

Regulations of the PRC on Open Government Information

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Chapter I — General Provisions

Article 1 — These Regulations are formulated in accordance with the provisions of the relevant laws for the purposes of safeguarding the right of citizens, legal persons and other organizations to access government information according to law, enhancing the transparency of government work, promoting law-based administration, and giving full play to the role of government information in serving the people's production, daily life and economic and social activities.

Article 2 — For the purposes of these Regulations, "government information" refers to information prepared or acquired by administrative authorities in the course of performing their functions and recorded and stored in a certain form.

Article 3 — People's governments at various levels shall strengthen organizational leadership for the disclosure of government information. The General Office of the State Council is the competent department for government information disclosure work nationwide, responsible for promoting, guiding, coordinating and supervising government information disclosure work throughout the country. The general offices of local people's governments at or above the county level or other departments designated by the local people's governments are the competent departments for government information disclosure work, responsible for promoting, guiding, coordinating and supervising government information disclosure work in their respective administrative areas.

Article 4 — People's governments at various levels and the departments of people's governments at or above the county level shall establish and improve the government information disclosure work system for their respective administrative authorities, and designate institutions (hereinafter referred to as "government information disclosure work institutions") to be responsible for the routine work of government information disclosure for their respective administrative authorities.

Article 5 — Administrative authorities shall disclose government information in a timely and accurate manner. Where an administrative authority discovers false or incomplete information that affects or may affect social stability or disrupt the order of social and economic management, it shall issue accurate government information in a timely manner to make clarification.

Article 6 — Administrative authorities shall promptly determine the government information to be voluntarily disclosed, the government information to be disclosed upon application, and the government information not to be disclosed. Where the nature of government information falls under circumstances where it cannot be determined whether the information may be disclosed, it shall be reported to the relevant competent department or the confidentiality administrative department for determination.

Chapter II — Entities and Scope of Disclosure

Article 13 — Unless otherwise provided for in Articles 14, 15 and 16 of these Regulations, government information shall be disclosed. Administrative authorities shall disclose government information in accordance with the principle of "disclosure as the norm, non-disclosure as the exception", and shall take the initiative to disclose government information.

Article 14 — Government information that is determined to be a state secret according to law shall not be disclosed, unless otherwise provided for by laws or administrative regulations. Government information for which disclosure is prohibited by laws or administrative regulations shall not be disclosed. Government information for which disclosure would endanger national security, public security, economic security or social stability shall not be disclosed.

Article 15 — Government information involving trade secrets, personal privacy or other information for which disclosure would harm the lawful rights and interests of third parties shall not be disclosed, unless the third party agrees to disclosure or the administrative authority considers that non-disclosure would have a material impact on the public interest. Under the circumstances specified in the preceding paragraph, an administrative authority shall notify the third party in writing before deciding whether to disclose the government information. Where the third party does not respond within the time limit, the administrative authority shall decide whether to disclose the information.

Article 16 — Internal affairs information of administrative authorities, including personnel management, logistics management, internal work procedures and other such information, may not be disclosed. Process-related information such as discussion records, process drafts, consultation correspondence, and request-for-instructions reports formed by administrative authorities in the course of performing their administrative functions, and administrative law enforcement case file information, may not be disclosed, unless otherwise provided for by laws, regulations or rules. Where laws, regulations or rules provide that the

above-mentioned information shall be disclosed, such provisions shall prevail.

Chapter III — Methods and Procedures of Voluntary Disclosure

Article 19 — Government information that satisfies one of the following basic requirements shall be voluntarily disclosed by the administrative authority: (1) involving the vital interests of the public and requiring wide public awareness or wide public participation; (2) reflecting the organizational structure, functions, and procedures of the administrative authority; and (3) other government information that should be voluntarily disclosed in accordance with the provisions of laws, regulations and relevant state provisions.

Article 20 — Administrative authorities shall compile and publish government information disclosure guidelines and government information disclosure catalogues for their respective authorities, which shall be updated in a timely manner. Government information disclosure guidelines shall include the classification, arrangement system and method of obtaining government information, the name, office address, office hours, contact telephone number, fax number and internet contact method of the government information disclosure work institution. Government information disclosure catalogues shall include the index, name, content summary, date of creation and other content of government information.

Article 23 — Administrative authorities shall establish and improve a mechanism for releasing government information, and shall release government information to the public through government gazettes, government websites and other internet-based government affairs media, press conferences, newspapers, radio, television and other channels that are convenient for the public to access information.

Article 24 — People's governments at various levels shall strengthen the government information resource management function at the government portals, take the initiative to disclose government information through government portals, and make government information that is already voluntarily disclosed easily searchable, queryable and accessible online.

Article 26 — Government information that falls within the scope of voluntary disclosure shall be disclosed within 20 working days from the date the government information is formed or modified. Where laws or regulations provide otherwise for the time limit for voluntary disclosure of government information, such provisions shall prevail.

Chapter IV — Disclosure upon Application

Article 27 — In addition to government information voluntarily disclosed by administrative authorities, citizens, legal persons or other organizations may apply to local people's governments at various levels and to departments of people's governments at or above the county level that perform administrative functions externally for access to relevant government information.

Article 29 — An application for disclosure of government information shall include the following: (1) the name and contact information of the applicant; (2) a description of the content of the government information to be disclosed that is sufficient for the administrative authority to conduct a search; and (3) the form in which the government information to be disclosed is requested, including the method of obtaining the information. An application for disclosure of government information may be made in writing or by data communication. Where the applicant cannot provide the identity certificate or contact information, the administrative authority may request the applicant to make corrections.

Article 31 — An application for disclosure of government information shall be handled in accordance with the following time limits: (1) where the administrative authority receives the application, it shall respond within 20 working days; (2) where an extension is required, the time limit may be extended for not more than 20 working days upon the approval of the person in charge of the government information disclosure work institution, and the applicant shall be notified; (3) where the government information involves a third party's trade secrets or personal privacy, and the administrative authority solicits the third party's opinion in writing,

the time for soliciting the third party's opinion shall not be counted in the time limit set out in the preceding item.

Article 35 — Where an applicant applies for disclosure of government information and the number or frequency of applications clearly exceeds a reasonable range, the administrative authority may require the applicant to explain the reasons. Where the administrative authority considers the reasons for the application unreasonable, it may inform the applicant that the application will not be processed; where the administrative authority considers the reasons reasonable but the application cannot be processed within the statutory time limit, it may determine a reasonable time limit for delayed response and inform the applicant.

Article 36 — Where an application for disclosure of government information involves information that is not disclosed by the administrative authority, or information that has been transferred to archives or has been destroyed, the administrative authority shall truthfully inform the applicant. Where government information is provided by another administrative authority, the administrative authority shall inform the applicant of the name and contact information of the administrative authority that prepared the information.

Chapter V — Supervision and Safeguards

Article 46 — People's governments at various levels shall establish and improve the work assessment system, public review and comment system and accountability system for government information disclosure, and conduct regular assessment and review of government information disclosure work.

Article 47 — The competent departments for government information disclosure work shall strengthen the routine guidance, supervision and inspection of the government information disclosure work of the administrative authorities within their respective administrative areas, and shall order any administrative authority that fails to perform its duties according to law in the disclosure of government information to make corrections.

Article 49 — The competent departments for government information disclosure work of people's governments at or above the county level and the supervisory authorities shall strengthen the supervision and inspection of government information disclosure work, and shall promptly investigate and handle violations of laws and regulations.

Article 51 — Where a citizen, legal person or other organization believes that an administrative authority has infringed upon its lawful rights and interests by a specific administrative act in the course of government information disclosure work, it may apply for administrative reconsideration or file an administrative lawsuit according to law.

Chapter VI — Legal Liability

Article 52 — Where an administrative authority violates the provisions of these Regulations by failing to establish and improve a government information disclosure work system, the administrative authority at the next higher level shall order it to make corrections; where the circumstances are serious, the persons directly in charge and other persons directly responsible shall be subject to sanctions according to law.

Article 53 — Where an administrative authority violates the provisions of these Regulations by committing any of the following acts, the administrative authority at the next higher level shall order it to make corrections; where the circumstances are serious, the persons directly in charge and other persons directly responsible shall be subject to sanctions according to law; where a crime is constituted, criminal liability shall be pursued according to law: (1) failing to perform the obligation of disclosure of government information according to law; (2) failing to update the content of disclosed government information, government information disclosure guidelines and government information disclosure catalogues in a timely manner; (3) charging fees in violation of the provisions of these Regulations; or (4) other acts in violation of the provisions of these Regulations.

Chapter VII — Supplementary Provisions

Article 54 — Where laws or administrative regulations provide otherwise for the disclosure of government information in specialized areas such as education, public health, water resources, energy, and environmental protection, such provisions shall prevail.

Article 55 — Organizations authorized by laws or regulations to have the functions of administering public affairs shall disclose government information in accordance with these Regulations. Public enterprises and public institutions that have a close connection with the people's interests, such as those in education, medical and health care, family planning, water supply, power supply, gas supply, heating supply, environmental protection and public transportation, shall disclose information on their production and operation, services and charges in accordance with these Regulations.

Article 56 — These Regulations shall come into force on May 1, 2008.

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