National Intelligence Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of strengthening and safeguarding national intelligence work, safeguarding national security and interests, and protecting the lawful rights and interests of citizens and organizations.

Article 2 — National intelligence work shall adhere to the overall national security concept, serve the national security and development interests, provide intelligence reference for major national decisions, and provide intelligence support for preventing and resolving risks endangering national security.

Article 3 — The state shall establish a national intelligence work system that meets the needs of national security. The central national security leading body shall exercise unified leadership over national intelligence work, formulate national intelligence work guidelines and policies, study and resolve major issues in national intelligence work, and coordinate and command major national intelligence work.

Article 4 — National intelligence work shall be conducted in accordance with the law, shall respect and protect human rights, and shall safeguard the lawful rights and interests of individuals and organizations.

Source: https://www.danyoungcpa.com/national-intelligence-law-prc-2018/

Article 5 — The national intelligence organizations shall perform their functions in accordance with the law, and no organization or individual may illegally interfere with the work of the national intelligence organizations. National intelligence work personnel shall be loyal to the state, observe discipline, keep secrets, be dedicated to their duties, be honest and upright, and serve the people.

Article 6 — The state shall strengthen the construction of national intelligence work and establish and improve a mechanism for the coordination, linking, sharing and exchange of intelligence information. The state shall encourage and support scientific research and technological innovation in the field of national intelligence.

Article 7 — Any organization or citizen shall support and assist national intelligence work in accordance with the law, and shall keep confidential any state secrets concerning national intelligence work that come to their knowledge. The state shall protect organizations and individuals that support or assist national intelligence work.

Chapter II — Functions and Powers of Intelligence Organizations

Article 8 — The national intelligence organizations shall, in accordance with the division of functions, be responsible for the collection, analysis and judgment of intelligence, the reporting of intelligence, and the evaluation and feedback of intelligence work.

Article 9 — In performing their functions in accordance with the law, the national intelligence organizations may require relevant government organs, organizations, enterprises, public institutions and individuals to provide necessary support and assistance. When exercising their functions and powers in accordance with the law, the national intelligence organizations shall present their supporting documents in accordance with state regulations.

Article 10 — The national intelligence organizations may, in accordance with the relevant provisions of the state, establish cooperative relationships with relevant foreign governments, organizations and individuals, and carry out international exchanges and cooperation in intelligence work.

Article 11 — The national intelligence organizations may, for the needs of their work, take technical investigation measures in accordance with the law. Technical investigation measures shall be strictly approved in accordance with state regulations and shall not be applied beyond the scope of authorization.

Article 12 — The national intelligence organizations may, for the needs of their work, request the relevant departments to provide identity verification, entry-exit document verification, communications, transportation, finance, internet information services and other information in accordance with the law. The relevant state organs shall cooperate and provide assistance.

Article 13 — The national intelligence organizations may, for the needs of their work, enter relevant restricted areas, venues or units in accordance with the law, and relevant organizations and individuals shall provide convenience.

Article 14 — The national intelligence organizations may, for the needs of their work, use the relevant facilities, equipment, venues, buildings and means of transportation by way of requisition in accordance with the law. Where requisition causes property losses, compensation shall be made in accordance with the relevant provisions of the state.

Article 15 — The national intelligence organizations may, for the needs of their work, set up relevant institutions and facilities at customs, ports and other relevant places in accordance with the relevant provisions of the state.

Article 16 — When the national intelligence organizations perform their duties in accordance with the law, relevant state organs, enterprises, public institutions and other organizations shall, in accordance with the relevant provisions of the state, cooperate and assist, and provide convenience.

Chapter III — Safeguards for Intelligence Work

Article 17 — The state shall establish a personnel management system compatible with the characteristics of national intelligence work, and shall strengthen the construction of the national intelligence work force. National intelligence work personnel shall meet the prescribed conditions and shall receive relevant training and education.

Article 18 — The state shall strengthen the protection of national intelligence work personnel and shall provide their family members with necessary assistance. The state shall provide special safeguards for personnel engaged in national intelligence work who have made outstanding contributions.

Article 19 — The state shall, in accordance with the relevant provisions, commend and reward national intelligence organizations and their personnel who have made outstanding contributions.

Article 20 — National intelligence work funds shall be included in the government budget and shall be guaranteed. The state shall strengthen the construction of national intelligence work technology and equipment and ensure the needs of national intelligence work development.

Article 21 — The state shall take necessary measures to ensure the security of national intelligence organizations, personnel and facilities. National intelligence organizations shall establish and improve a security management system and strictly implement security management measures.

Article 22 — The identity information of national intelligence work personnel shall be kept confidential and shall not be disclosed. No organization or individual may illegally hold articles, equipment or devices exclusive to national intelligence organizations.

Chapter IV — Legal Liability

Article 23 — Any national intelligence work personnel who commits any of the following acts shall be given a sanction in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law:

(1) Leaking state secrets or intelligence work secrets;

(2) Committing malpractices for personal gain, engaging in fraudulent practices, or engaging in activities endangering national security or interests by taking advantage of one's position;

(3) Committing other illegal or disciplinary acts.

Article 24 — Where any organization or individual obstructs the lawful performance of duties by a national intelligence organization, or leaks state secrets concerning national intelligence work, the relevant department shall impose a penalty in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 25 — Any organization or individual that counterfeits a national intelligence organization or national intelligence work personnel, or engages in fraudulent activities in the name of a national intelligence organization or national intelligence work personnel, shall be investigated for legal liability in accordance with the law.

Article 26 — Where any national intelligence organization or its personnel, when performing their duties in accordance with the law, infringe upon the lawful rights and interests of citizens and organizations, the infringed party may file a complaint or accusation in accordance with the law. Where the complaint or accusation is verified to be true, the relevant personnel shall be investigated for liability in accordance with the law.

Chapter V — Supplementary Provisions

Article 27 — The Central Military Commission shall, in accordance with this Law, formulate regulations on the intelligence work of the Chinese People's Liberation Army and the Chinese People's Armed Police Force.

Article 28 — This Law shall come into force on June 27, 2018.

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