主 管 機 關 ：法務部

發布(修正)日期：2000.01.12.

法規中文名稱：政風機構人員設置條例施行細則

法規英譯名稱：Enforcement Rules of Act of the Establishment of the Government Employee Ethics Units and Officers

中 文 法 規 ：

第一條　本細則依政風機構人員設置條例 (以下簡稱本條例) 第十三條規定訂定之。

第二條　依本條例第三條規定，法務部掌理全國政風業務之策劃、督導、考核。

法務部為推動端正政風業務，應聘請有關機關代表二十一人至二十五人為委員，組成政風督導會報，以法務部部長為召集人，定期開會，研討督導端正政風及防制貪污事宜。

各機關應聘請一級單位主管，或所屬一級機關首長，或相當層級人員七人以上為委員，組成政風督導小組，以機關首長或副首長為召集人，定期開會，督導政風業務有關事項。但機關一級單位主管，或所屬一級機關首長，或相當層級人員合計不足七人者，不在此限。

前二項委員均為無給職。但得依規定支給兼職酬勞。

第三條　本條例第四條所稱中央與地方機關及公營事業，係指總統府、行政院、司法院、考試院、監察院、各部、會、行、處、局、署、院、省 (市) 政府、縣 (市)政府與其所屬各機關及公營事業機構。

第四條　本條例第五條第一款關於本機關政風法令之擬訂事項如左：

一、擬訂、修正本機關各項政風法令。

二、訂定本機關端正政風及防制貪污工作實施計畫。

三、蒐集、編印相關之政風法令。

四、訂定本機關政風工作手冊。

第五條　本條例第五條第二款關於本機關政風法令之宣導事項如左：

一、 宣導與本機關業務相關之政風法令。

二、 貫徹執行本機關政風法令。

三、 講解廉政肅貪案例，表揚優良政風事蹟。

第六條　本條例第五條第三款關於本機關員工貪瀆不法之預防、發掘及處理檢舉事項如左：

一、 預防貪瀆不法事項：

(一) 評估本機關易滋弊端之業務，研訂具體防弊措施。
(二) 追蹤管制防弊措施執行情形。
(三) 協調修正不合時宜之法令規章。
(四) 研析本機關發生之貪瀆案件，訂定具體改進措施。
二、 發掘貪瀆不法事項：
(一) 查察作業違常單位及生活違常人員。
(二) 稽核易滋弊端之業務。
(三) 調查民眾檢舉及媒體報導有關本機關弊端事項。
(四) 辦理機關首長交查事項。
三、 處理檢舉事項：
(一) 設置本機關檢舉貪瀆專用信箱及電話，鼓勵員工及民眾檢舉。
(二) 依據獎勵保護檢舉貪污瀆職有關辦法，審慎處理檢舉貪瀆案件。
(三) 受理檢舉案件，涉有刑責者，移送檢察機關或司法調查機關依法處理；涉有行政責任者，依有關規定作行政處理；查非事實者，予以澄清。

第七條　本條例第五條第四款關於本機關政風興革建議事項如左：
一、調查分析本機關政風狀況，研擬改進措施。
二、根據民意反應，提供業務單位研擬便民措施。
三、針對現有防弊缺失，研擬加強改進措施。

第八條　本條例第五條第五款關於本機關政風考核獎懲建議事項如左：
一、 訂定政風督導考核計畫，其內容包括：
(一) 防弊措施執行情形。
(二) 法令制度、作業程序有關缺失改進情形。
(三) 政風法令之宣導及執行情形。
(四) 違反政風案件及其處理情形。
(五) 政風檢舉案件處理情形。
二、 辦理本機關與所屬機關政風督導考核及獎懲建議事項。

第九條　本條例第五條第六款關於本機關公務機密維護事項如左：
一、 訂定本機關公務機密維護規定。
二、 宣導公務機密維護法令及做法。
三、 推動資訊保密措施。
四、 處理洩密案件。

第十條　本條例第五條第七款其他有關政風事項如左：
一、 本機關政風工作年度計畫之策劃、擬訂、預算編列及推動執行等事項。
二、 危害或破壞本機關事件之預防事項。
三、 協助處理陳情請願事項。
四、 機關首長或上級政風機構交辦事項。

五、 與本機關政風有關之其他事項。

第十一條　本條例第六條第一項所定各級政風機構之設置及員額編制，應依左列標準及程序辦理：

一、 政風機構所在機關設人事處者，設政風處；其設人事室 (組、課) 者，設政風室 (組、課)。

二、 各級政風機構員額編制，應在各機關員額編制內，由各該機關政風機構擬訂，逐級層送法務部核定，並送銓敘部備查。

第十二條　依本條例第六條第一項規定，未設政風處 (室) 之機關，其政風業務由其上級機關之政風機構，視實際業務需要，配置適量人員統籌辦理。

依本條例第十一條規定，不設政風機構之公立各級學校，其預防貪瀆不法業務，由其上級機關政風機構統籌辦理。

未設政風機構之機關、學校，於其上級機關之政風機構人員辦理與其機關、學校有關之預防貪瀆不法業務時，應協助其推動執行。

第十三條　本條例第七條規定，必要時得置副處長，所稱必要時係指所在機關政風業務繁重，附屬機關眾多且該機關人事機構置有副主管職務者而言。

第十四條　本條例第八條規定政風處 (室) 分科、組、課或股辦事之標準，比照各該機關人事機構辦理。

第十五條　各機關政風人員之考績、考核及獎懲事項，由法務部分別適用有關法規辦理。

法務部為增進各機關政風人員之工作知能，得舉辦各項政風業務講習，調訓各機關政風人員，或授權中央及地方機關之政風機構辦理。

第十六條　本條例第十二條所稱之有關機關，係指行政院人事行政局與相關之府、院、部、會、行、處、局、署。

本條例施行後，各機關於組織法規未修正前，應先依據法務部會同銓敘部及有關機關所訂定之政風機構名稱及員額編制表設置政風機構，其工作人員就該機關員額內派充之，並應於修正機關組織法規時訂定之。

第十七條　本細則自發布日施行。

英 文 法 規 ：

Article 1

The Enforcement Rules is prescribed in accordance with Article 13 of the Act of the Establishment of the Government Employee Ethics Units and Officers (hereinafter referred to as “the Act”).

Article 2

The Ministry of Justice shall be in charge of the planning, supervision, and evaluation of government employee ethics affairs nationwide pursuant to provisions of Article 3 of the Act.

To handle well-formed government employee ethics affairs, the Ministry of Justice shall select 21 to 25 members from relevant organs to form The Supervising Government Employee Ethics Transaction , which shall be convened by the Minister of the Ministry of Justice to hold meetings regularly to discuss matters on supervision, well-formed government employee ethics and prevention of corruption nationwide.

Each organ shall select over 7 members from the section directors of the organ or chiefs of the subordinate organs or officers of corresponding position to form the Supervising Government Employee Ethics Taskforce, which shall be convened by the chief or deputy chief to hold meetings regularly to discuss matters on supervision of government employee ethics affairs. However, if the total number of directors of the organ, chiefs of the subordinate organs, and officers of corresponding position is below 7, the organ shall be exempted from this restriction.

Members referred to in the above paragraphs shall be gratuitous-position. However, part-time remuneration may be paid pursuant to relevant regulations.

Article 3

“Central and local organs and state-run enterprises ” referred to in Article 4 of the Act means the Office of the President, the Executive Yuan, the Judicial Yuan, the Examination Yuan, the Control Yuan, every Ministry, Commission, Administration, Department, Bureau, Agency, Yuan, Provincial (Municipal) Government, County (City) Government and their subordinate organs and state-run enterprises.

Article 4

“Matters concerned with drafting of regulations and directions on government employee ethics of the organ” referred to in Subparagraph 1 of Article 5 of the Act shall include the following matters:

2. Draft and amend the government employee ethics regulations and directions of the organ.
3. Prescribe the implementation plan on well-formed government employee ethics and on prevention of corruption of the organ.
4. Compile and edit relevant regulations and directions on government employee ethics
5. Prescribe the work directions on government employee ethics of the organ.

Article 5

“Matters concerned with propaganda of government employee ethics of the organ” referred to in Subparagraph 2 of Article 5 of the Act shall include the followings:

2. Propaganda regulations and directions on government employee ethics that are related to businesses of the organ.
3. Implement regulations and directions directions of government employee ethics of the organ.
4. Explain anti-corruption cases and to praise good examples of government employee ethics.

Article 6

"Matters concerned with preventing or discovering corruptions or handling as well as reports on corruptions and malfeasance on parts of any staff of the organ " referred to in Subparagraph 3 of Article 5 of the Act shall include the followings:

2. To prevent corruption and malfeasance:

(1) Identify businesses of the organ vulnerable to corruption and malfeasance and work out preventive measures against the corruption and malfeasance.

(2) Trace and control implementation of preventive measures against corruption and malfeasance.

(3) Co-ordinate to amend regulations and directions that are out of date.

(4) Analyze cases of corruption and malfeasance occurred in the organ and to work out concrete improvement measures.

3. To discover cases of corruption and malfeasance:

(1) Look into any irregular business on part of the organ or abnormal life on part of any staff.

(2) Inspect businesses vulnerable to corruption and malfeasance.

(3) Investigate cases of corruption and malfeasance related to the organ reported by people or by media.

(4) Handle cases assigned by the chief of the organ.

4. To handle reports on corruption and malfeasance:

(1) Encourage people and staff to report by establishing exclusive mailbox and telephone line in the organ for reporting cases of corruption and malfeasance.

(2) Deal with cases of corruption and malfeasance by report prudently pursuant to relevant regulations and directions on encouragement and protection of reporting cases of corruption and malfeasance.

(3) In handling reported cases, where criminal liabilities are involved, evoke the case to the procurator organs or judicial investigation organs to handle pursuant to laws and where administrative liabilities are involved, take administrative measures. Where it is found that the report to be groundless, make clarifications.

Article 7

"Matters concerned with suggestions for well-forming government employee ethics of the organ" referred to in Subparagraph 4 of Article 5 of the Act shall include the followings:

1. Investigate situations of government employee ethics in the organ and suggest measures of improvement.
2. Furnish people's opinions to the business units of the organ in order to work out measures beneficial to people.
3. Against the deficiencies in current preventive measures against corruption and malfeasance, suggest measures of improvement.

Article 8

"Matters concerned with suggestions for evaluating, rewarding and disciplining on government employee ethics of the organ" referred to in Subparagraph 5 of Article 5 of the Act shall include the followings:

1. Draft plans on supervision and evaluation of government employee ethics, which shall include:

(1) Implementation of preventive measures against corruption and malfeasance.
(2) Improvement on deficiencies in the regulations and directions and business procedure.
(3) Propaganda of regulations and directions on government employee ethics and its implementation.
(4) Cases in breach of government employee ethics and development in handling the same.
(5) Development in handling reported cases on government employee ethics.

2. Be in charge of supervision and evaluation of government employee ethics and matters regarding rewards and punishments of the organ and of the subordinate organs.

Article 9

"Matters concerned with protection of official confidential information of the organ" referred to in Subparagraph 6 of Article 5 of the Act shall include the followings:

1. Formulate directions on protection of official confidential information of the organ.
2. Propaganda regulations and directions and practices on protection of official confidential information.
3. Promote implementation of measures on protection of official computerized information.
4. Deal with cases of releasing official confidential information.

Article 10

"Other matters concerned with government employee ethics" referred to in Subparagraph 7 of Article 5of the Act shall include the followings:

1. Matters relating to projecting, budgeting of annual work plan on government employee ethics of the organ and the promotion of its implementation.
2. Matters relating to prevention of events that might harm or damage the organ.
3. Assistance in dealing with pleadings and petitions.

4. Matters handed down by chief of the organ or the government employee ethics units of its superior organs.
5. Other matters relevant to government employee ethics of the organ.

Article 11

The establishment of various Government Employee Ethics Units and size of staff referred to in Paragraph 1 of Article 6 of the Act shall be conducted in accordance with the following standards and procedures:

1. Where the organ has set up the Department of Personnel, the Department of Civil Service Ethics shall be established therein, and where a Personnel Office (Directorate, Section) is set up therein, a (Civil Service) Ethics Office (Directorate, Section) shall be established.
2. Size of staff of Government Employee Ethics Units shall be proposed by respective Government Employee Ethics Unit within the size of the staff of the organ and the proposal of which shall be submitted step by step to the Ministry of Justice for approval and sent to the Ministry of Civil Service for record.

Article 12

For those organs without Department of Civil Service Ethics or (Civil Service) Ethics Office pursuant to Paragraph 1 of Article 6 of the Act, the Government Employee Ethics Unit in its superior organ shall after taking into consideration of business requirement, designate appropriate officers to handle its government employee ethics affairs.

For public schools at various level that do not establish Government Employee Ethics Units pursuant to Article 11 of the Act, the Government Employee Ethics Unit in its superior organ shall handle the affairs of prevention of corruption and malfeasance.

During the course the government employee ethics officers of superior organs conduct the affairs of prevention of corruption and malfeasance concerned with the organ or public schools that do not establish Government Employee Ethics Units, the organ or school shall render assistance to promote the implementation.

Article 13

Article 7 of the Act provides that in case of necessary deputy director shall be positioned. The term “necessary” means there is heavy workload of government employee ethics affairs in the organ, and the organ has got plenty of subordinate organs and the position of deputy director have been set up in the Department of Personnel of the organ.

Article 14

Article 8 of the Act provides that Sections, Directorate, Divisions or Subsections may be established within Department of Civil Service Ethics or (Civil Service) Ethics Office. The standard shall be decided according to those of the Department of Personnel or the

Personnel Office of the respective organs.

Article 15

Matters relating to assessments, examinations and rewards and punishments on government employee ethics officers of the respective organs shall be handled by the Ministry of Justice in compliance with relevant acts and regulations.

To improve work skills of government employee ethics officers of the respective organs, the Ministry of Justice may hold seminars on government employee ethics affairs to train government employee ethics officers of the respective organs. It may also authorize central or local Government Employee Ethics Units to hold such seminars.

Article 16

The term “relevant organs” referred to in Article 12 of the Act means the Personnel Bureau of the Executive Yuan and relevant Offices, Yuans, Ministries, Committees, Departments, Bureaus and Agencies.

After enforcement of the Act and before the organizational acts and regulations of the respective organs are amended, Government Employee Ethics Units shall first of all be established in accordance with the name of the Government Employee Ethics Units and size of staff decided by the Ministry of Justice jointly with the Ministry of Civil Service and relevant organs, the officers of which shall be designated within the staff of the organ. All the above shall be amended in the organizational acts and regulations of the respective organs.

Article 17

The Enforcement Rules shall be in force from the date of its promulgation.