

Directions for Provision of User Transaction Data and Other Related Information by Electronic Payment Institutions

1. These Directions are drawn up to facilitate the provision of user transaction data and other related information by electronic payment institutions in accordance with the proviso in Article 28 of the Act Governing Electronic Payment Institutions (referred to as the "Act" hereunder) to relevant agencies (institutions).
2. The term "electronic payment institutions" as used in these Directions shall mean specialized electronic payment institutions as well as banks, Chunghwa Post Co., Ltd. and electronic stored value card issuers engaging concurrently in electronic payment business.

The term "electronic payment business" referred to in the preceding paragraph shall mean businesses under the subparagraphs of Paragraph 1, Article 3 of the Act

3. To make an inquiry about the transaction data or other related information of a user with an electronic payment institution, judicial, military, tax, supervisory, audit and other agencies (institutions) having investigative power according to law shall send the electronic payment institution an official letter indicating that the information is needed for investigation purpose and stating the gist of the case concerned, and the contents and extent of information needed.
4. When preparing an official letter to an electronic payment institution requesting the provision of related information, judicial, military, tax, supervisory, audit and other agencies (institutions) having investigative power according to law in the preceding point shall observe the following rules:
 - (1) When a tax agency makes an inquiry according to Article 30 of the Tax Collection Act, it should follow the instruction of the Financial Supervisory Commission in its letter No. Ying-Ju-(1)-Zi-09510002220 dated June 7, 2006.
 - (2) When the Coast Guard Administration, Executive Yuan, Maritime Patrol Directorate General, or Coastal Patrol Directorate General makes an inquiry, it should indicate that the inquiry is made for the investigation of a case and state the gist of the case concerned, and the inquiry shall be approved by the chief (deputy chief) of the agency.
 - (3) When the Investigation Bureau of the Ministry of Justice makes an inquiry, it should indicate that the inquiry is made for the investigation of a case and state the gist of the case concerned, and the inquiry must be determined as necessary by the Bureau's Director General (Deputy Director General) following review. The term "determined following review" shall mean the Taipei City Field Office or the field offices of other municipalities, the Fuchien Field Office or the Marine Affairs Field Office preparing an official letter in the name of the field office and having

it approved by the field office chief, and the city and county stations and work stations under Taiwan Field Office preparing an official letter in the name of the station and having it approved by the station chief, and then sending the letter to an electronic payment institution to inquire customer information with a copy of the letter sent to the Investigation Bureau for reference, and indicating in the response letter received that the case under investigation has been approved by the Bureau and is on record.

- (4) When a police authority makes an inquiry, it should indicate that the inquiry is made for the investigation of a criminal case and state the gist of the case concerned, and the inquiry must be approved by the commissioner (deputy commissioner) of the city (county) police department or the chief of police (deputy chief of police) of Peace Preservation Police Corps. However when a police authority investigates a criminal case involving dummy account and asks a financial institution to report the deposit account used by a user of an electronic payment institution for making payment, withdrawing funds and linking to his/her electronic payment account as a watch-listed account (with the account functions of ATM withdrawal, fund transfer by phone, online funds transfer and other means of electronic funds transfer terminated), the police authority may, with approval of the chief of the police precinct (the commander of the criminal investigation corps), proceed to send an official letter to the electronic payment institution to inquire the fund transfer information on the user's electronic payment account.
- (5) When a military police authority prepares an official letter for inquiry, it shall indicate therein that the inquiry is made for the investigation of a criminal case and states the gist of the case concerned, and makes the inquiry in the name of the Military Police Command.
- (6) When an agency (institution) accepting property declaration pursuant to Paragraph 2, Article 11 of the Act on Property-Declaration by Public Servants inquires the electronic payment account information of the declarant with an electronic payment institution at where the property is located, the electronic payment institution should cooperate in the matter.
- (7) When the Coast Guard Administration, Executive Yuan, Maritime Patrol Directorate General, Coastal Patrol Directorate General, Investigation Bureau of the Ministry of Justice, police authority (including military police authority), or agencies (institutions) accepting property declaration inquire the identity information of a user (e.g. user's date of birth, ID number, address, telephone number, etc.) with an electronic payment institution for the investigation of a case, they can proceed by sending the electronic payment institution an inquiry letter.
- (8) When the Control Yuan audits the transaction data and other related information

of the electronic payment account opened by a political party, political group or election candidate in accordance with Article 22 of the Political Donations Act, the electronic payment institution should cooperate in the matter.

5. When an agency other than those in the preceding two points has inquiry needs due to the need to transfer a case to the Administrative Enforcement Agency for compulsory enforcement, to investigate a crime or enforce monetary obligation under public laws, the agency should prepare an application letter which indicates the gist of the case concerned, name of the electronic payment institution for inquiry and extent of inquiry. The application letter should be sent to the Financial Supervisory Commission for approval by the ministry (commission) in case of a central government agency or the municipal government in case of a special municipality agency or the county (city) government for consent in case of a county (city) government agency. The agency should then prepare an official inquiry letter and indicate the approval document number thereon before sending it to the inquired electronic payment institution.
6. When an electronic payment institution provides user's transaction data and other related information to an agency (institution), it shall treat the information as classified and remind the inquiring agency (institution) and the inquirer to keep the information confidential
7. An agency (institution) that retrieves or inquires the transaction data and other related information of a user in accordance with these Directions should have an internal control mechanism established by assigning designated staff to put such information under control and conducting regular and special audits to ensure the privacy of the electronic payment institution users.