

Title:

Operation Directions for Requesting Data from the Insurer of National Health Insurance (November 17, 2016)

- I. These Guidelines are established with special reference to the Freedom of Government Information Law and the Personal Data Protection Act and its Enforcement Rules, and based on actual operating requirements. The objectives are to allow the National Health Insurance Insurer (hereinafter, the Insurer) to facilitate public access of information and the proper use of personal data, prevent harm on personality rights, and establish the cost concept of “users pay”, so that the provision and charge of information can be regulated.
- II. Terms used in these Guidelines are defined as follows:
 - (I) Personal data: the nature person’s name, date of birth, ID card number (or Resident Certificate number), passport number, characteristics, fingerprints, marital status, family, education, occupation, medical record, medical treatment, genetic information, sexual life, health examination, criminal record, contact information, financial conditions, social activities and other information which may be used to identify a natural person, either directly or indirectly.
 - (II) Business data: Non-personal data held or retained by the Insurer within the scope of its duties in accordance with the regulations related to information disclosure.
 - (III) Personal data file: A collection of personal information built to allow information retrieval and management by automatic or non-automatic measures.
 - (IV) Processing: Recording, inputting, storing, editing, correcting, duplicating, retrieving, deleting, outputting, connecting, or internally transmitting information for the purpose of establishing or accessing personal information files.
 - (V) Information service: The various data files provided by manpower or computer in the mediums of statistical forms, magnetic tape, floppy disk, compact disc or via network connection by the Insurer at the request of the applicant without affecting normal business operations.
 - (VI) The Party: The individual to whom the personal information belongs.
- III. The business or personal data provided by the Insurer shall be handled in accordance with, in addition to these Guidelines, the Freedom of Government

Information Law, the Personal Information Protection Act, and their related regulations.

- IV. Upon the request of the Party, the Insurer shall reply to the inquiry, offer for a review or provide duplications on the Party's personal data collected. However, the following situations are not subject to the limits set in the preceding sentence:
- (I) when the national security, diplomatic and military secrets, the macro-economic interests or other major national interests may be harmed;
 - (II) when the Insurer's performance of official duties may be impaired; and
 - (III) when the major interests of the Insurer or a third person may be impaired.
- V. If a third party other than the Party requests personal data, the purpose of the request must be in accordance with the specific purpose of the Insurer's duties, except for the data specified in Article 5-1. However, the data may be provided outside the scope of the specific purpose upon the occurrence of one of the following conditions:
- (I) it is in accordance with law;
 - (II) it is necessary for national security or promotion of public interests;
 - (III) it is to prevent harm on the life, body, freedom or property of the Party;
 - (IV) it is to prevent harm on the rights and interests of other people;
 - (V) it is necessary for the public interest on statistics or the purpose of academic research conducted by a government agency or an academic research institution, respectively. The data may not lead to the identification of a specific person after its processing by the provider, or from the disclosure by the collector;
 - (VI) such use benefits the Party;
 - (VII) consent has been given by the Party.
- V-1. No third party other than the Party may request personal data of medical care or health check-up. However, the following situations are not subject to the limits set in the preceding sentence:
- (I) it is in accordance with law;
 - (II) when it is necessary for a government agency to perform its legal duties or for a non- government agency to fulfill its legal obligation, and proper security measures are adopted prior or subsequent to such collection,

- processing or use;
 - (III) when the Party has made public such data by himself/herself or when the data has been publicized legally;
 - (IV) where it is necessary to perform statistical or other academic research, a government agency or an academic research institution accesses personal data for the purpose of medical treatment, public health, or crime prevention. The information may not lead to the identification of a specific person after processing, or from the disclosure by the collector;
 - (V) where it is necessary to assist a government agency in performing its legal duties or a non-government agency in fulfilling its legal obligations, and proper security measures are adopted prior or subsequent to such collection, processing, or use;
 - (VI) where the Party has consented in writing; unless such consent exceeds the necessary scope of the specific purpose; the collection, processing or use merely with the consent of the Party is prohibited by other statutes; or such consent is against the Party's will.
- VI. Requests for business data that involves national secrets or that is restricted from being made available to the public or provision as stipulated in Article 18 of the Freedom of Government Information Law shall not be provided by the Insurer. Requests for data that require massive consumption of human, computer, or documentary resources and affect routine operations shall be rejected in principle.
- VII. Requests for data shall be made to the Insurer in writing, in which the names, genders, dates of birth, ID card numbers (or Resident Certificate numbers), residences, and telephone numbers of the party and the agent, as well as the category, scope and purpose of the requested data, shall be specified. The following information shall also be specified or provided:
- (I) The party's authorization form and relevant documentary proof shall be provided at request of the agent.
 - (II) At a request made by an agency or organization, the name and location of main office and branch office or office of operation, as well as the name, residence, and contact number of the representative or manager; the specific reason and purpose of the request shall also be specified.
- For the print format of data requests made by individuals other than agencies and organizations, see Appendix 1.
- If the Party applies for personal NHI data, he/she shall present the original

identification documents. The agent processing on behalf of the Party shall provide the Party's authorization form and the original of the document that proves the relationship between the agent and the Party.

When providing NHI application and other Internet services via electronic data transmission, the Insurer shall do so in accordance with the National Health Insurance Operational Guidelines for Internet Services Registration Management.

- VIII. The data shall be provided by the Insurer's regional division or business unit which accepts the request.
- IX. If the National Police Agency or local police agencies, or the National Immigration Agency or their affiliated units request data in order to handle criminal cases, the National Police Agency, its designated agent, or the National Immigration Agency shall submit the request by letter to the Insurer, which shall process the request. However, if the case involves relevant businesses of the Insurer, its regional divisions may also handle the case as appropriate.
- X. If a military unit requests data in order to meet national security needs or handle criminal cases, the intelligence agencies as defined in the National Intelligence Service Law, the Ministry of National Defense, military courts and military prosecutor offices at all levels, or the Military Police Command shall submit the request by letter to the Insurer, whose business unit shall process the request. However, if the case involves relevant businesses of the Insurer, its regional divisions may also handle the case as appropriate.
- XI. If the Investigation Bureau requests personal and business data in order to handle criminal cases, the Bureau and its field divisions, field offices and regional mobile teams shall submit the request by letter to the Insurer, whose business unit shall process the request. However, if the case involves relevant businesses of the Insurer, its regional divisions may also handle the case as appropriate.
- XII. If the Agency Against Corruption requests personal and business data in order to handle criminal cases, the Agency Against Corruption and its affiliated regional divisions shall submit the request by letter to the Insurer, whose business unit shall process the request. However, if the case involves relevant businesses of the Insurer, its regional divisions may also handle the case as appropriate.

- XIII. If a government agency or school requests data regarding whether various types of retired (or resigned) personnel hold offices of civil service again, the Ministry of Civil Service or Ministry of Education shall submit the request by letter to the Insurer, whose business unit shall process the request.
- XIV. Government agencies or academic research institutions requesting statistical data for academic research shall make the request to the Health and Welfare Information Science Center under the Ministry of Health and Welfare or the Integrated Information Application Service Center under the NHI Insurer in accordance with their respective regulations. If an academic research is a human subject research as defined in Article 4 of the Human Subjects Research Act, proof approved by the Institutional Review Board shall be provided. If such research is within the scope of human subject research cases that do not require review by the Institutional Review Board as announced by the competent authority, review by the Institutional Review Board shall be exempt, or proof of exemption issued by the Institutional Review Board shall be provided. Requests for data made to conduct research, the research results shall be provided for the Insurer's reference.
- XV. The Insurer may charge fees as appropriate for information services; the fees shall be calculated based on the Fee-charging Standards for Requesting Data from the Insurer of National Health Insurance. The applicant shall prepare all data storage media formats designated by the Insurer at one time. The Insurer shall not be responsible for failure to provide the required data as scheduled due to causes attributable to the applicant. The completeness of the information recorded for the information services shall be determined based on the normal reading by the Insurer's computer equipment.
- XVI. The Insurer's information service is free of charge in the following circumstances:
- (I) When it is provided to government agencies.
 - (II) Basic underwriting information or unpaid charges information in a fixed format of an insurance applicant unit or the Insured, which is needed for the insurance applicant unit or the Insured to process underwriting business.
 - (III) Charges incurred from inquiries made due to disasters by disaster victims in major disaster areas.

- (IV) Charges incurred from inquiries made by an elderly person aged 65 or older, a physically or mentally disabled person, or member of a low-income household.
- (V) Other government agencies (institutions), organizations, or individuals that are exempt from the fees as approved by the Insurer.

XVII. Except for the circumstances specified in Article 16, requests of information files may not include a request of fee reduction. Under extraordinary circumstances, however, fees may be adjusted subject to approval on a case-by-case basis. The adjusted fee standards as mentioned above are as follows:

- (I) The extent of fee increase is up to two times of the total original amount.
- (II) The extent of fee reduction is up to fifty percent of the total original amount.

XVIII. Government agencies, academic research institutions, organizations, or individuals shall use the data provided by the Insurer for purposes within the scope as specified in their requests, and may not publish or use it for other purposes without permission, or use it for data analysis via connection with other data and thereby identify personal data. Any damages to others resulting from such action shall be legally liable. If the data is used in violation of the provisions in these Guidelines, the Insurer may refuse to provide and suspend access to the data.

XIX. In order to ensure the security of personal information, the statement of NHI information usage security signed by agencies (institutions) or organizations shall be required from those applying for access to personal information.

However, the statement is not required in the following circumstances:

- (I) When a prosecutor office or a military prosecutor office is handling a criminal case.
- (II) When the National Immigration Agency, National Police Administration, or their designated agent is handling a criminal case.
- (III) When the Investigation Bureau is handling a criminal case.
- (IV) When a case goes to trial in the court.
- (V) When the Administrative Enforcement Agency and its branches are handling cases under compulsory enforcement.
- (VI) When the Agency Against Corruption is handling a criminal case.
- (VII) When investigators designated by taxation agencies or the Taxation Administration are investigating taxation information.

(VIII) When the Legislative Yuan is accessing documents in order to process specific proposals.

(IX) When the Control Yuan or the National Audit Office is handling an investigation case.

XX. Payment notices that require information files (see Appendix 2).

XXI. The Insurer's employees shall maintain the confidentiality of personal information. Failure to do so shall be dealt with in accordance with applicable laws and regulations.