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

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

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Scope and Classification of State Secrets 2

Chapter III — Secrecy Systems 2

Chapter IV — Supervision and Administration 3

Chapter V — Legal Liability 4

Chapter VI — Supplementary Provisions 5

Table of Contents

- Chapter I — General Provisions
- Chapter II — Scope and Classification of State Secrets
- Chapter III — Secrecy Systems
- Chapter IV — Supervision and Administration
- Chapter V — Legal Liability
- Chapter VI — Supplementary Provisions

Chapter I — General Provisions

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

Article 2 — State secrets are matters that have a vital bearing on state security and national interests and that have been determined in accordance with statutory procedures to be known only to a limited number of persons for a given period of time.

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

Article 4 — The work of guarding state secrets shall follow the principles of active prevention, highlighting key areas, and combining management with law, so as to ensure both the security of state secrets and the facilitation of the rational use of information resources.

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

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Article 6 — State organs, armed forces, political parties, public organizations, enterprises, public institutions, and other organizations shall be responsible for the work of guarding state secrets within their own entities.

Article 7 — Entities and individuals that have made outstanding contributions to the work of guarding state secrets shall be commended and rewarded.

Article 8 — The state shall implement a secrecy qualification review system for enterprises and public institutions that undertake state secrets-related business.

Chapter II — Scope and Classification of State Secrets

Article 9 — State secrets include the following matters that meet the requirements of Article 2 of this Law:

(1) Secret matters in major state policy decisions;

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

(3) Secret matters in diplomatic activities and activities relating to foreign countries, and matters to be maintained as commitments to foreign countries;

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

(5) Secret matters in science and technology;

(6) Secret matters in activities for safeguarding national security and investigating criminal offenses;

(7) Other state secret matters as determined by the state secrecy administrative department.

Article 10 — State secrets shall be classified into three levels: top secret, secret, and confidential. Top secret state secrets are the most vital state secrets, the disclosure of which would cause extremely serious damage to state security and national interests. Secret state secrets are important state secrets, the disclosure of which would cause serious damage to state security and national interests. Confidential state secrets are ordinary state secrets, the disclosure of which would cause damage to state security and national interests.

Article 11 — The specific scope of state secrets and the classification levels thereof shall be prescribed by the state secrecy administrative department in conjunction with the relevant central state organs.

Article 12 — Where a matter falls within the scope of state secrets, the classification level shall be determined in accordance with the provisions of this Law.

Article 13 — The determination, modification, and declassification of state secrets shall be carried out by the entity that created the state secrets or by an entity authorized by it.

Article 14 — State secrets shall be marked with a classification symbol. The classification symbol shall consist of the classification level and the duration of secrecy.

Article 15 — The duration of secrecy for state secrets shall be determined in accordance with the nature and characteristics of the matters and the needs of safeguarding national security and interests.

Article 16 — State secrets may be declassified in advance or have their classification level changed in accordance with the provisions of this Law.

Chapter III — Secrecy Systems

Article 17 — State organs, armed forces, political parties, public organizations, enterprises, public institutions, and other organizations shall establish and improve their secrecy management systems.

Article 18 — Entities shall designate secrecy management personnel to be responsible for the routine secrecy management work of the entity.

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Article 19 — Entities shall conduct secrecy education for their staff members to enhance their secrecy awareness.

Article 20 — The transmission, reception, reproduction, and destruction of state secrets shall be carried out in accordance with state secrecy provisions.

Article 21 — The storage of state secret carriers shall be carried out at designated secure locations. The use of state secret carriers shall be registered and approved.

Article 22 — Staff members who leave their posts involving state secrets shall undergo a secrecy departure procedure, during which they shall return or hand over all state secret carriers and materials they hold.

Article 23 — Where state organs, entities, and individuals intend to provide state secrets to foreign organizations or individuals, or intend to take state secrets out of the country, they shall undergo approval procedures in accordance with relevant provisions.

Article 24 — The publication or dissemination of information involving state secrets shall be subject to prior review and approval by the relevant competent authorities.

Article 25 — The use of information systems and office automation equipment to store, process, or transmit state secrets shall meet secrecy technical standards and requirements.

Article 26 — Entities shall conduct regular secrecy inspections to promptly identify and eliminate secrecy risks and potential hazards.

Article 27 — Where secrecy incidents occur, entities shall promptly report them to the state secrecy administrative department and take remedial measures.

Article 28 — The administration of state secrets in military affairs shall be prescribed by the Central Military Commission.

Article 29 — No organization or individual may engage in any of the following acts:

(1) Illegally obtaining, holding, reproducing, or transmitting state secrets;

(2) Selling, purchasing, or providing state secrets for profit;

(3) Destroying or discarding state secret carriers without authorization;

(4) Transmitting state secrets through unsecured channels such as ordinary postal services or the internet;

(5) Taking state secret carriers out of the country without approval;

(6) Other acts prohibited by laws and administrative regulations.

Article 30 — Entities and individuals that undertake state secrets-related business shall enter into secrecy agreements specifying the secrecy obligations and liability for breach.

Article 31 — The state shall implement a secrecy review system for important information released by state organs and other entities.

Chapter IV — Supervision and Administration

Article 32 — The state secrecy administrative department shall formulate secrecy rules and regulations and secrecy technical standards in accordance with laws and administrative regulations.

Article 33 — The state secrecy administrative department shall supervise and inspect the performance of secrecy management duties by entities.

Article 34 — Where the state secrecy administrative department discovers during supervision and inspection that a secrecy risk exists, it shall order the relevant entity to take corrective action.

Article 35 — The state secrecy administrative department may seize, seal up, or temporarily detain articles, equipment, or facilities suspected of being used to illegally acquire, hold, or transmit state secrets.

Article 36 — Entities shall cooperate with the state secrecy administrative department in its lawful supervision and inspection, and shall truthfully provide relevant information and materials.

Article 37 — Where a secrecy incident occurs, the state secrecy administrative department shall organize an investigation.

Article 38 — The state secrecy administrative department shall establish a secrecy risk monitoring and early warning mechanism.

Article 39 — The state secrecy administrative department may, in the course of performing its duties, request assistance from the public security, national security, and other relevant authorities.

Article 40 — The state shall strengthen technical support for secrecy work and enhance the technological capacity for guarding state secrets.

Chapter V — Legal Liability

Article 41 — Where an entity violates the provisions of this Law by failing to perform its secrecy management duties, the state secrecy administrative department shall order it to take corrective action and may circulate a notice of criticism; where the circumstances are serious, the directly responsible person in charge and other directly liable persons shall be subject to sanctions in accordance with law.

Article 42 — Where a staff member who leaves a post involving state secrets violates the secrecy departure procedure, sanctions shall be imposed in accordance with law.

Article 43 — Where an entity violates the provisions of this Law by failing to undergo a secrecy review or failing to operate in accordance with secrecy requirements, the state secrecy administrative department shall order it to take corrective action.

Article 44 — Whoever illegally obtains or holds state secret carriers shall be penalized in accordance with law; where a crime is constituted, criminal liability shall be pursued.

Article 45 — Whoever sells, purchases, or provides state secrets for profit shall be penalized in accordance with law; where a crime is constituted, criminal liability shall be pursued.

Article 46 — Whoever transmits state secrets through the internet or other public information networks shall be penalized in accordance with law; where a crime is constituted, criminal liability shall be pursued.

Article 47 — Whoever takes state secret carriers out of the country without approval shall be penalized in accordance with law.

Article 48 — Internet service providers and other relevant entities shall cooperate with the state secrecy administrative department in investigating and addressing secrecy-related illegal activities.

Article 49 — Where a state organ or entity contracts state secrets-related business to an enterprise or public institution that has not obtained secrecy qualifications, the state secrecy administrative department shall order it to take corrective action; where the circumstances are serious, sanctions shall be imposed on the directly responsible person in charge and other directly liable persons.

Article 50 — Where an enterprise or public institution that has obtained secrecy qualifications violates secrecy provisions, the state secrecy administrative department may revoke its secrecy qualification.

Article 51 — The state secrecy administrative department may impose administrative penalties for violations of this Law.

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Article 52 — Where secrecy-related illegal activities are suspected of constituting a crime, the case shall be transferred to the judicial authorities for handling.

Article 53 — Where secrecy-related illegal activities cause damage to state security and interests, the persons liable shall bear corresponding civil liability in accordance with law.

Article 54 — Where a staff member of the state secrecy administrative department abuses power, neglects duty, or engages in malpractice for personal gain, sanctions shall be imposed; where a crime is constituted, criminal liability shall be pursued.

Article 55 — Where lawful rights and interests are infringed upon due to the state secrecy administrative department's performance of its duties, the individual or entity may apply for administrative reconsideration or institute an administrative lawsuit.

Article 56 — Any entity or individual that discovers a violation of secrecy laws or regulations shall have the right to report it to the state secrecy administrative department.

Article 57 — The state secrecy administrative department shall keep confidential the identity of whistleblowers and protect their lawful rights and interests.

Article 58 — Where an entity or individual is harmed as a result of assisting in the work of guarding state secrets, the state shall provide relief and compensation.

Chapter VI — Supplementary Provisions

Article 59 — For the purposes of this Law, "state secret carrier" means documents, materials, charts, audio-visual recordings, electronic data, and other articles that contain state secrets.

Article 60 — The specific scope and classification of state secrets in military affairs shall be prescribed by the Central Military Commission.

Article 61 — The work of guarding state secrets by the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be prescribed by the Central Military Commission in accordance with this Law.

Article 62 — The classification management of state secrets shall be refined in accordance with the importance of the state secrets, the scope of knowledge, and the potential consequences of disclosure.

Article 63 — Entities shall conduct ongoing identification of state secrets and shall promptly adjust classification levels or declassify state secrets when the circumstances for such adjustment or declassification are met.

Article 64 — State organs and entities shall conduct regular self-inspections of their secrecy work and cooperate with the supervision and inspection conducted by the state secrecy administrative department.

Article 65 — This Law shall come into force on May 1, 2024. The Law on Guarding State Secrets of the People's Republic of China (2010 Revision) shall be repealed simultaneously.

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