

Key Points for Handling Public Complaints for the Executive Yuan and its Subordinate Agencies

Amended on July 29, 2011

1. To strengthen public service in all of its subordinate agencies (hereafter “All Agencies”) and effectively handle public complaints, the Executive Yuan has established these key points in accordance with Section 1, Article 170 of the Administrative Procedure Act.
2. Public complaints referred to in these key points mean the public’s suggestion regarding administrative reform, search for administrative laws and regulations, reporting of improper administrative action or protection of administrative rights, in either written or verbal format.
3. Public complaints may be made in writing, which includes e-mail and fax.

The written public complaint referred to in the previous sentence must include the nature of the complaint, one’s full name and contact information.

Contact information referred to in these key points include telephone number, address, fax or e-mail address.

4. Public complaints may be made verbally. In such case, the handling agency must transcribe the complaint recording the nature of the complaint, the complainant’s full name and contact information. The handling agency must also either read to or allow the complainant to read the transcription of the complaint and have the complainant either sign or seal to confirm the contents thereof.

All Agencies must utilize public areas to set up interview rooms or other designated areas for the purpose of receiving complaints or solving the public’s questions regarding administrative actions, or to hold activities between officials and the public.

5. All Agencies must handle public complaints in accordance with the principles of lawfulness, reasonableness, speediness and reliability.

6. Public complaints shall be handled by the relevant competent authority in charge depending on the nature of the complaint. In the event the complaint is made to an authority without such jurisdiction, such authority shall transfer the complaint to the proper competent authority and notice the complainant of such. In the event the complaint involves two or more competent authorities and there is a dispute, the authorities' common superior competent authority shall handle the complaint.

If the complaint referred to in the previous paragraph relates to ethics or improper action by the original agency, the complaint must be handled by a superior competent authority or another suitable agency selected by the superior competent authority.

7. If the public complaint meets the requirements set forth in Section 1, Article 80 of the Administrative Appeals Act, the handling agency must handle the complaint accordingly. Section 1, Article 80 of the Administrative Appeals Act states the following: "If the administrative appeal was rendered as a decision of case not entertained because it was filed after the expiration of the specific period according to this Act, but the administrative action is obviously illegal or improper, the agency which the administrative action was made or its supervising agency may by its office revoke or modify the administrative action."
8. After taking responsibility for the public complaints, All Agencies must include all documents and records of the complaints, along with all relevant information, in the complaint files and send for approval depending on the levels of approval required. Based on the situation, the response to the complainant may then be made in the form of official letter, e-mail letter, telephone call, e-mail, fax, in-person meeting or other methods.

If the public complaint mentioned in the previous paragraph involves multiple complainants all of whom have listed their names and contact information but without any agent or contact person, the responsible agency shall respond to each complainant individually. However, the responsible agency may respond only to the interested party elected or designated pursuant to Article 27 of the Administrative Procedure Act.

If the response to the complainant in the first paragraph hereto is made by telephone call or in-person meeting, a written record may be made of such

response.

9. When handling public complaints, All Agencies may, depending on the circumstances, invite the complainant for an in-person meeting, hold an evidentiary hearing or dispatch staff to conduct on-site investigations.
10. When responding to public complaints, All Agencies must include specific comments for the handling on the complaint that is tailored to the specific facts of the complaint and the legal basis thereof. This should be in a clear, affirmative, inviting and easy to understand language and all relevant agencies should be copied in the response.
11. All Agencies must register, categorize, count and label as restricted the public complaints they handle. Further, All Agencies must set a deadline for the handling of the complaint in accordance with the nature of the complaint, provided that no deadline may be more than 30 days in duration. If any agency is unable to close the complaint within the set deadline, approval for extension must be obtained in accordance with the level of approval required, and the complainant must be notified in writing of such extension.
12. If a public complaint is brought that involves potential claims for administrative appeals, litigation, state compensation or any other legal proceedings, the agency receiving the complaint must notify the complainant of such or transfer the complaint to the relevant competent authorities and copy the complainant.
13. If the complainant disagrees with the handling of the public complaint by the original handling agency and makes a further complaint to a superior agency, the superior agency must handle the matter in accordance with the facts of the complaint, or return the matter to the original handling agency with instructions. In the latter event, the original handling agency must provide the superior agency with a written report of how the complaint was handled.

If the further complaint to the superior agency referred to in the preceding paragraph involves civil ethics or allegations of impropriety by the original handling agency, Paragraph 2, Article 6 above shall apply.
14. If the public complaint has any one of the following below situations, the handling agency may refuse to handle it but must still register and record it:

- (1) No specific allegations or does not list full name or contact information.
- (2) A complaint of the same issue was previously filed, handled and answered.
- (3) A competent authority not having jurisdiction receiving the complaint that has already been filed with multiple agencies.

In the case of (2) above, where the complainant continues filing the same complaint with the original handling agency or a superior agency, the handling agency may notify the complainant in writing of the date of answer and letter number, and promptly close the case thereafter.

15. If any of the below is present in a public complaint, the handling agency must notify the complainant to follow the original legal procedure:
 - (1) Under investigation by the prosecution, police, or other investigative body.
 - (2) In the middle of litigation or administrative relief.
 - (3) Court decision rendered or confirmed, or a specified legal procedure has been completed.
16. All Agencies must regularly analyze the number, nature, type and manner of resolution of the public complaints they handle, and to raise recommendations for the head of the agency and related units for reference purposes.
17. All competent authorities must regularly understand the results of its subordinate agencies' handling of public complaints and compile all such statistics for study, and to raise recommendations to be sent to all subordinate agencies for improvement.
18. If necessary, the handling agency must keep the public complaint confidential.
19. Agencies may be rewarded for high efficacy in handling public complaints. Agencies may be punished for violating any of the key points listed herein in accordance with the severity of the violation.
20. In the event of a foreigner making a public complaint in English, All Agencies must reply in English.