主 管 機 關 ：法務部

發布(修正)日期：2001.08.29.

法規中文名稱：公職人員財產申報資料審核及查閱辦法

法規英譯名稱：Regulations Governing Examination and Browsing of Materials of Property-Declaration by Public Servants

中 文 法 規 ：

第一條　本辦法依公職人員財產申報法 (以下簡稱本法) 第六條第三項規定訂定之。

第二條　公職人員或公職候選人 (以下稱申報人) 申報財產，應依規定格式詳實填寫財產申報表 (以下簡稱申報表) ，並簽名或蓋章後，提出於該管受理申報機關 (構) 。

第三條　申報人提出之申報表不符規定格式者，受理申請機關 (構) 應不予受理。

第四條　申報人逾規定期限申報者，受理申報機關 (構) 仍應受理。
申報人逾期申報，如有本法第十一條第一項前段規定之情事，應依該條有關規定處理。

第五條　受理申報機關 (構) 受理申報後，應就申報表所列項目，依書面記載逐項審核，如發現其有增、刪、塗改處未蓋章、字跡不清或其他填寫不完備之情形，應通知申報人限期補正。
申報人逾期不為補正者，如有本法第十一條第一項前段規定之情事，應依該條有關規定處理。

第六條　申報人於申報後發現申報資料錯誤時，得重新詳實填寫申報表，提出於原受理申報機關 (構) 申請更正。但原申報表不得抽換。

第七條　受理申報機關 (構) 因陳情或其他情事，認申報人有申報不實之嫌疑者，應就其有無違反本法第五條或第七條第一項、第二項之規定，進行審核。

第八條　受理申報機關 (構) 進行前條之審核時，除得依法向有關機關 (構) 、團體或個人查詢外，如有必要，應予申報人說明之機會。

第九條　受理申報機關 (構) 對於前二條審核結果，應留有完整之紀錄。

第十條　受理申報機關 (構) 認申報人故意申報不實者，應依本法第十一條第一項後段及其

他有關規定處理。

受理申報機關 (構) 認申請人非故意申報不實者，應將審核後之正確財產資料逕行註記於另表後附於原申報表，並通知申報人。

申報人於接獲前項通知後，如發現有錯誤者，應即檢具正確財產資料之證明，申請受理申報機關 (構) 更正。

第十條之一　第二條、第三條、第四條第一項、第五條第一項、第六條至第九條之規定，於受託人依本法第七條第四項之規定替代公職人員申報財產時準用之。

受託人逾期申報財產或申報有不實之情形者，受理申報機關 (構) 應通知其限期補正。

第十一條　依本法第四條第二款前段規定受理申報之政風單位，發現該機關之首長有申報不實之嫌疑時，其有上級機關者，應移請其上級機關之政風單位依第七條至第十條規定進行審核及處理。

第十二條　受理申報機關 (構) 於本法第六條第一項所定期限內，依第五條規定就申報表書面記載完成審核後，應按申報人所申報之資料，彙整每人一冊，編號保存。

受理申報機關 (構) 就前項資料，除依本法第七條第二項前段申報者外，應影印加蓋與原本相符之章戳，列冊供人查閱。

有左列情形之一者，受理申報機關 (構) 於申請人申請查閱時，得不提供申報人之年籍、國民身分證字號、土地地號、房屋建號、汽車牌照或引擎號碼：

一、有具體事證足認申報人因該項查閱而有危害其生命、身體安全之虞者。

二、有具體事證足認申請人申請查閱有不正當目的者。

第十三條　查閱申報人申報之財產資料者，應填具申請書向受理申報機關 (構) 申請，受理申報機關 (構) 非有正當理由，不得拒絕。

前項申請查閱之人，以中華民國國民年滿二十歲者為限。

第一項之申請書應記載左列事項，經申請人簽名具結後，交受理申報機關 (構) 保存：

一、申請人之姓名、住所及身分證統一號碼。

二、查閱申報資料之目的。

三、申請人表明對於查閱之資料絕不供為營利、徵信、募款或其他不正當目的之使用。

第十四條　受理申報機關 (構) 於收到申請書後，經審核合於規定者，應指定查閱時間、場所，通知申請人到場查閱。

前項通知，得以電話為之。

第十五條　申請人應親自到場查閱，不得委任他人為之。

申請人到場查閱時，應先出示其身分證明。

第十六條　查閱資料應於受理申報機關 (構) 指定之場所為之，並僅得閱覽。其應遵守事項如左：

一、不得將資料攜出場外。

二、不得抄錄、攝影或影印。

三、對於查閱之資料不得填註、塗改、更換、抽取、圈點或污損。

四、裝訂之資料不得拆散。

五、不得有其他影響資料完整或場所秩序之行為。

查閱人如有前項各款行為之一而涉及刑事責任者，受理申報機關 (構) 應依法移送該管檢察機關偵辦。

第十七條　同一申請人對同一申報人申報之資料，每年以查閱一次為限。

第十八條　申請人一次以申請查閱一人之申報資料為限。

第十九條　受理申報機關 (構) 於申請人查閱資料時應指派專人在場。

第二十條　依本辦法所為之通知，除本辦法有特別規定外，準用民事訴訟法有關送達之規定。

第二十一條　受理申報機關 (構) 應置查閱登記簿，登載查閱人及查閱相關事項。

第二十二條　本辦法自本法施行之日施行。

本辦法修正條文自發布日施行。

英 文 法 規 ：

Article 1

The Regulations is enacted pursuant to Paragraph 3 of Article 6 of the Act on Property-Declaration by Public Servants (herein after referred to as “the Act”).

Article 2

When making property-declarations, the public servant or public candidate (hereinafter referred to as the “Declaring Person”) shall fill in Form of Property-declaration (hereinafter referred to as the “Declaration Form”) in the form as required and after signing or sealing thereon, submit it to his respective handling organ/unit.

Article 3

The handling organ/unit shall not accept Declaration Form submitted by the Declaring Person that’s not in conformity with required forms.

Article 4

The handling organ/unit shall still accept declaration even though the Declaring Person makes the declaration beyond the prescribed time period.

Relevant provisions of Article 11 of the Act shall be applied to the Declaring Person who makes declaration beyond prescribed time period if there is any circumstance specified in the first part of Paragraph 1 of Article 11 of the Act.

Article 5

Upon acceptance of declaration, the handling organ/unit shall examine the written statements one by one in accordance with items listed in the Declaration Form and in case it is found that any addition, deletion or alteration were made without sealing thereon, or in case there are any indistinct words or other incompleteness, it shall notify the Declaring Person to make corrections within prescribed time period.

If the Declaring Person fails to make corrections within the prescribed time period, relevant provisions of Article 11 of the Act shall be applied if there is any circumstance specified in the first part of Paragraph 1 of Article 11 of the Act.

Article 6

The Declaring Person may fill in a new Declaration Form and submit it to the original handling organ/unit for correction if he finds out any mistakes in the materials he declared. However, the original Declaration Form shall not be replaced.

Article 7

If due to pleadings or other circumstances, the handling organ/unit is doubt whether the declaration made by the Declaring Person is inconsistent with facts, it shall examine whether he has violated any provisions of Article 5, Paragraph 1 or 2 of Article 7 of the Act.

Article 8

In conducting examinations as provided in the above article, the handling organ/unit may make inquires to relevant organs/units, groups or individuals pursuant to acts and regulations, and shall give the Declaring Person an opportunity of statement in case of necessary.

Article 9

The handling organ/unit shall keep complete record of the results of examinations conducted pursuant to the above two articles.

Article 10

If the handling organ/unit concludes that the Declaring Person deliberately made declarations not inconsistent with facts, it shall apply the latter part of Paragraph 1 of Article 11 of the Act and other relevant provisions.

If the handling organ/unit concludes that the inconsistency in the declaration was not made

deliberately by the Declaring Person, it shall record the correct information obtained through the examinations in a new Declaration Form which shall be attached to the original Declaration Form and notify the Declaring Person about the fact.

After receiving the above notice, if the Declaring Person finds any mistakes therein, he shall promptly apply to the handling organ/unit to make corrections by providing certificates on correct property information.

Article 10-1

Article 2, Article 3, Paragraph 1 of Article 4, Paragraph 1 of Article 5, and Article 6 to Article 9 hereof shall be applied mutatis mutandis when a trustee makes declaration on behalf of the public servant pursuant to Paragraph 4 of Article 7 of the Act.

In case the trustee fails to make declaration within prescribed time period or it makes declarations not inconsistent with facts, the handling organ/unit shall notify the trustee to make corrections within prescribed time period.

Article 11

In case the Government Employee Ethics Unit that handles declarations pursuant to the first part of Subparagraph 2 of Article 4 of the Act finds the chief of that organ is suspected of making declaration not inconsistent with fact, it shall evoke the materials to the Government Employee Ethics Unit of its superior organ for examination pursuant to Article 7 to 10 hereof.

Article 12

After examination of the written statements on the Declaration Form pursuant Article 5 hereof within the time period prescribed in Paragraph 1 of Article 6 of the Act, the handling organ/unit shall compile the materials declared by each Declaring Person into books on an individual basis, which shall be numbered and kept on the record.

The handling organ/unit shall make photocopies of the above information except those declared pursuant to the first part of Paragraph 2 of Article 7 of the Act, then seal on the copies certifying that they are in conformity with the originals and marshal them for browsing by public.

In any of the following circumstances, the handling organ/unit may refuse to provide the Declaring Person’s age, ID number, number of the land, number of building, car plate number or car engine number:

1. Where there is enough evidence to conclude that the Declaring Person’s life or safety shall be in danger following the browse.
2. Where there is enough evidence to conclude that the applicant has improper purpose in applying for the browse.

Article 13

Anyone who applies for browsing the property information declared by the Declaring Person shall make an application to the handling organ/unit by filling in an Application Form. The

application shall not be refused by the handling organ/unit without justifiable reasons.

Anyone who applies for conducting browse as provided above shall be a citizen of the Republic of China aged not less than 20.

The Application Form referred to in Paragraph 1 hereof shall specify the following issues and it shall be kept by the handling organ/unit after signed and recognized by the applicant:

1. Name, domicile and ID number of the applicant.
2. Purpose for conducting the browse.

Declaration by the applicant that information obtained through the browse shall not be used for-profit, credit rating or money raising or for other improper purpose.

Article 14

After receiving the Application Form, the handling organ/unit shall, upon confirmation that it complies with the requirements after examination, designate the time and place for conducting the browse and notify the applicant to conduct browse on site.

The above notification may be made by telephone calls.

Article15

The applicant shall conduct the browse on site by himself and he shall not authorize others to do this on his behalf.

Before conducting the browse on site, the applicant shall present his certificate of identity.

Article 16

Browsing of the information shall be conducted at the place designated by the handling organ/unit and shall be limited to reading only. The following rules shall be observed during the course of browsing:

1. No material is permitted to be brought outside the place.
2. No copy, photograph or photocopy is permitted.
3. No additions, alteration, changes, extractions, remarks or stains shall be made upon or from the materials browsed.
4. Do not break up bound materials.
5. No other behavior that may affect the completeness of the materials or the good order of the place is permitted.

If the Declaring Person conducting the browse acts in violation of any of the above provisions, which involves criminal liabilities, the handling organ/unit shall evoke the case to the procurator organ to handle in accordance with acts.

Article 17

Browsing conducted by a same applicant over materials declared by a same Declaring Person shall be limited to only one time in a year.

Article 18

An applicant can only apply to browse materials declared by one Declaring Person in each one application.

Article19

The handling organ/unit shall designate a special officer at the site when the applicant is conducting browse.

Article 20

Relevant provisions on service provided in the Civil Procedure Act shall be applied mutatis mutandis in making notifications pursuant to the Regulations unless the Regulations provides otherwise.

Article 21

The handling organ/unit shall place a register, which shall carry names of the people who browse and relevant issues about browsing.

Article 22

The Regulations shall be in force from the date of the enforcement of the Act.

The Articles amended (added) of the Regulations shall be in force from date of its promulgation.