

Guidelines for Data Altruism Operations

I. Purpose

In order to promote mechanisms for sharing of non-personal data (hereafter “NPD”) in society, to build a trustworthy data altruism ecosystem, and to advance social, economic, and environmentally sustainable development, these Guidelines are formulated to specifically outline operation mechanisms for the voluntary and non-profit use of NPD in digital form that are not personal data for objectives of public interest. These Guidelines are an administrative guidance that promotes the altruistic use of non-personal data for public interest, and innovates NPD-driven applications and public services based.

II. Definitions

1. “Non-personal data” (NPD), as used in this Guideline, means information that exists in digital form that does not constitute “personal data” under the Personal Data Protection Act (the “PDPA”). Information involving personal data shall be processed into NPD.
2. “Data altruism operation mechanism”, as used in these Guidelines, means mechanisms that promote the voluntary and non-profit provision of NPD to use for objectives of public interest.
3. The participants to a data altruism operation mechanism include:
 - (1) “Data holder”, meaning a natural person, juridical person, agency, or organization that has the right to provide specific data.
 - (2) “Data altruism operator”, meaning an agency, or a non-profit juridical person or organization that operates a data altruism operation mechanism, and thereby facilitates NPD sharing by and among data holders, and NPD users and stakeholders. A data altruism operator may simultaneously be a data holder or NPD user.
 - (3) “NPD user”, meaning a natural person, juridical person, agency, or organization that receives and uses NPD.
 - (4) “Stakeholder”, meaning a person other than a data holder, a data altruism operator or a NPD user that has an interest in a data altruism operation mechanism.

III. The data altruism operation mechanism is centered around the participants' acknowledgement and trust in the objectives of public interest, and may operate in areas such as climate and environment, disaster prevention and relief, transportation, health care, energy management, social welfare, as well as other areas of public interest protected by laws and regulations.

Data altruism operation mechanisms may note the following basic principles:

1. Comply with the following laws and regulations:
 - (1) When processing information involving personal data into NPD for altruistic use, comply with the PDPA and relevant regulations.
 - (2) When government information is involved, comply with the Freedom of Government Information Law and relevant regulations.
 - (3) When intellectual property or commercially confidential information is involved, comply with the laws and regulations on the protection of intellectual property and trade secrets.
 - (4) Comply with all other applicable laws and regulations.
2. Operate in an honest and good-faith manner that respects the rights and interest of stakeholders.
3. Adopt appropriate management measures to ensure that the NPD use is consistent with objectives of public interest.
4. Adopt privacy-enhancing technologies, and carry out public disclosure of information in a manner that does not increase risk, so as to ensure transparency regarding the data collection, data processing, and NPD use.

The privacy-enhancing technologies in subparagraph 4 of the preceding paragraph may be adopted with reference to the Guidelines on the Application of Privacy-Enhancing Technologies promulgated by the Ministry of Digital Affairs.

IV. Where information involving personal data is to be processed into NPD for the data altruism operation mechanism, the collection, processing and use (including transmission by and among participants

to the data altruism operation mechanism) of such information may note the following matters:

1. Inform the data subject of the mandatory information under the PDPA, including the objective of public interest pursued by the processing of the personal data, the scope of personal data involved, the source of the personal data, the method for the processing into NPD, and the rights of data subjects.
2. Obtain consent from the data subject in accordance with the PDPA, or rely on another legal basis for the collection, processing or use of personal data under the PDPA.
3. Limit the processing to the minimum scope necessary for the altruistic use, and ensure the security thereof, including by, to the extent feasible, adopting appropriate technical measures to process the personal data in a non-identifying manner.

The processing of information involving personal data into NPD under the preceding paragraph may be carried out by the data holder prior to the provision of the information to the data altruism operator, or by the data altruism operator prior to the provision of the information to the NPD user.

V. Data holders may note the following matters when voluntarily providing data free of cost for altruistic use:

1. They have the lawful right to provide the data to others.
2. They acknowledge the objectives of public interest pursued by the data altruism operator or the NPD user.
3. The provision of such data is without prejudice to the rights and interest of the stakeholders.
4. The methods for data provision are adequately secure.
5. Proper records are kept for the data provision activities.

VI. Data altruism operators may, after choosing their objective of public interest and area of operation in accordance with Point 3, paragraph 1, establish the following management systems:

1. NPD reception management system, including measures for compliance with the purposes and restrictions on NPD use,

compensation for costs incurred by data holders for NPD provision, etc.

2. NPD processing management system, including NPD categorization, storage, analysis, security maintenance, response to illegal or improper use of NPD, etc.
3. NPD use management system, including criteria that NPD users receiving NPD should meet, procedure for application, methods for NPD users to obtain NPD, measures by NPD users for using and protecting the NPD received, etc.
4. Record-keeping and information disclosure systems, including complete records on NPD reception, processing and provision, preparation and disclosure of annual activity reports, etc.

Data altruism operators may take the following measures to enhance the efficacy of data altruism operation mechanisms:

1. Comply with the principles to make NPD findable, accessible, interoperable and re-usable (the “FAIR principles”), receive, process and provide NPD in a structured, machine-readable and commonly used format, and disclose NPD provenance and conditions for use, so as to strengthen the interoperability and easy use of NPD.
2. Adopt appropriate technological measures to bolster the protection of NPD confidentiality, integrity and availability during NPD reception, processing and provision, so as to increase trust by stakeholders and society at large in data altruism operation mechanisms.
3. Design a standardized procedure for obtaining, verifying, and managing stakeholders’ consent for altruistic NPD use, so as to strengthen legal compliance for NPD use.

The agreed conditions for NPD use should be proportionate to factors such as the content of NPD, the objectives of public interest pursued and the method of NPD use, and may in principle be non-exclusive use arrangements. Where exclusive use is necessary, the main content of the exclusive use arrangement may be made public prior to implementation, and an appropriate term of use may be agreed upon with the NPD user.

Data altruism operators may enter into, respectively with the data holder and NPD user, written contracts specifying the rights and obligations of the parties involved (e.g., whether monetary consideration is involved and whether there are restrictions on commercial use). The written agreement may be in the form of an electronic record, as provided for under the Electronic Signatures Act.

VII. NPD users may note the following matters in their reception and use of data:

1. All applicable laws and regulations, as well as contract stipulations are complied with.
2. The necessary extent for the objectives for public interest is not exceeded.
3. The rights and interest of stakeholders are not harmed.
4. The methods used to receive and use NPD are adequately secure.
5. Proper records are kept for the reception and use of NPD.

NPD users may also adopt measures listed under Paragraph 2 of the preceding point, so as to enhance the efficacy of altruistic NPD use.

VIII. In data altruism operations, where consent by the stakeholder is needed, data holders, data altruism operators and NPD users may not employ misleading, deceptive, coercive or other inappropriate methods to obtain consent.

For data altruism operations, data holders, data altruism operators and NPD users may establish a NPD misuse notification mechanism, to the effect that affected stakeholders are notified in the event of, inter alia, any NPD use that exceeds the scope of, or contravenes the conditions of their consent or agreement.

Data holders, data altruism operators and NPD users may establish appropriate mechanisms to safeguard stakeholders' rights and interest, such as mechanism for consent withdrawal (withdrawal of consent with no effect on the lawfulness of collection, processing and use based on such consent before its withdrawal), and mechanism for receiving and responding to complaints (including circumstances under which NPD use is suspended during the handling of compliant).

IX. In data altruism operations, data holders, data altruism operators and data users shall comply with laws and regulations that are applicable on basis of their organizational nature, and their chosen objectives of public interest and areas of operation.

When data holders, data altruism operators, or NPD users entrust others to collect, process, or use NPD, they may agree in the entrustment agreement upon the method for appropriate supervision of the entrusted party (e.g., on-site audit, right to request information or report), so as to ensure the strict compliance with their instructions and adoption of appropriate NPD security measures by the entrusted party.

Data holders, data altruism operators and NPD users may conduct appropriate awareness-raising activities and training for their personnel, so as to ensure the latter's clear understanding of the legal requirements, the scope of their responsibilities, and the mechanisms, procedures and measures for NPD collection, processing, use and protection. Data altruism operators may also hold awareness-raising or promotional activities to increase understanding and trust by the general public in data altruism operation mechanisms.