party's intellectual property rights, the right of privacy or other laws.

Article 6

Provisions governing the licensing of open data shall be prescribed by the Executive Yuan. Agencies that supply data shall define provisions of use permit when data is provided by the application.

The provisions of use permit listed in the preceding item should include users promised items, restricted liabilities of government agencies and the requirement of termination. Ones pertaining to use permit about copyright shall be clearly defined about the mandate, period and scope.

Article 7

The fee-charging items for people with use permit in a paid manner to provide data by the application could be regulated by civil contracts from agencies. The criteria of fees shall be formulated by establishment, collection, acquisition, maintenance and update cost of agencies.

The users pertaining to commercial exploitation of data listed in the preceding item could consider the scope of presumed rights, subject matters, the way and timing of payment on royalty to regulate different rates or reimbursement ratio.

Article 8

Agencies should regularly review the appropriateness of the following items and make timely adjustments:

Make data list open and plan the schedule.

Provide data list and reasons for restrictions on access by application.

Offer the criteria of fees for data according to application.

Supply actual effects created by permitted data.

The legal authorities or reasons for restrictions on providing data.

Article 9

Agencies shall disclose open data lists and the criteria of fees provided by the application to the public on government open data platform.

Article 10

Central second-level agencies are in charge of data set management of their subordinated ones and those data sets centrally on the government open data platform (data.gov.tw) for users to download and utilize.

Article 11

Data provided by agencies in an open format shall comply with the following requirements:

Directly available — Data can be directly received from the links without manual operation.

Subject to be dealt with — Prioritize structured data.

Easily intelligible — Describe the column explanation and coding meaning in the metadata.

Ensure data quality — Prevention of random segmentation to ensure the completeness as well as being.

Beneficial to serial connection and utilization between data — Explanation of data column format should bear the government data standards.

Article 12

Agencies are not allowed to build their own open data platforms, other than an establishment project submitted for an exceptional case. Ones approved by Ministry of Digital Affairs are not in this limitation.

Agencies that build their own platforms according to the proviso in the preceding paragraph should set the feedback mechanism, accurate response of data, and advisory channel. Agencies shall integrate user opinion to keep refining contents of services. Agencies providing data set could be asked to improve and explain user opinion if necessary.

Article 13

Ministry of Digital Affairs could coordinate each agency for the improvements that the principle of making government data open is not followed or users have made recommendations on the completeness and timeliness of issued government open data.

Article 14

Agencies shall establish a performance management and promotion mechanism when conducting the principle of government open data. Also, implementation effectiveness shall be evaluated and reviewed regularly to confer favorable rewards to the personnel affecting aggressive promotion.

Article 15

When handling government open data, agencies shall conduct personal data protection and information security in accordance with the Personal Information Protection Act and Information Security Management Act.

Article 16

Agencies could enact relevant regulations of government open data within the scope of the principle when necessary.

Article 17

Government-owned enterprises, public schools, and non-departmental public bodies are eligible for conducting open data pursuant to the operational principle.

Article 18

Agencies except the Executive Yuan and subordinated ones could prescribe each provision of government open data separately with reference to the operational principle.

Files : [Operational Principle of Government Open Data for Executive Yuan's Agencies.odt](#)

Data Source : Ministry of Digital Affairs Laws and Regulations Retrieving System