

人工智慧基本法草案協商通過條文

Draft Artificial Intelligence Basic Act Passed by Committee Negotiation

第一條（立法目的）

Article 1 (Legislative Purpose)

為建設智慧國家，促進以人為本之人工智慧研發與人工智慧產業發展，建構人工智慧安全應用環境，落實數位平權，保障人民基本權利，增進社會福祉，提升國人生活品質，促進社會國家之永續發展，維護國家文化價值及提升國際競爭力，並確保技術應用符合社會倫理，特制定本法；本法未規定者，適用其他法律之規定。

To build an intelligent nation, promote human-centric AI research and industrial development, establish a secure AI application environment, realize digital inclusion, safeguard fundamental rights, enhance social welfare, improve citizens' quality of life, promote sustainable national development, preserve cultural values, and strengthen international competitiveness—while ensuring technological applications conform to social ethics—this Act is hereby enacted. Matters not provided herein shall be governed by other applicable laws.

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第四條（推動原則）

Article 4 (Principles for Promotion)

政府推動人工智慧之研發與應用，應在兼顧社會公益、數位平權、促進創新研發與強化國家競爭力之前提下，發展良善治理與基礎建設，並遵循下列原則：

When promoting AI research and applications, the government shall, under the premise of balancing public interest, digital inclusion, innovation, and national competitiveness, develop sound governance and infrastructure, and adhere to the following principles:

一、永續發展與福祉：應兼顧社會公平及環境永續。提供適當之教育及培訓，降低可能之數位落差，使國民適應人工智慧帶來之變革。

Sustainability and Welfare: Ensure social equity and environmental sustainability; provide education and training to reduce potential digital divides and help citizens adapt to AI-driven transformations.

二、人類自主：應以支持人類自主權、尊重人格權等人類基本權利與文化價值，並允許人類監督，落實以人為本並尊重法治及民主價值觀。

2. Human Autonomy: Uphold human autonomy, personality rights, and cultural values; allow human oversight; and ensure AI development remains human-centric and consistent with the rule of law and democratic values.

三、隱私保護與資料治理：應妥善保護個人資料隱私，尊重企業營業秘密，避免資料外洩風險，並採用資料最小化原則；同時在符合憲法隱私權保障之前提下，促進非敏感資料之開放及再利用。

3. Privacy and Data Governance: Protect personal data and privacy, respect trade secrets, prevent data leakage, and apply data-minimization principles; while, under constitutional privacy guarantees, promote open access and reuse of non-sensitive data.

四、資安與安全：人工智慧研發與應用過程，應建立資安防護措施，防範安全威脅及攻擊，確保其系統之穩健性與安全性。

4. Cybersecurity and Safety: Establish cybersecurity safeguards in AI research and applications to prevent threats and attacks, ensuring system robustness and safety.

五、透明與可解釋：人工智慧之產出應做適當資訊揭露或標記，以利評估可能風險，並瞭解對相關權益之影響，進而提升人工智慧可信任度。

5. Transparency and Explainability: AI outputs shall include appropriate disclosures or labeling to facilitate risk assessment, clarify impacts on stakeholders, and enhance AI trustworthiness.

六、公平與不歧視：人工智慧研發與應用過程中，應盡可能避免演算法產生偏差及歧視等風險，不應對特定群體造成歧視之結果。

6. Fairness and Non-Discrimination: Minimize algorithmic bias and discrimination risks in AI development and use, avoiding discriminatory outcomes for specific groups.

七、問責：應確保承擔相應之責任，包含內部治理責任及外部社會責任。

7. Accountability: Ensure appropriate accountability, including both internal governance and external social responsibility.

第五條（限制與高風險應用）

Article 5 (Restrictions and High-Risk Applications)

政府應避免人工智慧之應用，有侵害人民生命、身體、自由或財產，破壞社會秩序、國家安全或生態環境，或偏差、歧視、廣告不實、資訊誤導或造假等違反相關法規之情事。

The government shall prevent AI applications that infringe upon life, bodily integrity, liberty, or property; disrupt social order, national security, or the environment; or result in bias, discrimination, false advertising, misinformation, or forgery contrary to law.

政府應以兒少最佳利益為原則，人工智慧產品或系統經中央目的事業主管機關會商數位發展部認定為高風險應用者，應明確標示注意事項或警語。

The government shall prioritize the best interests of children and youth. AI products or systems deemed high-risk by the central competent authority in consultation with the Ministry of Digital Affairs shall bear clear warnings or precautionary statements.

數位發展部及其他相關機關應提供或建議評估驗證之工具或方法，以利各目的事業主管機關辦理前項事項。

The Ministry of Digital Affairs and other relevant authorities shall provide or recommend tools or methods for risk assessment and validation to assist competent authorities in implementing the preceding paragraph.

前項驗證工具及方式之形成，應徵詢相關利益團體、產業、學者、社會團體及法律專家之意見。

The formulation of such validation tools and methods shall incorporate input from stakeholders, industries, academia, civil organizations, and legal experts.

第七條（人工智慧教育）

Article 7 (AI Education)

為提升國民對於人工智慧之知識與技能，政府應持續推動各級學校、產業、團體、社會及公務機關（構）之人工智慧與倫理教育，並厚植國民之數位素養。

To enhance citizens' knowledge and skills in artificial intelligence, the government shall continuously promote AI and ethics education across all

educational levels, industries, organizations, society, and public institutions, thereby strengthening digital literacy nationwide.

第八條（跨域合作）

Article 8 (Cross-Sector Collaboration)

政府應落實人工智慧發展政策，並鼓勵產官學界，積極推動人才及技術之跨域合作、交流與基礎設施之建立。

The government shall implement AI development policies and encourage collaboration, exchange, and infrastructure building among industry, government, and academia in talent and technology development.

第九條（經費保障）

Article 9 (Financial Support)

政府應於財政能力範圍內，寬列預算，採取必要措施，持續確保經費符合推行人工智慧政策發展所需。

Within the limits of fiscal capacity, the government shall allocate sufficient budget and take necessary measures to ensure continuous funding for the implementation of AI development policies.

第十條（產業發展與績效報告）

Article 10 (Industrial Development and Performance Reporting)

政府應積極推動人工智慧研發、應用及基礎建設，妥善規劃資源整體配置，並辦理人工智慧相關產業之補助、委託、出資、投資、獎勵、輔導，或提供租稅、金融等財政優惠措施，並應設置年度執行成效報告制度，定期對外公布相關成果與評估意見，以作為政策持續推動與資源調整之依據。

The government shall actively promote AI research, application, and infrastructure, properly plan overall resource allocation, and implement subsidies, commissions, investments, incentives, or guidance for AI-related industries. It may also offer fiscal incentives such as tax or financial measures. An annual performance reporting system shall be established to publicly

disclose results and evaluations, serving as a basis for continued policy promotion and resource adjustment.

第十一條（法規創新與實驗環境）

Article 11 (Regulatory Innovation and Experimental Environment)

政府應於人工智慧開發、訓練、測試及驗證新興技術運作之影響時，提供合理使用、扶持及補助措施，並完善人工智慧研發及應用之法規。相關法規之解釋與適用，如與其他法規扞格，在符合本法第四條基本原則之前提下，以促進新技術與服務之提供為優先原則。

The government shall, when addressing AI development, training, testing, and validation of emerging technologies, provide reasonable use, support, and subsidy measures, and improve relevant AI laws and regulations. In case of inconsistency with other laws, interpretation and application shall, under the principles of Article 4, prioritize the facilitation of new technologies and services.

為促進人工智慧技術創新及永續發展，各目的事業主管機關得針對人工智慧創新產品或服務，建立或完備人工智慧研發及應用服務之創新實驗環境。

To promote innovation and sustainable development in AI technologies, competent authorities may establish or improve experimental environments for AI R&D and service applications.

第十二條（國際合作）

Article 12 (International Cooperation)

政府應致力推動人工智慧相關之國際合作；並基於公私協力原則，積極與民間共同推動人工智慧之創新運用。

The government shall promote international cooperation on artificial intelligence and, under the principle of public-private partnership, actively collaborate with the private sector to advance innovative AI applications.

第十三條（資料開放與再利用）

Article 13 (Data Openness and Reuse)

政府應建立資料開放、共享及再利用機制，以提升人工智慧使用資料之可利用性，並定期檢視與調整相關法令及規範。

The government shall establish mechanisms for data openness, sharing, and reuse to enhance the availability of data for AI use, and shall periodically review and revise relevant laws and regulations.

政府應致力提升我國人工智慧使用資料之品質與數量，確保訓練及產出結果足以展現國家多元文化價值與維護智慧財產權。

The government shall improve the quality and quantity of AI-related data in Taiwan to ensure that training and outputs reflect national cultural diversity and protect intellectual property rights.

第十四條（個資保護）

Article 14 (Personal Data Protection)

各目的事業主管機關會同個人資料保護主管機關，在人工智慧研發及應用過程，避免不必要之個人資料蒐集、處理或利用，並應促進個人資料保護納入預設及設計相關措施或機制，以維護當事人權益。

Each competent authority, in consultation with the personal data protection authority, shall avoid unnecessary collection, processing, or use of personal data in AI development and application, and shall promote privacy-by-design measures to safeguard data subjects' rights.

第十五條（勞動保障）

Article 15 (Labor Protection)

政府應積極運用人工智慧確保勞動者之勞動權益。

The government shall actively employ AI to protect workers' labor rights and interests.

政府應積極弭平人工智慧發展所造成之技能落差，提升勞動參與，保障經濟安全，並落實尊嚴勞動。

The government shall bridge skill gaps caused by AI development, enhance labor participation, ensure economic security, and realize dignified work.

政府應就人工智慧利用所致之失業者，依其工作能力予以輔導就業。

For individuals unemployed due to AI utilization, the government shall provide reemployment counseling based on their capabilities.

第十七條（高風險責任與救濟）

Article 17 (High-Risk Responsibility and Remedies)

政府應就高風險人工智慧之應用，明確其責任歸屬及歸責條件，並建立其救濟、補償或保險機制。

The government shall clarify the attribution and conditions of liability for high-risk AI applications and establish mechanisms for remedies, compensation, or insurance.

人工智慧之研發，於實際應用前，不適用前項規定。但其於實際環境測試，或運用研發成果提供產品、服務時，不在此限。

AI research prior to actual application is not subject to the preceding paragraph; however, when conducting real-world testing or providing products or services based on R&D results, the provision shall apply.

第十九條（政府使用人工智慧）

Article 19 (Government Use of Artificial Intelligence)

政府使用人工智慧執行業務或提供服務，應進行風險評估，規劃風險因應措施。

When using AI to perform public functions or provide services, the government shall conduct risk assessments and plan corresponding mitigation measures.

政府應依使用人工智慧之業務性質，訂定使用規範或內控管理機制。

The government shall, in accordance with the nature of AI-related operations, establish usage standards or internal control mechanisms.

第二十條（施行）

Article 20 (Enforcement)

本法自公布之日起施行。

This Act shall take effect from the date of promulgation.