

# The Intro. of Taiwan Internet Transparency Report

---

Ming-Syuan Vincent Ho (Project Manager of Taiwan Association  
For Human Rights)

# Taiwan Association for Human Rights (TAHR)

**Established:** 1984,  
(Taiwan was regulated  
by martial law  
between 1949-1987)

## Main Issues:

- Anti -death penalty,
- Right to Housing,
- Refugee
- Freedom of Expression (or Assembly)
- Personal Data Protection
- Case Assistance
- Others



# Taiwan Internet Transparency Report (TITR)

---

- 2012-2014 Report could be download from here:  
[http://transparency.tahr.org.tw/TITR\\_Report\\_2015\\_en.pdf](http://transparency.tahr.org.tw/TITR_Report_2015_en.pdf)
- TITR is the first project of TAHR mainly focus on digital rights and public transparency.

# Data Sources

---

## Government

- Data which government has already regularly released.
- Data replied by government according **Freedom of Government Information Law**.
- Data which is asked by legislator and replied by government.

## Corporation

- There are five corporations regularly release their data including Taiwan: Google, Facebook, Apple, Microsoft, Yahoo!.

# Situation In Taiwan

---

## **Basic Situation:**

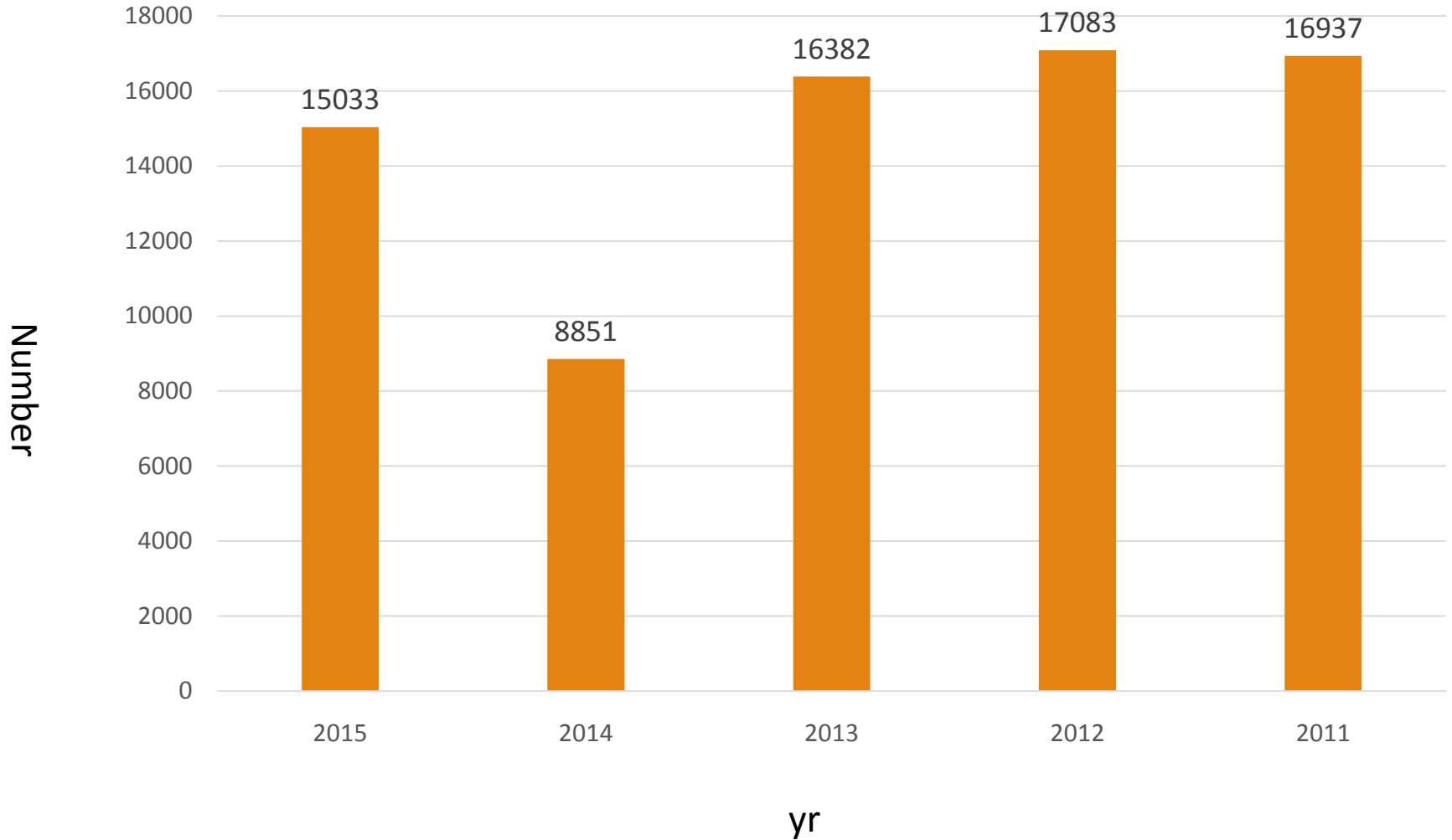
- Eventless Country

## **General Situation:**

- But lots of Communication Surveillance Cases
- Some Government department has the power to ask the Internet Corporation hand over the data or remove content when Necessary
- Databases were connected for easier investigating crime

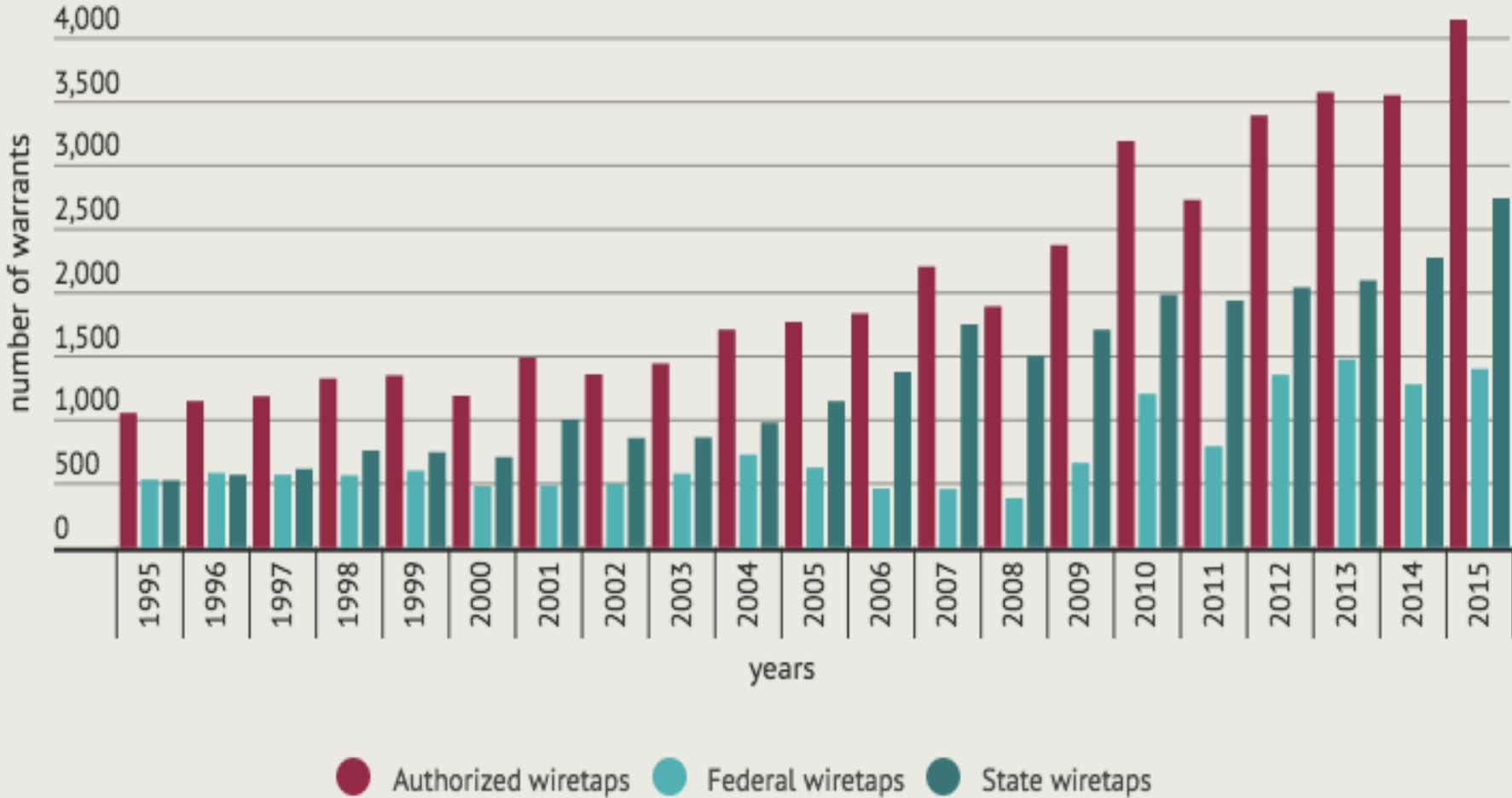
# Numbers of Wiretap Issued In Taiwan

population: 24 million



# NUMBER OF WIRETAPS ISSUED IN THE PAST 20 YEARS

population: 2 billion



No.	Unit	Legal bases for internet personal data requests
1	National Police Agency	<ul style="list-style-type: none"> <li>• The Communication Security and Surveillance Act</li> <li>• Regulations for government organizations to assist the national intelligence work</li> </ul>
2	Investigation Bureau, Ministry of Justice	<ul style="list-style-type: none"> <li>• Articles 3-1, 11-1, 15, 16 of the Communication Security and Surveillance Act and related enforcement rules</li> </ul>
3	Agency against Corruption, Ministry of Justice	<ul style="list-style-type: none"> <li>• Articles 229-231 of the Code of Criminal Procedure</li> <li>• Communication Security and Surveillance Act</li> <li>• Directions for prosecutor authorities to implement communication surveillance measures</li> </ul>
4	National Police Agency, Ministry of the Interior	<ul style="list-style-type: none"> <li>• Laws and regulations database</li> <li>• MOJ's web page of "Communication Security and Surveillance"</li> </ul>
5	Criminal Investigation Bureau, National Police Agency	<ul style="list-style-type: none"> <li>• Laws and regulations database</li> <li>• MOJ's web page of "Communication Security and Surveillance"</li> </ul>
6	2 <sup>nd</sup> Special Police Corps (IPR Police)	<ul style="list-style-type: none"> <li>• TIPO's web page of "Laws"</li> <li>• MOJ's web page of "Communication Security and Surveillance"</li> </ul>



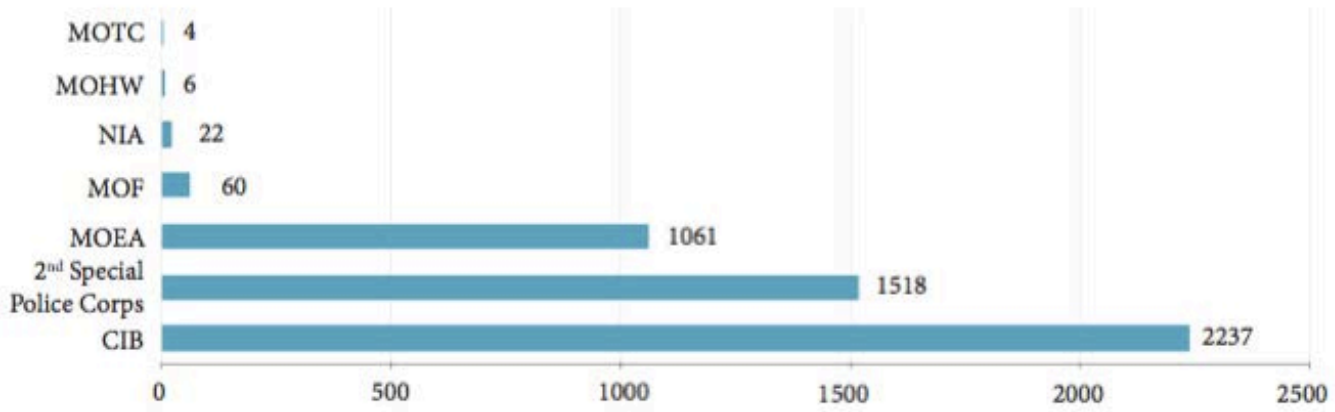
6	2nd Special Police Corps (IPR Police)	<ul style="list-style-type: none"> <li>• NCC's web page of "Legal Affairs"</li> </ul>
7	Coast Guard Administration, Executive Yuan	<ul style="list-style-type: none"> <li>• Communication Security and Surveillance Act</li> </ul>
8	National Communications Commission	<ul style="list-style-type: none"> <li>• Paragraph 2 of Article 55 of the Telecommunications Act</li> <li>• According to Paragraph 2 of Article 7 of the Telecommunications Act, the "Rules Governing Operational Procedures for Telecommunications Enterprises to Handle Inquiries for Communications Records" and the "Rules Governing Operational Procedures for Telecommunications Enterprises to Handle Inquiries for Users' Data" were stipulated.</li> </ul>
9	National Communications Commission	<ul style="list-style-type: none"> <li>• Article 24 of the Meteorological Act, and Article 40 of the Administrative Procedure Act</li> </ul>
10	Ministry of Finance	<ul style="list-style-type: none"> <li>• Paragraph 1 of Article 30 of the Tax Collection Act</li> <li>• Paragraphs 1 and 2 of Article 13 of the Customs Act</li> </ul>
11	Ministry of Economic Affairs	<ul style="list-style-type: none"> <li>• Articles 49 and 50 of the Commodity Inspection Act</li> <li>• Articles 42 and 43 of the Weights and Measures Act</li> </ul>

# For Personal Data Request

---



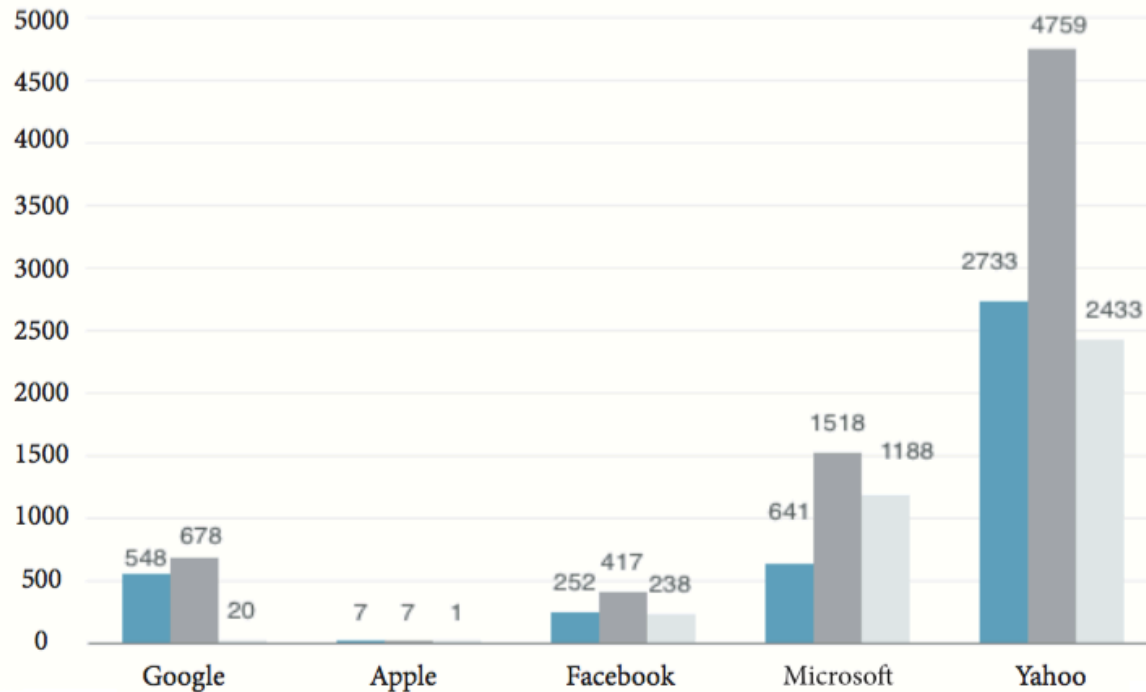
## Overview on numbers of internet personal data requests from various units in 2012-2014



Unit	No. of requests	% of total requests
CIB	2237	45.6%
2 <sup>nd</sup> Special Police Corps	1518	30.9%
MOEA	1061	21.6%
MOF	60	1.2%
NIA	22	0.4%
MOHW	6	0.1%
MOTC	4	0.1%

# 2014 Corporations' Statistic about Personal Data Request

Taiwan



■ No. of requests    ■ No. of affected users    ■ No. of successful users' data request

# Isn't It Ridiculous?

---

## **What Taiwan's government said is:**

- **2012-2014**: government sent **4,908** times of personal data requests

## **What FIVE international corporate reports said is:**

- **2014**: government sent **4,181** times of personal data requests

For Content Removal

---

# Big Gap of Compliance Rates provided by the Government and Corporations

---

- Based on the statistics provided by the government, **they had 1,234 requests** and received 1,129 positive response, **successful rate is 91.5%**.
- **The successful rates** in terms of the actual content removals versus the government removal requests released by Google were **between 0% and 30% in various timeframes**.

# Other Problem about Content Removal

## --iWIN

---

- According to the NCC, the iWIN's outsourcing operations include administrative and technical operations, such as monitoring internet activities, implementing the mechanism for online complaints, education and propagation, but **not related to the exercise of public power.**
- Some department are unclear about iWIN's duty and responsibility or iWIN never clearly introduced its own duty and responsibility.



# Why Information is so Limited

---

The Problem of Law?

or

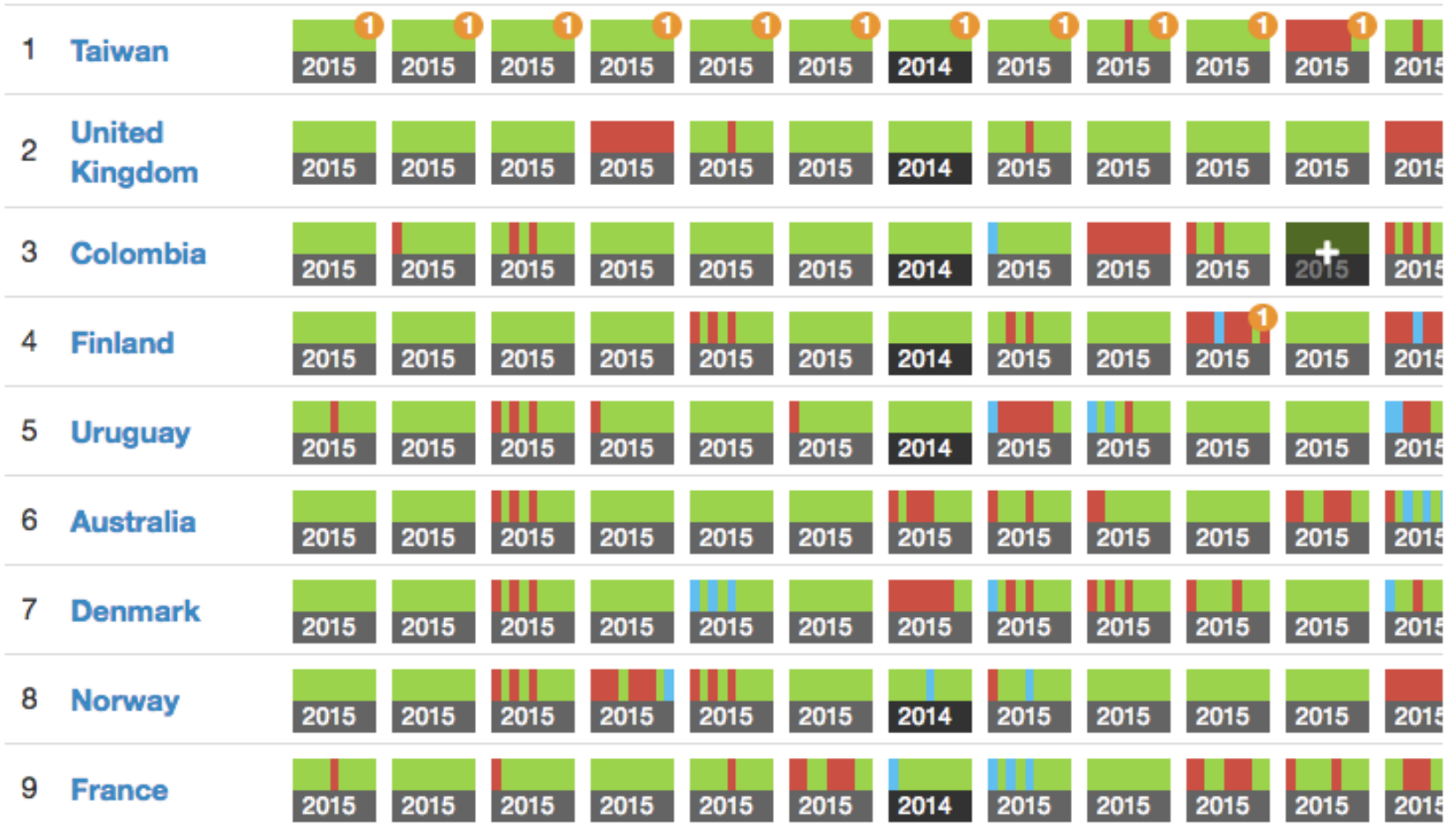
The Problem of Politics?

Key: ■ Yes ■ No ■ Unsure ■ No data

Data by Year: 2013 | 2014 | 2015 | 2016

Sort  alphabetically  by score

National Statistics    Government Budget    Legislation    Election Results    Procurement tenders    National Map    Transport Timetables    Pollutant Emissions    Weather forecast    Company Register    Location datasets    Water



# Suggestion and Improvement

---

# Lacking Authority Responsible for Internet (or Right To Privacy)

---

- **Lacking the overall policies** to require different government units protect citizen's right to privacy.
- It's **hard to proactively investigate whether there's a privacy risk or not** for a policy without the authority.
- Without the authority or supervisor, different government units could **easily make some excuses** which could not be proved **to reject the data releasing**.
- The **operational procedures to sending requests are different and opaque** for each departments and officer.

# Increase the Protection Scope of Communication Surveillance Law

---

- The Communication Surveillance Law in Taiwan only regulate the behaviors related to Telecoms.
  - According to a official document made by Ministry of Justice, once the email content has been stored, it will not be regulated by the Communication Surveillance law.
- There's still no successful appeal case now.

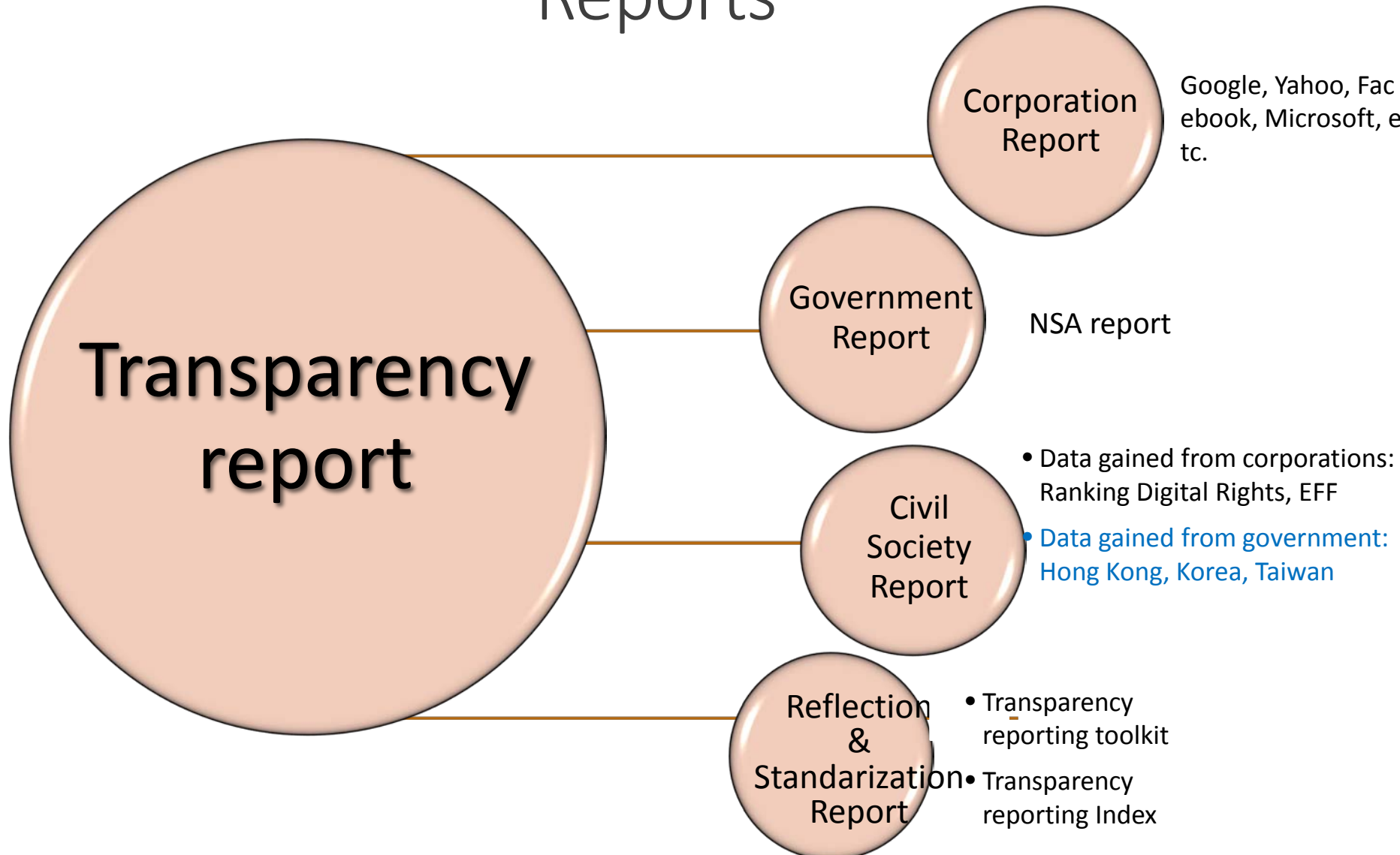
# The Local Telecoms and Internet Corporations Lack Transparency

---

- Still no local telecom or internet corporation in Taiwan try to make their first transparency reports.
- It's important for corporation to be transparent. Since that will make a corporation itself accountable, customers could know how their data or content be treated under corporation's policies.
- By integrating other corporate transparency reports will help us to supervise whether government tell complete fact or not.

Thanks For Your Listening!

# Four Patterns Of Transparency Reports





# What is Internet Transparency Report

---

- Mainly cares the government surveillance and censorship, cares the legal basis, statistic, and legal standard operation procedure which will be followed.
- Could be divided by their producer and data sources.