

Key Points of the 2025 Amendments to Taiwan's Personal Data Protection Act

I. Introduction

Taiwan's Personal Data Protection Act (hereinafter the "PDPA") was amended and promulgated by the President on November 11, 2025 (effective date to be determined), marking the most significant structural revision to Taiwan's personal data protection framework in recent years. Please also refer to our firm's prior newsletter, "Introduction to Taiwan's Personal Data Protection Act (English Version)"¹.

The focus of this amendment is to vest the Personal Data Protection Commission (hereinafter the "Commission"), as the competent authority under the PDPA, with the necessary supervisory and enforcement powers in conjunction with its establishment. The amendment restructures the supervisory framework for government agencies and private entities, including the explicit stipulation of notification and reporting obligations upon the occurrence of personal data incidents. It also strengthens the administrative inspection regime and adjusts the corresponding penalties, while retaining transitional flexibility regarding the transfer of supervisory authority during the six-year transition period following the establishment of the Commission, so as to accommodate practical needs.

This article outlines the key points of the amendments and further analyzes the potential impact of the new law on government agencies and private entities, providing a reference for enterprises to formulate compliance systems and risk management strategies under the newly amended PDPA.

II. Competent Authority under the PDPA and Empowerment

This amendment addresses the operational needs following the establishment of the Commission (currently the Commission Preparatory Office). As the competent authority under the PDPA, the Commission is vested with relevant powers encompassing the formulation of personal data protection policies, the issuance of relevant regulations and orders, the conduct of administrative inspections, the adjudication of violations, and supervisory and guidance functions. Furthermore, given the Commission's status as an independent agency, it may exercise its powers independently in accordance with the law, free from the direction or supervision of other administrative agencies, and the relevant provisions have been adjusted accordingly.

On this basis, the supervisory model under the PDPA will shift from the previous decentralized supervision conducted by the competent central sectoral authorities and local governments to a system centered on the Commission, under which the Commission interprets and enforces the regulatory framework for personal data protection. This is expected to help reduce inconsistencies in standards and enforcement gaps among different competent authorities.

¹ "Introduction to Taiwan's Personal Data Protection Act (English Version)"
https://www.aplawjapan.com/application/files/9316/9355/8080/EN_Newsletter_TWN_002.pdf
"Introduction to Taiwan's Personal Data Protection Act (Japanese Version)"
https://www.aplawjapan.com/application/files/9916/9355/7347/Newsletter_TWN_002.pdf

To prevent the operation of the Commission as an independent agency from creating supervisory gaps or practical operational friction, this amendment expressly provides that central and local government agencies at all levels shall actively cooperate in implementing concrete measures to achieve the objectives of the PDPA and shall ensure that the government agencies under their jurisdiction and the non-government entities they supervise comply with the PDPA in the performance of their duties and operations. At the same time, the new law authorizes the Commission to convene “Personal Data Protection Policy Promotion Meetings” as a cross-agency platform for policy coordination and practical communication. Through this mechanism, the Commission may consult with the competent central sectoral authorities and local governments on matters such as policy direction, incident reporting and response, cooperation in administrative inspections, and restrictions on international data transfers, thereby enhancing overall supervisory effectiveness.

III. Notification Obligations, Reporting Obligations, and Response Measures for Personal Data Incidents

Under the former law, when events such as the theft or alteration of personal data occurred, government agencies or private entities were required to notify the data subjects in an appropriate manner “after investigation” when personal data was compromised “due to a violation of the PDPA.” In practice, this was often interpreted to mean that, prior to notifying data subjects, it may first confirm that the relevant incident resulted from a violation of the PDPA and that the notification obligation only arose after such violation had been ascertained. However, events such as the theft or alteration of personal data do not necessarily bear a direct nexus to whether the government agency or private entity violated the PDPA; moreover, if notification were deferred until after the investigation, data subjects might miss the opportunity to take timely and necessary countermeasures. In light of these considerations, this amendment adjusts the relevant provisions.

Under the new law, when personal data is stolen, altered, damaged, destroyed, or leaked (hereinafter “personal data incidents”), it is expressly provided that government agencies and private entities shall notify data subjects upon becoming aware of the personal data incident. This notification obligation is no longer premised on the existence of a violation of the PDPA or the prior determination of the incident.

In addition, this amendment newly imposes reporting obligations and the duty to take response measures on government agencies and private entities. When a personal data incident occurs, in addition to the aforementioned obligation to notify data subjects, government agencies and private entities must report the personal data incident to the Commission and promptly take effective response measures to prevent further escalation of the incident. Regarding the specific procedures and methods by which government agencies and private entities shall notify data subjects, report to the Commission, and take responsive measures upon the occurrence of a personal data incident, the Personal Data Protection Commission will establish separate regulations to govern these matters.

IV. Transfer of Supervisory Authority over Private Entities and Transitional Arrangements

With respect to the maintenance of personal data files by private entities, the PDPA already required the establishment of relevant measures to prevent personal data incidents. Following this amendment, supervisory authority is transferred to the Commission, which is expressly authorized to prescribe relevant regulations regarding personal data security maintenance matters and management mechanisms, thereby establishing uniform and specific norms.

However, during the six-year transition period from the date of the Commission’s establishment, the competent central sectoral authorities may continue to prescribe personal data security maintenance plans or the manner of processing personal data after the termination of business operations for the industries they supervise. Therefore, private enterprises should establish and refine their internal personal data security maintenance and management mechanisms in accordance with the relevant regulations promulgated by the Commission, while recognizing that they may continue to be subject to supervision by the competent central sectoral authorities during the six-year transition period.

Furthermore, when the competent authority has concerns about whether a private entity has violated the PDPA, or where it deems necessary after reviewing the entity's compliance with the PDPA, it may conduct an inspection. Following the amendment, such inspection authority is, in principle, vested in the Commission. However, consistent with the supervisory authority arrangements described above, inspection matters during the six-year transition period may continue to be subject to the supervision framework of the competent central sectoral authorities or local governments as prescribed.

V. Reform of the Administrative Remedies System

This amendment adjusts the administrative remedy system applicable to administrative dispositions made under the PDPA in response to the independent agency status of the Commission. Under Taiwan's existing legal framework, a person subject to an administrative disposition disagrees with the decision made by an administrative agency must, in principle, first file an administrative appeal with the superior or competent authority, requesting a review within the administrative system; only if dissatisfied with the appeal decision may the person then institute administrative litigation. Administrative appeal thus generally serves as a prerequisite to administrative litigation.

Given that the Commission is an independent agency exercising its powers independently in accordance with the law, and in order to prevent the Executive Yuan (i.e., the cabinet of Taiwan) or other superior administrative agencies from intervening in the Commission's adjudication of specific cases, the amended PDPA expressly provides that a person dissatisfied with an administrative disposition made by the Commission under the PDPA shall, in principle, directly institute administrative litigation without first going through the administrative appeal process.

However, during the six-year transition period from the establishment of the Commission, the competent central sectoral authorities or local governments may continue to exercise certain supervisory powers under the PDPA and issue administrative dispositions accordingly. Such agencies do not necessarily possess the legal status of independent agencies; therefore, where a person is dissatisfied with an administrative disposition issued by such agencies, the existing administrative remedy procedures shall apply—namely, the person shall first file an administrative appeal with the Commission, and if still dissatisfied with the appeal decision, may seek further relief through administrative litigation.

VI. Government Agency Supervisory System

In addition to adjusting supervisory authority over private entities, this PDPA amendment also introduces new provisions regarding the personal data protection supervisory system for government agencies, as described below.

(1) Establishment of a “Chief Personal Data Protection Officer” in Government Agencies

The new law introduces the Chief Personal Data Protection Officer (hereinafter the “PDP Officer”) system for government agencies as a core measure to strengthen the personal data governance framework in the public sector. Under the relevant provisions, each government agency shall designate an appropriate person, appointed by the head of the agency, to serve concurrently as the PDP Officer, and allocate the necessary personnel and resources. The PDP Officer is responsible for coordinating, promoting, supervising, and evaluating matters related to personal data protection within the agency and its subordinate or supervised government agencies.

(2) Supervision, Audit, Administrative Inspection, and Time-limited Rectification Mechanisms for Government Agencies

This amendment also newly introduces supervision and audit mechanisms for government agencies. Under the relevant provisions, government agencies shall annually submit reports on the implementation of personal data protection management matters to their superior or supervisory agencies, serving as the basis for supervision and audit. Superior or supervisory agencies are obligated to provide guidance and conduct audits of their subordinate or supervised agencies. If a government agency violates the PDPA, the Commission may order it to rectify the violation within a specified period. If the agency in violation fails

to comply within the prescribed period, the Commission may publicize the name of the agency and the details of the violation and may impose disciplinary action in accordance with applicable civil service laws and regulations.

VII. Conclusion

Overall, this PDPA amendment signals that Taiwan's personal data protection regime will adopt a new framework centered on the Commission, imposing more specific and detailed requirements on government agencies and private entities in areas including personal data protection and governance, incident response, supervisory mechanisms, and remedial procedures. Going forward, private enterprises must ensure full compliance with the management standards established by the new law and the Commission's regulations at every stage of the collection, processing, and use of personal data, in order to mitigate compliance risks and potential liabilities.

It is worth noting that this amendment incorporates transitional measures for the six-year period following the establishment of the Commission. During this transition period, various agencies, including the competent central sectoral authorities and local governments, will continue to exercise supervisory authority over PDPA matters. Private enterprises must not only monitor the Commission's development of relevant systems but also comply with the regulations established by such agencies. The complexity and uncertainty involved in compliance assessments and practical operations for enterprises will therefore increase.

In light of the foregoing, enterprises are advised to conduct timely reviews of their existing personal data protection systems and internal processes, closely monitor the latest developments in the PDPA and related regulations, and seek professional counsel as appropriate when questions arise regarding the interpretation of the new regime or practical uncertainties, to ensure compliance and effectively manage risks during the regulatory transition period.

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