Law of the People’s Republic of China on Guarding State Secrets

Dan Young Business Consultancy — www.danyoungcpa.com

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding state secrets, maintaining national security and interests, and ensuring the smooth progress of the socialist modernization drive.

Article 2 — State secrets are matters that concern national security and interests, determined in accordance with statutory procedures, and known only to a defined scope of persons for a defined period of time.

Article 3 — All state organs, armed forces, political parties, public organizations, enterprises, public institutions, and citizens shall have the obligation to protect state secrets.

Article 4 — The work of guarding state secrets shall adhere to the principle of proactive prevention, highlighting key areas, and combining lawful administration with ensuring the security of state secrets while facilitating the reasonable use of information resources.

Article 5 — The state secrecy administrative departments shall be responsible for the work of guarding state secrets nationwide. The state secrecy administrative departments at or above the county level shall be responsible for the work of guarding state secrets within their respective administrative regions.

Article 6 — State organs and units involving state secrets shall administer the work of guarding state secrets within their respective organs and units.

Article 7 — Central state organs shall, within the scope of their functions and duties, administer or provide guidance on the work of guarding state secrets within their respective systems.

Article 8 — The people's governments at all levels shall include funds for the work of guarding state secrets in their fiscal budgets.

Chapter II — Scope and Classification of State Secrets

Article 9 — State secrets that involve the following matters shall be determined if their disclosure would endanger national security and interests in the political, economic, national defense, foreign relations, or other fields:

(1) Secret matters in major policy decisions concerning state affairs;

(2) Secret matters in the building of national defense and in the activities of the armed forces;

(3) Secret matters in diplomatic activities and in activities related to foreign countries, as well as matters to be maintained as obligations of secrecy;

(4) Secret matters in national economic and social development;

(5) Secret matters in science and technology;

(6) Activities for safeguarding national security and the investigation of criminal offenses, and other secret matters determined by the state secrecy administrative departments;

(7) Other secret matters determined to be state secrets by the state secrecy administrative departments.

Article 10 — State secrets shall be classified into three levels: "top secret," "secret," and "confidential."

Top-secret state secrets are the most important state secrets, the disclosure of which would cause extremely serious damage to national security and interests;

Secret-level state secrets are important state secrets, the disclosure of which would cause serious damage to national security and interests;

Confidential-level state secrets are ordinary state secrets, the disclosure of which would cause damage to national security and interests.

Article 11 — The specific scope and classification levels of state secrets shall be prescribed by the state secrecy administrative departments jointly with relevant central state organs such as foreign affairs, public security, and national security.

The specific scope and classification levels of state secrets in the military field shall be prescribed by the Central Military Commission.

Article 12 — State organs and units shall determine, modify, or declassify the classification levels of state secrets in accordance with the provisions on the specific scope and classification levels of state secrets.

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Article 13 — In determining the classification level of a state secret, the organ or unit shall simultaneously determine the period of secrecy and the scope of persons with knowledge of the secret.

Article 14 — When determining the classification level, period of secrecy, and scope of persons with knowledge of a state secret, the organ or unit shall base its determination on actual circumstances; if the determination is no longer appropriate, the organ or unit shall modify it in a timely manner.

Article 15 — The period of secrecy for state secrets shall be clearly prescribed, except where the period cannot be determined.

The period of secrecy shall not exceed 30 years for top-secret classification, 20 years for secret classification, and 10 years for confidential classification.

Where the period of secrecy needs to be extended, the organ or unit that originally determined the classification shall make a decision before the expiration of the period of secrecy.

Article 16 — State organs and units shall declassify state secrets in a timely manner in accordance with relevant provisions.

Chapter III — Secrecy Systems

Article 17 — State organs and units shall establish and improve a secrecy management system for the entire process of producing, receiving, sending, transmitting, using, copying, preserving, maintaining, and destroying state secrets.

Article 18 — State secrets shall not be transmitted through ordinary postal services, express delivery, or other means without protective measures.

Article 19 — State secrets shall not be transmitted through the internet or other public information networks; and state secrets shall not be transmitted through wire or wireless communications without protective measures.

Article 20 — State organs and units shall properly keep state secret carriers in places such as secure facilities or secure equipment that meet the requirements for the protection of state secrets.

Article 21 — Reading, hearing, and other activities involving state secrets shall be conducted in places that meet the requirements for secrecy protection.

Article 22 — The reproduction of state secret carriers shall be subject to approval and comply with relevant provisions.

Article 23 — The destruction of state secret carriers shall comply with relevant provisions and ensure that the information on the state secret carriers cannot be restored.

Article 24 — The procurement of security-related equipment and products shall be subject to governmental procurement, and the relevant departments shall conduct security reviews of the equipment and products procured.

Article 25 — State secrecy administrative departments may conduct security inspections of state organs and units, and shall point out any non-compliance and order rectification.

Article 26 — Where it is necessary to provide state secrets to foreign entities in foreign exchanges and cooperation, the matter shall be submitted for approval in accordance with prescribed procedures and shall be carried out through agreements or contracts specifying confidentiality obligations.

Article 27 — Where it is necessary to disclose state secrets in accordance with the law, such disclosure shall comply with secrecy review procedures.

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Article 28 — Public or private websites, telecommunications operators, internet service providers, and other entities shall cooperate with public security organs, national security organs, and procuratorial organs in the investigation of activities endangering the security of state secrets.

Article 29 — State organs and units shall conduct secrecy education for their personnel and include secrecy education in their training programs.

Article 30 — Personnel working in positions involving state secrets shall be subject to classification. Appointment to and departure from positions involving state secrets shall comply with relevant provisions.

Article 31 — Personnel in positions involving state secrets shall sign a confidentiality undertaking before assuming their positions.

Article 32 — Personnel in positions involving state secrets shall undergo confidentiality training and education, and shall be aware of their confidentiality obligations.

Article 33 — State organs and units shall provide personal subsidies to personnel in positions involving state secrets.

Chapter IV — Supervision and Administration

Article 34 — State secrecy administrative departments shall supervise and inspect compliance with secrecy laws and regulations by state organs and units.

Article 35 — State secrecy administrative departments shall organize or guide the work of identifying and classifying state secrets.

Article 36 — When discovering that state secrets have been or may be disclosed, state organs and units shall immediately adopt remedial measures and report the matter to the relevant state secrecy administrative departments in a timely manner.

Article 37 — State secrecy administrative departments shall, in conjunction with relevant departments, organize regular or ad hoc secrecy inspections of state organs and units.

Article 38 — State secrecy administrative departments and their staff shall, in the course of performing their duties, produce their identification documents.

Article 39 — State organs and units shall support and cooperate with state secrecy administrative departments in their lawful performance of duties, and shall promptly rectify problems identified during inspections.

Article 40 — State secrecy administrative departments shall investigate or organize investigations into suspected violations of secrecy provisions and shall handle such violations in accordance with the law.

Article 41 — State secrecy administrative departments shall give administrative penalties for illegal acts and shall, if a crime is suspected, transfer the case to judicial organs.

Article 42 — Organizations and individuals shall have the right to report violations of this Law to state secrecy administrative departments, and the receiving departments shall accept and handle such reports in a lawful and timely manner.

Chapter V — Legal Liability

Article 43 — Where a state organ or unit violates this Law by failing to establish a secrecy management system or by failing to implement secrecy measures, the state secrecy administrative department shall order it to make corrections and may circulate a notice of criticism; where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be subject to sanctions in accordance with the law.

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Article 44 — Whoever, in violation of this Law, illegally acquires or possesses a state secret carrier shall be ordered to return or destroyed by the state secrecy administrative department, and shall be subject to sanctions in accordance with the law.

Article 45 — Whoever, in violation of this Law, illegally reproduces, records, or stores state secrets shall be subject to sanctions in accordance with the law; where the circumstances are serious, the state secrecy administrative department shall impose a fine.

Article 46 — Whoever, in violation of this Law, trades, transfers, or privately destroys state secret carriers shall be subject to sanctions in accordance with the law; where the circumstances are serious and a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 47 — Whoever, in violation of this Law, transmits state secrets through the internet or other public information networks, or transmits state secrets through wire or wireless communications without protective measures, shall be subject to sanctions in accordance with the law.

Article 48 — Whoever, in violation of this Law, takes state secret carriers out of the country without approval shall be subject to sanctions in accordance with the law; where the circumstances are serious and a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 49 — State organs and units shall, when discovering that their personnel have disclosed or illegally provided state secrets, immediately stop the violation, take remedial measures, and report in a timely manner; the relevant authorities shall impose sanctions on the responsible persons in accordance with the law.

Article 50 — Internet and telecommunications operators, service providers, and other entities that fail to cooperate with the investigation of activities endangering the security of state secrets shall be ordered to make corrections by the public security organs or national security organs; where the circumstances are serious, they shall be fined.

Article 51 — State secrecy administrative department staff who, in the course of supervision and inspection, abuse their authority, neglect their duties, or engage in malpractices for personal gain shall be subject to sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 52 — Personnel in positions involving state secrets who violate the secrecy provisions shall be subject to sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Chapter VI — Supplementary Provisions

Article 53 — The Central Military Commission shall, in accordance with this Law, formulate regulations on the protection of state secrets for the People's Liberation Army.

Article 54 — This Law shall enter into force on October 1, 2010.

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