

## Guidelines for Administrative Inspection by the Ministry of Transportation and Communications in Matters Related to the Supervision of Postal Affairs

1. These Guidelines are being established to ensure lawful and appropriate performance of administrative inspections by the Ministry of Transportation and Communications (hereinafter referred to as “the Ministry”), which are being carried out pursuant to Article 28 of the Postal Act.
2. The administrative inspections in matters related to the supervision of postal affairs are conducted by authorized persons of the Department of Posts and Telecommunications of the Ministry (hereinafter referred to as “the Inspection Agency”), or, in conjunction with police authorities. The Inspection Agency may request the assistance of personnel from any or all of the following departments, agencies or organizations:
  - (1) Relevant departments of the Ministry and agencies under the Ministry.
  - (2) Other administrative bodies specified under Article 19 of the Administrative Procedure Act.
3. Apart from police officers, all inspectors shall wear an inspector’s identity card issued by the Ministry and, when necessary, show his/her identification card.

The issuance and control of the aforementioned inspectors’ identity cards shall be in accordance with the following:

  - (1) The Inspection Agency shall issue inspectors’ identity cards printed by the Ministry’s Department of General Affairs according to need; these cards shall each bear a serial number and a date of expiration (See Form I.)
  - (2) All inspectors’ identity cards shall be turned in to the chief of the Inspection Agency for safekeeping after each assignment.
  - (3) In the event that an inspector’s identity card is lost or becomes damaged, a report shall be filed for the cancellation of the card.
4. Inspection Procedures:

- (1) When the Ministry suspects that there has been a violation of the Postal Act, either based on an informant's tips or discoveries made by staff while performing their duties, the Ministry may, in accordance with Article 28 of the Postal Act, proceed to conduct an administrative inspection. When assistance from other agencies or organizations is needed, the Ministry shall, except in the case of an emergency, make a request in writing, and the Inspection Agency shall submit a written report in which an inspector is appointed to lead the operation.
  - (2) A request should be made for the use of the inspector's identity card.
  - (3) Prior to entering the site to be inspected, the inspector should, for the purpose of identifying himself/herself and explaining his/her legal authority to conduct an inspection, show his/her inspector's identity card and documentation from the Ministry to the persons present.
  - (4) The administrative inspection should be conducted.
  - (5) Inspection report: After the inspection, the inspector shall fill out and file the "Administrative Inspection Report by the Ministry of Transportation and Communications about Matters Related to the Supervision of Postal Affairs" (See Form II), which details for the minister and vice ministers the results of the inspection and proposed measures to be taken.
5. Inspectors shall pay attention to the following when conducting an inspection:
- (1) When an inspection is performed on an individual, the inspector may request to see the said individual's ID; however, the inspector may not perform a body search.
  - (2) When necessary, the inspector may request the individual being inspected to provide related information, ask questions of other persons present, and fill out an "Interview Record of an Administrative Inspection by the Ministry of Transportation and

Communications about Matters Related to the Supervision of Postal Affairs” (hereinafter referred to as the “Interview Record,” see Form III). The Interview Record shall bear the signatures of the individual being inspected or the interviewee and the inspector leading the inspection. Should the individual being inspected or the interviewee refuse to sign the Interview Record, a note of explanation shall be made on the Interview Record.

- (3) In the event that the site to be inspected is a residential dwelling or any other property, vehicle, watercraft or aircraft with occupant(s) or caretaker(s), the inspector shall locate an owner, person in charge, resident, caretaker, user or any other person having apparent authority or control of the property before conducting the inspection. In the event that such a person cannot be located, the inspection may not be carried out.
  - (4) In the event that the site to be inspected is a residential dwelling or any other property with occupant(s) or caretaker(s), the inspection may not be performed at night without the consent of the owner, person in charge, resident, caretaker, user or any other person having apparent authority or control of the property, except in the case of an emergency.
  - (5) All inspections shall be kept confidential so as not to damage the reputation of the individual being inspected.
  - (6) In the event that the individual being inspected refuses the inspection or refuses to provide requested information, the inspector may not attempt to conduct the inspection or search for information by use of force.
  - (7) In case that the individual to be inspected shuns, obstructs, or refuses to be inspected or to provide requested information, the inspector shall proceed in accordance with Article 43 of the Postal Act.
6. Upon the completion of an inspection, the inspector shall take the following steps:

- (1) Upon discovering evidence of crimes under Article 36 or Article 38 of the Postal Act, the inspector shall, in accordance with the Law of Criminal Procedure, forward all relevant evidence and a report to the district prosecutors' office in charge.
  - (2) Upon discovering a violation of the Postal Act subject to administrative penalty, the inspector shall proceed with the case in accordance with Article 6 of the "Guidelines for the Enforcement of the Postal Act by the Ministry of Transportation and Communications" immediately. Should there be a violation (or violations) of other laws, the inspector shall forward the case to the competent authorities.
  - (3) If investigation finds no illegalities, then the inspector shall file a report to conclude the case.
7. These Guidelines shall become effective on the date of its promulgation, and the same shall apply when it is amended.

Form I:

The Ministry of Transportation and Communications

Inspector Identity Card

No. 000

The Ministry of Transportation and Communications

Inspector Identity Card

1. This identity card is issued in accordance with Article 28 of the Postal Act.
2. This identity card shall be used in accordance with “Guidelines for Administrative Inspection by the Ministry of Transportation and Communications in Matters Related to the Supervision of Postal Affairs” by the cardholder only.
3. Card expires:
4. If you find this card, please send it to  
Department of Posts and Telecommunications,  
Ministry of Transportation and Communications,  
No. 50, Sec. 1, Ren'ai Rd., Zhongzheng Dist., Taipei  
City 10052  
Thank you.  
TEL:

Form II:

Administrative Inspection Report by the Ministry of  
Transportation and Communications about Matters Related to  
the Supervision of Postal Affairs

Date:

Item		Description			Remarks	
Entity being Inspected		Name		Certificate of Business Registration Number		
		Representative		ID Number		
		Address				
		Address of the Location of the Inspection				
Violation						
Date of Inspection		/ /	Time of Inspection			
Process of Inspection						
Results and Proposed Follow-up Measures						
Units Participated	Inspection agency		Participants			
	Police Authority		Participants			
	Assisting Unit		Participants			

**Form III:  
Interview Record of an Administrative Inspection by the  
Ministry of Transportation and Communications about Matters  
Related to the Supervision of Postal Affairs**

In accordance with Article 28 of the Postal Act, the Ministry of Transportation and Communications may dispatch its inspectors to, or, in conjunction with police officers with identification, enter sites that violate this Act and conduct inspections as well as demand presentation of related documents. The owners, persons-in-charge, residents, caretakers, users or representatives of said sites shall not shun, impede, or refuse such requests.

\_\_\_\_\_ : \_\_\_\_\_, \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ at \_\_\_\_\_  
Hour/ Minute, Month/Day/Year

**Summary**

Name		Sex		Age		Date of Birth		ID Number	
Address								Telephone Number	


The content of this interview record shall be read to the interviewee before the interviewee is requested to sign his/her name or affix his/her seal on this record, if and when the interviewee considers it true and correct.

Interviewee:

Interviewer: