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Regulations of the People's Republic of China on Disclosure of Government Information

(Promulgated by Decree No. 492 of the State Council of the People's Republic of China on April 5, 2007, and revised by Decree No. 711 of the State Council of the People's Republic of China on April 3, 2019)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of ensuring lawful access to government information by citizens, legal persons and other organizations, increasing transparency of government work, building a government based on the rule of law, and bringing into full play the role of government information in serving people's work, everyday lives and economic and social activities.

Article 2 In these Regulations, "government information" means information which is produced or obtained, and recorded or stored in certain forms by an administrative organ in the course of performing its functions of administration.

Article 3 People's governments at all levels shall strengthen organization and leadership with respect to disclosure of government information.

The General Office of the State Council is the competent department for disclosure of government information throughout the country and is responsible for promotion, guidance, coordination and supervision with respect to such disclosure nationwide.

The general offices of local people's governments at or above the county level are competent departments for disclosure of government information within their respective administrative areas and are responsible for promotion, guidance, coordination and supervision with respect to such disclosure within their respective administrative areas.

The general office under the vertical leadership of a department is responsible for disclosure of government information of the department as a whole.

Article 4 People's governments at all levels and the departments of people's governments at or above the county level shall, for their themselves, establish sound work systems for disclosure of government information, and shall designate offices to take charge of their daily work for such disclosure (hereinafter referred to as offices

for disclosure of government information).

The specific functions of the office for disclosure of government information are as follows:

(1) to handle matters involving government information to be disclosed by the administrative organ;

(2) to maintain and update the government information to be disclosed by the administrative organ;

(3) to organize, for the administrative organ, the compilation of a guidebook and a catalogue of government information to be disclosed, and annual reports on work in this respect;

(4) to organize examination of government information to be disclosed; and

(5) to perform other functions that are related to disclosure of government information, as are defined by the administrative organ.

Article 5 In disclosing government information, administrative organs shall see that disclosure is normal and non-disclosure is exceptional, and shall follow the principles of impartiality, fairness, legality and public convenience.

Article 6 Administrative organs shall disclose government information in a timely and accurate manner.

When finding that a false or incomplete piece of information undermines or is likely to undermine social stability or disrupts the order of social and economic administration, an administrative organ shall put it straight by releasing accurate government information.

Article 7 People's governments at all levels shall actively promote disclosure of government information and gradually increase the contents of information to be disclosed.

Article 8 People's governments at all levels shall enhance the normalized, standardized and information-based management of government information resources, strengthen the development of Internet platforms for disclosure of government information, push forward the integration of such platforms with the platforms for providing government services, and improve online disclosure of government information.

Article 9 Citizens, legal persons and other organizations are entitled to oversee the disclosure of government information by administrative organs and offer their criticisms and suggestions.

Chapter II The Person Doing the Disclosure and the Scope for Disclosure

Article 10 Administrative organs that produce government information are responsible for disclosure of the same; administrative organs that store government information obtained by administrative organs from citizens, legal persons or other organizations are responsible for disclosure of the same; administrative organs that produce or first obtain government information from other administrative organs are responsible for disclosure of the same. Where laws and regulations provide otherwise on the powers to disclose government information, the provisions there shall prevail.

Where a dispatched office or internal office established by an administrative organ performs its administrative functions in its own name in accordance with laws and regulations, it may be responsible for disclosure of government information related to the administrative functions it performs.

Where a piece of government information is jointly produced by two or more administrative organs, the one that plays a leading role in the production shall be responsible for its disclosure.

Article 11 An administrative organ shall establish a sound coordinating mechanism for disclosure of government information. Where an administrative organ discloses a piece of government information it is to disclose involves another organ, the former shall consult with the latter for confirmation, in order to ensure the accuracy and consistency of the same to be disclosed.

Where a piece of government information to be disclosed by an administrative organ requires approval according to laws, administrative regulations, or relevant regulations of the State, the organ shall seek approval before disclosure.

Article 12 The guidebook and catalogues of government information to be disclosed, which are compiled and published by administrative organs, shall be updated in a timely manner.

A guidebook for disclosure of government information disclosed shall contain the classification of, layout system for and means of access to government information, and the names, office addresses, office hours, contact telephone numbers, fax numbers and Internet contact of the offices for disclosure of government information.

A catalogue of government information disclosed shall contain the index and the

titles, summaries and dates of production of government information.

Article 13 Government information shall be disclosed with the exception of what is specified in Articles 14, 15 and 16 of these Regulations.

Administrative organs shall disclose government information on their own initiative or on the basis of application.

Article 14 Government information shall not be disclosed where it is defined as state secret according to law, or its disclosure is prohibited by laws and administrative regulations, or is deemed to be a potential threat to national security, public security, economic security or social stability.

Article 15 An administrative organ shall not disclose government information which involves business secrets or personal privacy of a third party, and disclosure of which will impair the legitimate rights and interests of the party. However, such information can be disclosed where the third party gives its consent or the administrative organ deems that public interests may substantially be affected otherwise.

Article 16 Information on the internal affairs of an administrative organ, including management of personnel affairs, and logistics and internal working procedures, may be exempted from disclosure.

Minutes of discussions, process drafts, consultation letters, requests for instructions and other procedural information produced by an administrative organ in the course of performing administrative functions, as well as information contained in the files of administrative law enforcement, may be exempted from disclosure. However, laws, regulations or rules provide otherwise, the provisions there shall prevail.

Article 17 An administrative organ shall establish a sound mechanism of examination for government information to be disclosed, in which to specify the procedures and responsibilities for such examination.

An administrative organ shall, in accordance with the Law of the People's Republic of China on Guarding State Secrets and other laws, regulations and the relevant regulations of the State, examine the government information to be disclosed.

Where an administrative organ is not sure whether a certain piece of government information can be disclosed, it shall, in accordance with laws, regulations and the relevant regulations of the State, submit the matter to the competent department concerned or to the secret-guarding administrative department for decision.

Article 18 An administrative organ shall establish a sound mechanism for dynamic adjustment of government information management, in order to regularly evaluate and examine the government information it is not to disclose, and to disclose those pieces that can be disclosed due to change of circumstances.

Chapter III Voluntary Disclosure

Article 19 Administrative organs shall, on their own initiative, disclose government information that involves adjustment of public interests, requires to be made widely known to the public or needs public participation in decision-making.

Article 20 An administrative organ shall, in accordance with the provisions of Article 19 of these Regulations, and on its own initiative, disclose the following government information concerning it:

- (1) administrative regulations, rules and regulatory documents;
- (2) functions of the organ, its organizational structure, office address and office hours, means of contact, and name of the person in charge;
- (3) national economic and social development plans, plans for special projects, regional plans and relevant policies;
- (4) statistics on national economic and social development;
- (5) bases, conditions, and procedures for granting administrative permission and for providing other services related to management of external affairs, and the results;
- (6) bases, conditions, procedures for the implementation of administrative penalty and enforcement, as well as decisions of administrative penalty that the administrative organ considers to have certain social impact;
- (7) fiscal budgets and final accounts;
- (8) items for which administrative and institutional charges are levied, and the bases and rates of such charges;
- (9) catalogues and standards of the items for centralized government procurement, and the actual procurement;
- (10) approval, for construction of major projects and completion of such construction;
- (11) policies and measures for poverty alleviation, education, medical care, social security and employment promotion, and implementation of the same;
- (12) contingency plans and early-warning for public emergencies, and the

response measures taken;

(13) oversight and inspection with respect to environment protection, public health, work safety, food and drugs, and product quality;

(14) positions, quotas and qualifications for applicants in civil service examinations, and the result of relevant recruitment; and

(15) other government information to be disclosed voluntarily, according to the provisions of laws, regulations, rules and relevant State regulations.

Article 21 In addition to the government information specified in Article 20 of these Regulations, people's governments at the level of a city divided into districts or a county, as well as the departments subordinate to them, shall in light of their specific local conditions, voluntarily disclose government information related to public works construction, public services, public welfare undertakings, land expropriation, housing expropriation, public security administration and social relief. People's governments of townships (towns) shall, in addition and in light of their specific local conditions, voluntarily disclose government information related to implementation of agricultural and rural policies, construction and operation of irrigation and water conservancy project works, transfer of contracted management rights of rural land, examination of the use of housing sites, land expropriation, housing expropriation, raising of funds and labor force and social relief.

Article 22 An administrative organ shall, in accordance with the provisions of Articles 20 and 21 of these Regulations, decide on the specific contents of government information for voluntary disclosure, and continuously increase the contents of such information according to arrangement made by the administrative organ at a higher level.

Article 23 An administrative organ shall establish a sound mechanism for releasing government information, in order to have the government information, which it is to disclose on its own initiative, disclosed via government gazettes, government websites or other internet media of government affairs, press conferences, as well as newspapers, periodicals, radio and television, or by other ways and means.

Article 24 People's governments at all levels shall strengthen work on disclosing government information by relying on government portal websites, making use of the unified government information disclosure platform for centralized release of government information to be disclosed voluntarily. The said platform shall have such functions as information retrieving, consulting and downloading.

Article 25 People's governments at all levels shall, offer places in national archives, public libraries and government service places, set aside areas for consulting government information, and provide appropriate facilities and equipment there, in order to make it convenient for citizens, legal persons and other organizations to get access to government information.

Administrative organs may, where necessary, set aside public consulting rooms, establish data collection centers, put up information bulletin boards, and electronic information screens, and provide other places and facilities for disclosure of government information.

Administrative organs shall, in a timely manner, provide national archives and public libraries with government information which they disclose on their own initiative.

Article 26 Government information which falls within the scope of information to be disclosed on the initiative of administrative organs shall be disclosed, in a timely manner, within twenty working days from the date when such government information is produced or altered. Where laws and regulations provide otherwise on the time limit to disclosure of government information, the provisions there shall prevail.

Chapter IV Disclosure on Application

Article 27 In addition to government information voluntarily disclosed by administrative organs, a citizen, legal person or other organization may apply to local people's governments at all levels and to the departments of people's governments at or above the county level that perform administrative functions in their own names (including the dispatched offices or internal offices as specified in the second paragraph of Article 10 of these Regulations) for access to relevant government information .

Article 28 The administrative organs specified in Article 27 of these Regulations shall establish sound channels of application for disclosure of government information, in order to make it convenient for applicants to apply for access to government information in accordance with law.

Article 29 To apply for access to government information, a citizen, legal person or other organization shall submit a written application to the office of an

administrative organ in charge of disclosure of government information, in the form of a letter or a data message; if an applicant finds it really difficult to use the written form, he may apply orally and the office which is to accept such an application shall fill out the application form for disclosure of government information on behalf of the applicant.

An application for disclosure of government information shall include the following:

(1) the name or title, identity certificate and means of contact of the applicant;

(2) the title and reference number of the government information, for disclosure of which is applied, or description of other feature which may make it easier for an administrative organ to find; and

(3) the form required for application for disclosure of government information, including ways and means of access to such information.

Article 30 Where an applicant is not definite about the contents of the government information which he applies for, the administrative organ shall give him guidance and a clear explanation, and within seven working days from the date of receipt of the application, clearly stating what needs to be corrected or supplemented and a reasonable time limit for such matter. The time limit for reply to be made by the administrative organ shall be counted from the date on which it receives the corrected or supplemented application. If the applicant without any justified reasons fails to make the corrections or supplements within the time limit, he shall be deemed to have given up the application, and the administrative organ shall cease processing it.

Article 31 The time when an administrative organ receives an application for disclosure of government information shall be determined according to the following provisions:

(1) where an applicant submits an application for disclosure of government information in person, the date of submission shall be the date of receipt of the application;

(2) where an applicant submits an application for disclosure of government information by mail, the date on which the administrative organ signs for receipt shall be the date of receipt of the application; where such an application is submitted by ordinary mail or other means without the need for signing its receipt, the office for disclosure of government information shall, on the very day it receives the application, give confirmation of the same with the applicant and the date of confirmation shall be

the date of receipt of the application; and

(3) where an applicant submits an application for disclosure of government information through internet channels or by fax of the office for disclosure of government information, the date of confirmation by both parties shall be the date of receipt of the application.

Article 32 Where disclosure of a piece of government information on application may harm the legitimate rights and interests of a third party, the administrative organ shall consult with the third party in writing. The third party shall give its opinions within 15 working days from the date of receipt of the letter. If the third party fails to do so within the time limit, the administrative organ shall in accordance with the provisions of these Regulations decide whether to disclose such information or not. Where the third party does not consent to disclosure of such information on reasonable grounds, the administrative organ shall not disclose it. Where the administrative organ deems that public interests may be substantially affected unless such information is disclosed, it may decide to disclose it and notify the third party in writing of the contents of the government information which it decides to disclose and of the reasons for such disclosure.

Article 33 Where, on receiving an application for disclosure of government information, an administrative organ can make a reply on the spot, it shall do so.

If an administrative organ can not make a reply on the spot, it shall make a reply within 20 working days from the date of receipt of the application; if the time limit for a reply needs to be extended, the administrative organ shall need to get consent of the person in charge of the office for disclosure of government information, and inform the applicant of the matter; such extension shall not exceed 20 working days at the most.

The time needed by the administrative organ for consulting with the third party and other organs shall not be included in the time limit specified in the preceding paragraph.

Article 34 Where a piece of government information, for disclosure of which is applied, is jointly produced by two or more administrative organs, the organ which plays a leading role in production of such information, after receiving the application for disclosure of the said information, may consult with the relevant administrative organs in writing, and the latter shall give their opinions within 15 working days, beginning from the date of receipt of the letter. Failure to do so within the time limit

shall be deemed to consent to disclosure.

Article 35 Where the amount of government information for disclosure of which is applied or the frequency of such application obviously exceeds the reasonable limit, the administrative organ may require the applicant to explain his reasons. If the organ considers the reasons for application unreasonable, it shall inform the applicant that it rejects his application; If it considers the reasons reasonable, but can not make a reply within the time limit specified in Article 33 of these Regulations, it may decide on a reasonable time limit for postponed reply and inform the applicant of the same.

Article 36 With respect to applications for disclosure of government information, the administrative organ shall make a reply respectively based on the following circumstances:

(1) to inform the applicant of the ways and means of obtaining such information where the government information applied for has already been disclosed voluntarily;

(2) to provide the government information for the applicant, or to inform the applicant of the ways, means and time of obtaining the same, where the government information of which is applied for disclosure can be disclosed;

(3) to inform the applicant of the fact and give him the reasons, where the administrative organ decides not to disclose the information according to the provisions of these Regulations;

(4) to inform the applicant that the government information of which he applies for disclosure does not exist, where the fact is shown by retrieving;

(5) to inform the applicant of the fact and give the reasons, where the government information in question does not fall within the scope of information that the administrative organ is responsible for disclosure; if the organ is certain about the administrative organ that is responsible for disclosing such information, it shall inform the applicant of the title and the means of contact of the latter;

(6) to inform the applicant that it shall not deal with his application again, where the administrative organ has already replied to his application for disclosure of government information and the applicant is repeating the same application; and

(7) to inform the applicant that he makes the application in accordance with the relevant laws and administrative regulations, where the information, of which he applied for disclosure, falls within the scope of industrial, commercial, or real estate registration data, and on access to which there are special provisions in the relevant

laws and administrative regulations.

Article 37 Where the information, for disclosure of which is applied, contains contents that shall not be disclosed or that do not fall within the scope of government information but can be dealt with separately, the administrative organ shall provide the applicant with the part that can be disclosed and give reasons for the part that it shall not disclose.

Article 38 Information to be provided for an applicant by an administrative organ shall be government information that has been produced or obtained. Where an existing piece of government information requires processing or analysis by the administrative organ, the organ may refuse to provide such information, with the exception of the part of information which can be dealt with separately, as stipulated in Article 37 of these Regulations.

Article 39 Where an applicant airs his grievances, lodges a complaint, or reports against offences in the form of application for disclosure of government information, the administrative organ shall inform him that his application shall not be handled as an application for disclosure of government information, and may inform him of the appropriate channels the applicant to go for his purpose.

Where in his application the applicant requests the administrative organ to provide public publications such as government gazettes, newspapers and books, the organ may inform the applicant of the means for obtaining the same.

Article 40 For government information to be disclosed on application, an administrative organ shall, after consideration of the request of the applicant and the government information it actually keeps, decide on the specific form of providing such information. Where provision of government information in the form requested by an applicant may endanger the safety of information carrier or entail too much cost, the administrative organ may provide information in the form of electronic data and other appropriate forms, or arrange for the applicant to consult or transcribe relevant government information.

Article 41 Where a citizen, legal person or other organization has evidence to prove that the records of government information related to him/it which are provided by an administrative organ are inaccurate, he/it may request the organ to make correction. If the administrative organ which has the power to make the correction proves the existence of inaccuracy after examination, it shall make the correction and inform the applicant of the matter. If what is requested does not fall within the scope

of its functions, the organ may refer the case to the administrative organ that has such power and inform the applicant of the matter, or advise the applicant to present his request to the said administrative organ.

Article 42 Administrative organs shall not collect fees for providing government information on application. However, where the amount of such information of which an applicant applies for disclosure or the frequency of such application obviously exceeds the reasonable limit, the administrative organ may charge fees for information processing.

Specific measures for collecting information processing fees shall be formulated by the competent pricing department of the State Council, jointly with the finance department of the State Council and the competent department for disclosure of government information throughout the country.

Article 43 Where a citizen applying for disclosure of government information has difficulties in reading or is visually or auditorily retarded, the administrative organ shall provide him with necessary assistance.

Article 44 Where more than one applicant applies to the same administrative organ for disclosure of the same government information which can be made public, the administrative organ may include it in the scope of information for voluntary disclosure.

Where an applicant considers that a piece of government information to be disclosed by an administrative organ on application involves adjustment of public interests, needs to be widely known by the public or needs public participation in decision-making, he may suggest that the organ include such information in the scope for voluntary disclosure. Where the administrative organ, after examination, holds that the information is within the scope for voluntary disclosure, it shall make such disclosure in a timely manner.

Article 45 Administrative organs shall establish sound working systems of registration, examination, processing, replying and archiving with respect to applications for disclosure of government information, and tighten regulation of the work.

Chapter V Oversight and Safeguards

Article 46 People's governments at all levels shall establish sound performance

appraisal system, public evaluation system and accountability system in respect of disclosure of government information, and conduct regular appraisal and evaluation of work in this field.

Article 47 The competent departments for disclosure of government information shall provide firm routine guidance and carry out strict oversight and inspection of the work of disclosure of government information. Where an administrative organ fails to disclose government information as required, the competent department for disclosure of government information shall urge it to rectify or shall circulate a notice of criticism; if it is necessary to investigate the leading person in charge and the person directly held responsible, the department shall in accordance with law put forward its suggestions to the competent authority as to disposition of the case.

Where a citizen, legal person or other organization considers that an administrative organ fails to disclose government information on its own initiative as required or fails to give a reply to an application for disclosure of government information as required by law, he/it may inform the competent department for disclosure of government information of the matter. If the department verifies the matter after investigation, it shall urge the organ to make rectification, or shall circulate a notice of criticism.

Article 48 The competent department for disclosure of government information shall provide regular training to the staff of the administrative organs working for disclosure of government information.

Article 49 The administrative departments of people's government at or above the county level shall, prior to January 31 of each year, submit to the competent department for disclosure of government information at the corresponding level an annual report on government information disclosed by its administrative organs in the previous year and make the report known to the public.

The competent department for disclosure of government information of a people's government at or above the county level shall, prior to March 31 of each year, publish annual report on government information disclosed by the government in the previous year.

Article 50 An annual report on government information disclosed shall include the following:

- (1) details of government information voluntarily disclosed by an administrative

organ;

(2) details of the application for disclosure of government information received and handled by an administrative organ;

(3) details of the applications for administrative reconsideration and of the filing of administrative lawsuits in relation to disclosure of government information;

(4) the main problems which exist in disclosure of government information and the improvements made; and the annual report of a people's government on disclosure of government information shall, in addition, include performance appraisal, public evaluation and results of accountability investigation; and

(5) other matters that need to be reported.

The competent department for disclosure of government information throughout the country shall publish a uniform format of annual report on disclosure of government information and have it updated in due course.

Article 51 Where a citizen, legal person or other organization deems that an administrative organ infringes on his/its legitimate rights and interests in disclosure of government information, he/it may file a complaint or report the infringement to the administrative organ at a higher level or to the competent department for disclosure of government information, and may in accordance with law, also apply for administrative reconsideration or file an administrative lawsuit.

Article 52 Where an administrative organ, in violation of the provisions of these Regulations, fails to establish a sound system or mechanism for disclosure of government information, the administrative organ at the next higher level shall order it to make correction; if the circumstances are serious, a sanction shall, in accordance with law, be imposed on the leading person in charge, and the person directly held responsible.

Article 53 Where an administrative organ, commits one of the following violations against the provisions of these Regulations, the administrative organ at the next higher level shall order it to make correction; if the circumstances are serious, a sanction shall, in accordance with law, be imposed on the leading person and other person directly held responsible; where a crime is constituted, criminal liability shall be investigated for in accordance with law:

(1) failing to perform the function of disclosing government information in accordance with law;

(2) failing to update, in a timely manner, the contents of government information

to be disclosed, or the guidebook or catalogue of government information to be disclosed; and

(3) other violations against the provisions of these Regulations.

Chapter VI Supplementary Provisions

Article 54 These Regulations shall apply to government information to be disclosed by organizations that are authorized by laws or regulations to perform the function of public affairs administration.

Article 55 To disclose information that is produced or obtained in the course of providing social and public services, the public enterprises and institutions, which are closely related to the interests of the people in the fields of education, health, water supply, power supply, gas supply, heat supply, environment protection and public transportation, shall abide by the relevant laws, regulations and the regulations of the relevant competent departments or institutions of the State Council. The competent department for disclosure of government information nationwide may formulate special regulations according to practical needs.

Where in disclosing information produced or obtained in the course of providing social and public services, a public enterprise or institution mentioned in the preceding paragraph fails to comply with the relevant laws, and regulations and the regulations of the relevant competent departments or institutions of the State Council, a citizen, legal person or other organization may file a complaint with the relevant competent department or institution. The department or institution that accepts the complaint shall, in a timely manner, conduct investigation and deal with the case, and inform the complainant of the result.

Article 56 These Regulations shall be effective as of May 15, 2019.

本译本仅供参考，若有歧义，请以中文版本为准。

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