Archives Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of strengthening archives work, standardizing the collection, arrangement, and management of archives, effectively protecting and utilizing archives, raising the level of informatization in archives work, promoting the modernization of the

national governance system and governance capabilities, and serving the development of the socialist cause with Chinese characteristics.

Article 2 — This Law shall apply to activities involving the collection, arrangement, preservation, and utilization of archives, and the supervision and administration thereof. For the purposes of this Law, archives mean historical records in various forms, including text, charts, audio, and visual materials, which are directly formed by past and present State organs, public organizations, enterprises, public institutions, and individuals in the course of activities and which are of preservation value to the State and society.

Article 3 — The principles of unified leadership and tiered administration shall be applied to archives work, so as to preserve the integrity and security of archives and facilitate the utilization of archives by all sectors of society.

Article 4 — All State organs, armed forces, political parties, public organizations, enterprises, public institutions, and citizens shall have the obligation to protect archives and shall have the right to use archives in accordance with the law.

Article 5 — The State shall encourage and support scientific research and technological innovation in archives, promote the application of scientific and technological achievements in the collection, arrangement, preservation, and utilization of archives, and accelerate the digital transformation of archives work.

Article 6 — The State shall strengthen publicity and education on archives and elevate public awareness of archives. The State shall incorporate archives education into the national education system, encouraging and supporting all types of schools, scientific research institutions, and other organizations in carrying out archives education.

Article 7 — The State shall encourage and support the participation of social forces in archives undertakings. Organizations and individuals that have made outstanding contributions to the collection, arrangement, preservation, and utilization of archives shall be commended and rewarded in accordance with State regulations.

Chapter II — Archives Institutions and Functions

Article 8 — The national archives authority under the State Council shall be responsible for the national administration of archives work and shall exercise overall planning and coordination of the national archives undertaking. The archives authority of the local people's government at the county level or above shall be responsible for the administration of archives work within its administrative area.

Article 9 — State organs, public organizations, enterprises, public institutions, and other organizations shall establish archives offices or designate personnel responsible for managing the archives of their respective units. Township people's governments shall designate personnel to be responsible for managing the archives of their respective organs.

Article 10 — Central and local State archives at all levels shall be cultural institutions that collect and preserve archives centrally and are responsible for the collection, arrangement, preservation, and utilization of archives within their respective scopes of responsibility.

Article 11 — Central and local State organs at all levels shall, in accordance with regulations, transfer to the State archives at the corresponding level the archives of their respective units that need to be preserved on a long-term or permanent basis.

Article 12 — Museums, libraries, memorial halls, and other institutions may, in accordance with regulations, keep cultural relics, books and materials, and other items that are also archives. Where laws or administrative regulations provide otherwise, such provisions shall prevail.

Article 13 — Enterprises, public institutions, and public organizations may establish archives in accordance with their actual needs. The establishment, alteration, and termination of archives of enterprises and public institutions shall be reported to the archives authority for the record.

Article 14 — Archives staff shall be loyal to their duties, abide by disciplines, and possess the corresponding professional knowledge and skills. Professionals in archives shall be qualified in accordance with State regulations.

Chapter III — Archives Management

Article 15 — State organs, public organizations, enterprises, public institutions, and other organizations shall establish an archives responsibility system, improve the archives management system in accordance with the law, incorporate archives work into their overall planning, and ensure that archives work is conducted in a standardized and orderly manner.

Article 16 — All State organs, public organizations, enterprises, public institutions, and other organizations shall, in accordance with regulations, archive documentary materials for filing purposes, which shall be collected and arranged by clerks or business departments, and regularly transferred to the archives office or archives staff of their respective units for centralized management. No individual shall refuse to transfer or appropriate such materials for himself or herself.

Article 17 — State organs, public organizations, enterprises, public institutions, and other organizations shall, in accordance with State regulations, regularly transfer archives to the archives offices of their respective units or to State archives. Archives that are required to be handed over shall not be retained, transferred, or destroyed without authorization. Where archives are required to be transferred due to the custody conditions of the unit, such transfer shall be made to the State archives at the corresponding level upon approval by the archives authority.

Article 18 — Archives that are prohibited by the State from being exported shall not be gifted, exchanged with, sold, or exported to foreign organizations or individuals. Archives and their duplicates that are prohibited from export shall not be exported without authorization.

Article 19 — Archives offices and archives staff shall establish a sound archives management system and equip facilities for the safekeeping of archives in accordance with regulations, so as to ensure the security of archives. Archives preservation facilities and environments shall conform to State standards and requirements.

Article 20 — Where State-owned archives are involved in transactions such as asset and property right transfers between State-owned entities, the archives shall be managed in accordance with relevant regulations. If the transferring and receiving parties consider it necessary, they may retain copies of the archives for use. Where assets and property rights involving State-owned archives are transferred to non-State-owned entities or individuals, the disposition of archives shall be handled in accordance with State regulations.

Article 21 — Where any entity is divided, merged, or dissolved, its archives shall be disposed of in accordance with regulations. Where an enterprise is declared bankrupt, the disposition of its archives shall be handled in accordance with relevant regulations such as the Enterprise Bankruptcy Law.

Article 22 — Archives owned by collectives or individuals that are of preservation value to the State and society or that shall be kept confidential shall be properly kept by the owners. Archives authorities shall have the right to acquire or requisition such archives in accordance with State regulations, or to take measures to ensure the security of the archives. Owners of archives may deposit with or sell to State archives archives in their possession that are of preservation value to the State and society.

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Article 23 — It is prohibited to buy or sell archives that belong to the State. It is prohibited to donate or sell archives owned by the State without authorization. The exchange, transfer, or sale of duplicates of archives shall be handled in accordance with State regulations.

Article 24 — The principles of unified leadership, tiered administration, and maintaining the integrity and security of archives shall be adhered to in archives management. Electronic archives shall be managed under the same system as traditional archives. The State shall encourage the development and utilization of archives resources.

Article 25 — Archives appraisal and destruction shall be carried out in accordance with the scope and standards prescribed by the State. The destruction of archives by any unit or individual without authorization is prohibited.

Article 26 — Archives shall be graded for management in accordance with State regulations and shall be scientifically preserved and protected. Key archives shall be managed with focused protection. The specific measures for the management and protection of key archives shall be formulated by the national archives authority under the State Council in conjunction with relevant departments.

Chapter IV — Access to and Use of Archives

Article 27 — The period for opening archives in State archives at or above the county level shall be 25 years from the date of their formation, unless otherwise prescribed by the State. Where economic, educational, scientific and technological, cultural, and other types of archives may be opened to the public in less than 25 years, they may be opened to the public after approval. Archives involving national security, major interests, or other types of archives that are not suitable for opening upon expiration of the period may be opened at a later time as prescribed by the State.

Article 28 — State archives shall establish a system for the examination and approval of the opening of archives. The joint meeting mechanism shall be applied in the examination and approval of the opening of archives, and the scope and catalogue of archives to be opened shall be determined by the archives preservation unit and the archives formation unit or the unit transferring the archives. The catalogue of opened archives shall be made publicly available in a timely manner. The opening of archives shall be conducted in phases and by category, and the work plan shall be reported to the archives authority at the corresponding level for approval.

Article 29 — State organs, public organizations, enterprises, public institutions, other organizations, and citizens may, on the basis of supporting documents such as letters of introduction or identity cards, access to and use of archives that have been opened to the public. Where foreigners or foreign organizations access to and use of archives that have been opened to the public, the matter shall be handled in accordance with State regulations. Where archives not yet opened to the public are required to be used, the matter shall be subject to approval by the archives preservation unit or relevant unit in accordance with State regulations.

Article 30 — Archives preservation units shall provide convenient conditions for the utilization of archives, create necessary facilities and equipment, proactively develop and utilize archives resources, and provide services to the public through multiple channels. Archives preservation units shall, in accordance with regulations, make public records of the utilization of archives.

Article 31 — Where archives are transferred from a unit to a State archives, the unit may retain a copy of the archives when necessary for work purposes. Where the transferring unit needs to use the archives, the archives preservation unit shall provide priority and convenience services.

Article 32 — State archives and other archives preservation units shall strengthen archives development and utilization work, carry out archives research and compilation and publication, and organize and publish archives materials through various means. Archives preservation units shall abide by the provisions of laws

and regulations on the protection of intellectual property rights when developing and utilizing archives, and shall not infringe upon the lawful rights and interests of others.

Chapter V — Archives Information Technology

Article 33 — People's governments at all levels shall incorporate archives informatization into their informatization development plans to ensure the secure preservation and effective utilization of electronic archives, traditional carrier archives in digitized form, and other digital archives resources. Archives authorities and their affiliated archives shall develop archives informatization plans.

Article 34 — State organs, public organizations, enterprises, public institutions, and other organizations shall promote the integrated development of electronic archives management systems with business systems such as office automation systems. They shall establish and improve an electronic archives management system and carry out the whole-process management of electronic archives from formation, processing, and transmission to preservation and utilization.

Article 35 — Electronic archives shall be authentic, reliable, complete, and usable, and shall comply with State standards and specifications. The source, metadata, and other relevant information of electronic archives shall be complete, and their formation, processing, transmission, storage, and utilization processes shall be standardized. Electronic archives shall have the same legal effect as traditional carrier archives under equivalent conditions.

Article 36 — Archives preservation units such as State archives shall establish and improve an electronic archives management information system, which shall have functions for receiving, managing, storing, and utilizing electronic archives, and shall meet the requirements for electronic archives management such as data security, long-term preservation, and sharing and utilization.

Article 37 — State archives at all levels shall establish a digital archives resources system, promoting the interconnection and sharing of digital archives resources. The State shall promote the construction of digital archives and build a digital archives resources sharing platform to facilitate the access and utilization of archives.

Article 38 — The State shall encourage and support archives preservation units in compiling, researching, and developing archives resources and providing public services through channels such as the Internet and new media. Archives preservation units shall strengthen the development and utilization of digital archives resources and innovate service models.

Chapter VI — Supervision and Inspection

Article 39 — Archives authorities shall strengthen supervision and inspection of the implementation of laws and regulations on archives by State organs, public organizations, enterprises, public institutions, and other organizations, and shall investigate and deal with illegal acts involving archives in accordance with the law. Archives authorities may exercise the following functions and powers:

(1) Inspecting the archives work of the entity concerned;

(2) Inquiring with the entity concerned and the relevant personnel, and requiring explanations;

(3) Consulting and duplicating materials relating to archives;

(4) Inspecting the security of archives preservation facilities and environments;

(5) Ordering cessation of illegal acts, and taking measures such as registration and preservation of archives involved.

Article 40 — Where archives authorities discover potential security hazards in archives management, they shall order the entity concerned to take remedial measures within a prescribed time limit, eliminate hazards,

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and submit a report on the handling of the matter. Where serious potential security hazards or illegal acts are discovered, the archives authorities shall report to the people's government at the corresponding level and the archives authority at the next higher level.

Article 41 — All entities and individuals shall have the right to report or make an accusation against illegal acts involving archives to the archives authority and the relevant competent departments. Archives authorities and relevant competent departments receiving reports or accusations shall handle them in a timely manner and inform the reporter or accuser of the outcome.

Article 42 — Archives authorities and their staff shall, in the course of supervision and inspection, produce their law enforcement credentials, abide by disciplines and laws, and keep confidential the State secrets, commercial secrets, and personal privacy that come to their knowledge in the course of performing their duties.

Chapter VII — Legal Liability

Article 43 — Where a unit or individual commits any of the following acts, the archives authority and the relevant competent department shall order it to make corrections and impose a fine in accordance with the law; where the act constitutes a violation of public security administration, the public security organ shall impose a public security administrative penalty in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law:

(1) Losing or destroying archives that belong to the State;

(2) Selling, gifting, or exchanging archives that are prohibited from being exported without authorization;

(3) Transporting, mailing, or carrying archives and their duplicates that are prohibited from export out of the country without authorization;

(4) Altering or forging archives without authorization;

(5) Other illegal acts involving archives as prescribed by laws and regulations.

Article 44 — Where a unit fails to transfer archives in accordance with regulations or retains, transfers, or destroys archives without authorization, the archives authority at or above the county level shall order it to make corrections within a prescribed time limit; where the circumstances are serious, the directly responsible person in charge and other directly responsible persons shall be subject to disciplinary action in accordance with the law.

Article 45 — Where a unit fails to establish an archives management system or fails to take effective measures resulting in the loss or damage of archives, the archives authority shall order it to make corrections and impose a fine. Where the circumstances are serious, the directly responsible person in charge and other directly responsible persons shall be subject to disciplinary action.

Article 46 — Where the preservation conditions of the archives of any unit do not meet the requirements, resulting in damage to the archives or potential security hazards, the archives authority shall order it to make corrections within a prescribed time limit. Where serious damage is caused to archives, the unit and the directly responsible personnel shall bear corresponding legal liability.

Article 47 — Where archives are transferred, destroyed, leaked, or lost in violation of the provisions of this Law, or where archives are used in violation of regulations, the archives authority shall order corrections and impose a fine. Where the circumstances are serious, the directly responsible persons shall be subject to disciplinary action. Where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 48 — Where a staff member of an archives authority or archives institution abuses powers, neglects duties, or engages in malpractice for personal gain, disciplinary action shall be taken in accordance with the

law. Where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Article 49 — Where archives are lost, destroyed, leaked, or otherwise damaged due to violation of this Law, and losses are caused to the State or others, civil liability shall be borne in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 50 — The administration of archives of the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be separately prescribed by the Central Military Commission in accordance with this Law.

Article 51 — Where foreign organizations or individuals require the use of archives in China, the matter shall be handled in accordance with State regulations. Specific measures shall be formulated by the national archives authority in conjunction with relevant departments.

Article 52 — Specific measures for the implementation of this Law shall be formulated by the national archives authority under the State Council and shall be implemented upon approval by the State Council.

Article 53 — This Law shall come into force on January 1, 2021.

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