Regulations on Government Information Disclosure of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purpose of safeguarding the right of citizens, legal persons, and other organizations to obtain government information in accordance with the law, enhancing the transparency of government work, advancing the construction of a law-based government, and fully leveraging the role of government information in serving the production, life, and economic and social activities of the people.

Article 2 — For the purpose of these Regulations, "government information" refers to information created or obtained by administrative organs in the course of performing their administrative functions, in the form of texts, pictures, charts, audio, video, or other carriers.

Article 3 — The people's governments at all levels shall strengthen their organization and leadership of the work on government information disclosure.

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The General Office of the State Council shall be the competent department for government information disclosure nationwide, responsible for advancing, guiding, coordinating, and supervising the work on government information disclosure across the country.

The general offices of the local people's governments at or above the county level shall be the competent departments for government information disclosure within their respective administrative regions.

The general offices of the people's governments at all levels that have implemented a vertical leadership system shall, together with the government information disclosure work departments at the same level, strengthen leadership over the government information disclosure work of their subordinate departments.

Article 4 — The people's governments at all levels and the departments of the people's governments at or above the county level shall establish and improve the working mechanism for government information disclosure by the administrative organs within their respective administrative areas, designate agencies to undertake the day-to-day work of government information disclosure, and strengthen coordination among the internal agencies.

The specific duties of the agencies for government information disclosure work are:

(1) To handle the matters of government information disclosure by the administrative organ;

(2) To maintain and update the government information disclosed by the administrative organ;

(3) To organize the compilation of the government information disclosure guide, the government information disclosure catalog, and the annual report on government information disclosure;

(4) To organize the review of the government information to be disclosed;

(5) Other duties related to government information disclosure as prescribed by the administrative organ.

Article 5 — In disclosing government information, administrative organs shall adhere to the principle of disclosure as the norm and non-disclosure as the exception, and shall disclose government information in a fair, just, lawful, and convenient manner.

Article 6 — Administrative organs shall disclose government information in a timely and accurate manner. If any false or incomplete information is discovered that affects or may affect social stability or disrupt social management order, the administrative organ shall issue accurate government information to clarify the matter.

Article 7 — The people's governments at all levels shall actively promote the work of government information disclosure, gradually increasing the coverage of such disclosure.

Article 8 — The people's governments at all levels shall strengthen the standardization, normalization, and digitalization of government information management, strengthen the management of government information resources on the Internet-based government information disclosure platform, advance the establishment of a unified platform for government information disclosure, improve the level of online government information disclosure, and promote the integration and sharing of government information resources.

Chapter II — Subjects and Scope of Disclosure

Article 9 — The government information created by an administrative organ shall be disclosed by the administrative organ that created it. The government information initially obtained by an administrative organ from citizens, legal persons, other organizations, or other administrative organs shall be disclosed by the administrative organ that initially obtained it, unless otherwise provided for by laws or regulations.

Where an administrative organ needs to approve government information created by another organ before disclosing it, the approval shall be obtained in accordance with the relevant provisions of the laws,

regulations, and state provisions, or the matter shall be handled by agreement.

Article 10 — Where two or more administrative organs jointly create government information, the lead administrative organ shall be responsible for disclosing it.

Article 11 — Where an administrative organ has been abolished or its functions have been modified, the government information created by that organ shall be disclosed by the administrative organ that continues to exercise its functions, unless otherwise provided for by laws or regulations.

Article 12 — Where an administrative organ discloses government information, if the disclosure involves the information of another administrative organ, the organ shall consult with the other administrative organ. If the other administrative organ does not give consent, the government information shall not be disclosed. However, this shall not apply where non-disclosure would have a significant impact on the public interest.

Article 13 — Unless it is government information that shall not be disclosed under Articles 14, 15, and 16 of these Regulations, government information shall be disclosed.

In disclosing government information, administrative organs shall not do so in a manner that endangers national security, public security, economic security, or social stability.

Article 14 — The following government information shall not be disclosed in accordance with the law:

(1) State secrets determined in accordance with the law, where the disclosure of such information would impede the normal implementation of the state secret protection system;

(2) Information prohibited from disclosure by laws or administrative regulations;

(3) Information the disclosure of which would endanger national security, public security, economic security, or social stability.

Article 15 — Government information involving trade secrets, personal privacy, or other information the disclosure of which would harm the lawful rights and interests of a third party shall not be disclosed, unless the third party consents to the disclosure or the administrative organ considers that non-disclosure would have a significant impact on the public interest.

Article 16 — Internal affairs information of an administrative organ, including personnel management, logistics management, and internal work procedures, shall not be disclosed.

Process information such as discussion records, process drafts, consultation correspondence, and request for instructions reports created by an administrative organ in the course of performing its administrative functions, as well as administrative law enforcement case file information, shall not be disclosed, unless otherwise provided for by laws, regulations, or rules. Where the process information and administrative law enforcement case file information listed in the preceding paragraph may affect the lawful rights and interests of citizens, legal persons, or other organizations, it may be disclosed to those parties upon their application, unless otherwise provided by laws, regulations, or state provisions.

Article 17 — An administrative organ shall establish and improve its government information disclosure review mechanism and clarify the review procedures and responsibilities.

Where an administrative organ is unable to determine whether certain government information may be disclosed in accordance with the provisions of Articles 14, 15, and 16 of these Regulations, it shall report the matter to the competent department at the same level or the department in charge of secrecy for determination.

Article 18 — An administrative organ shall establish and improve a mechanism for the dynamic adjustment of government information management, periodically evaluate the government information that it has not disclosed, and disclose it in a timely manner if the reasons for non-disclosure have ceased to exist.

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Chapter III — Active Disclosure

Article 19 — Government information that meets one of the following conditions shall be actively disclosed by the administrative organ:

(1) Information involving the adjustment of public interests;

(2) Information that needs to be extensively known by the public or requires public participation;

(3) Information reflecting the institutional setup, functions, and procedures of the administrative organ;

(4) Other information that shall be actively disclosed in accordance with laws, regulations, and state provisions.

Article 20 — Administrative organs shall, in accordance with the provisions of Article 19 of these Regulations, actively disclose the following government information within their respective administrative functions:

(1) Administrative regulations, rules, and normative documents;

(2) The functions, institutional setup, office addresses, office hours, contact information, and names of responsible persons of the organ;

(3) National economic and social development plans, special plans, regional plans, and related policies;

(4) Statistical information on national economic and social development;

(5) Matters, bases, and requirements for administrative licensing and other items subject to administrative approval, and the basis, requirements, and procedures for filing, registration, annual inspection, and other service items handled by administrative organs;

(6) Information on the administrative penalty decisions made by administrative organs;

(7) Information on the fiscal budgets and final accounts;

(8) Information on the items, bases, and rates of administrative charges and government funds;

(9) Information on government procurement projects;

(10) Information on the approval and implementation of major construction projects;

(11) Information on poverty alleviation, education, medical care, social security, employment promotion, and other policies, measures, and their implementation;

(12) Information on contingency plans, early warning information, and response measures for public emergencies;

(13) Information on the supervision and inspection of environmental protection, public health, production safety, food and drug safety, and product quality;

(14) Information on the recruitment of civil servants and public institution staff, and the examination and appointment of officials;

(15) Other government information that shall be actively disclosed in accordance with laws, regulations, rules, and state provisions.

Article 21 — Unless it falls under the scope of government information that shall be actively disclosed under Article 20 of these Regulations, the people's governments of cities divided into districts and of counties shall, in accordance with the arrangements of their respective local governments, take the initiative to disclose information related to the following matters within their respective administrative areas:

(1) Land expropriation, housing demolition, and compensation and resettlement subsidies;

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(2) Funds for social relief, medical aid, and the distribution of relief supplies in kind;

(3) Distribution and use of funds for the construction of public welfare facilities such as schools, hospitals, cultural and sports facilities, and affordable housing;

(4) Information on agricultural policies and on the development of modern agriculture;

(5) Information on policies, measures, and the allocation of funds related to the national land space planning, rural land contracting rights, construction land use rights, and homestead land use rights;

(6) Information on the raising of funds and labor for village-level public welfare undertakings, and on the construction and management of village-level collective economic assets;

(7) Information on the use of funds for infrastructure construction such as water conservancy;

(8) Other government information that shall be disclosed in accordance with the regulations of the local people's governments.

Article 22 — Administrative organs shall establish and improve their mechanisms for the release of government information, actively disclose government information through channels such as government gazettes, government websites, press conferences, newspapers, radio, and television.

Article 23 — Administrative organs shall strengthen the management of government information resources and disclose government information through unified platforms for government information disclosure, such as government portals, in public access areas such as state archives, public libraries, and government service venues, and through other channels.

Article 24 — Administrative organs shall, within 20 working days from the date on which the government information is created or obtained, disclose it in a timely manner, unless otherwise provided for by laws or regulations.

Article 25 — Administrative organs shall compile and publish government information disclosure guides and government information disclosure catalogs, which shall be updated in a timely manner.

The government information disclosure guide shall include the classification, arrangement system, and method of obtaining government information, as well as the name, office address, office hours, contact telephone number, fax number, and Internet contact information of the government information disclosure work agency.

The government information disclosure catalog shall include the title, date of creation, and abstract of the government information.

Article 26 — Where an administrative organ falls under one of the following circumstances, it shall withdraw the corresponding government information in a timely manner:

(1) The government information has been amended or abolished;

(2) The government information has expired or ceased to be valid;

(3) The basis for disclosure has changed or the reasons for disclosure no longer exist.

Chapter IV — Disclosure upon Application

Article 27 — Unless an administrative organ has disclosed government information on its own initiative, citizens, legal persons, or other organizations may apply to the administrative organ for the disclosure of relevant government information.

Article 28 — An administrative organ shall establish and improve its government information disclosure application reception mechanism, including disclosing the office address, office hours, telephone number, fax number, postal address, and email address for receiving government information disclosure applications.

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Article 29 — To apply for government information, a citizen, legal person, or other organization shall submit a written application to the government information disclosure work agency of the administrative organ. If it is genuinely difficult to submit a written application, the applicant may make an oral application, which shall be filled in on a government information disclosure application form by the government information disclosure work agency that receives the application on behalf of the applicant.

The application shall include the following contents:

(1) The name and identity information of the applicant;

(2) A description of the government information for which disclosure is requested, including the document name, document number, or other characteristics that can be used by the administrative organ to identify and search for the information;

(3) The specific format in which the government information is requested to be provided, including by paper copy, email, or other means, as well as the means and channel for obtaining such information.

Article 30 — Where the government information for which disclosure is requested involves trade secrets or personal privacy of a third party and disclosure would harm the lawful rights and interests of a third party, the administrative organ shall seek the opinion of the third party in writing. The third party shall provide its opinion within 15 working days from the date of receiving the request for its opinion. If the third party fails to provide its opinion within the time limit, the administrative organ shall decide whether to disclose the information in accordance with these Regulations.

Article 31 — The date of receipt of a government information disclosure application shall be determined as follows:

(1) If the applicant submits the application in person, the date of submission shall be the date of receipt;

(2) If the applicant sends the application by mail, the date on which the administrative organ signs for the mail shall be the date of receipt; if the application is sent by ordinary mail or any other means that does not require a signature, the government information disclosure work agency shall confirm the receipt on the actual date of receipt;

(3) If the applicant submits the application through the Internet or the fax number of the government information disclosure work agency, the date on which both parties confirm receipt shall be the date of receipt.

Article 32 — Where a government information disclosure application contains insufficient information making it impossible to identify or search for the government information requested, the administrative organ shall provide guidance and explanation, and shall, within seven working days from the date of receiving the application, notify the applicant to make supplements and corrections in a one-time manner. The applicant shall make the supplements and corrections within a reasonable period of time. If the applicant fails to make the supplements and corrections within the time limit, the application shall be deemed to have been withdrawn. The response period shall be calculated from the date on which the administrative organ receives the supplemented and corrected application.

Where an applicant's application for government information disclosure is made in unreasonable quantities or frequencies, the administrative organ may request the applicant to provide an explanation. If the administrative organ considers the reason for the application to be unreasonable, it may inform the applicant that the application will not be processed. If the administrative organ considers the reason for the application to be reasonable but is unable to provide the government information within the time limit prescribed in Article 33 of these Regulations, it may determine a reasonable time limit for the response and inform the applicant.

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Article 33 — Upon receiving a government information disclosure application, the administrative organ shall respond to the applicant within the following time limits:

(1) If the government information requested is already disclosed, the administrative organ shall inform the applicant of the method and means of obtaining such information;

(2) If the government information requested may be disclosed, the administrative organ shall provide the government information to the applicant or inform the applicant of the method, means, and time for obtaining the information;

(3) If the government information requested shall not be disclosed in accordance with the provisions of these Regulations, the administrative organ shall inform the applicant and state the reasons;

(4) If the government information requested is not created by the administrative organ or cannot be located after a search, the administrative organ shall inform the applicant that the government information does not exist;

(5) If the government information requested does not fall under the responsibility of the administrative organ to disclose, the administrative organ shall inform the applicant and explain the reasons therefor; if the administrative organ is able to determine the organ responsible for disclosing the government information, it shall inform the applicant of the name and contact information of that organ;

(6) If the administrative organ has already provided a response to the applicant's government information disclosure application, and the applicant repeatedly applies for the same government information without justifiable reasons, the administrative organ shall inform the applicant that it will not process the application further;

(7) If the application is for government information that falls under the categories of industrial and commercial registration information, real estate registration information, or other such information, and the relevant laws and administrative regulations provide special provisions on the access to such information, the administrative organ shall inform the applicant to obtain the information in accordance with the provisions of those laws and administrative regulations.

Article 34 — Where an administrative organ is unable to provide a response to an application for government information disclosure within 20 working days from the date of receipt of the application, it may, with the approval of the responsible person of the government information disclosure work agency, extend the response period by up to 20 working days and shall inform the applicant of the extension.

Article 35 — Where an applicant submits an application for government information disclosure that is unreasonable in quantity or frequency, the administrative organ may charge an information processing fee. The specific measures for such fees shall be formulated by the department in charge of pricing under the State Council, together with the finance department under the State Council and the national government information disclosure work department.

Article 36 — Where an application for government information disclosure is made, and the applicant requests that the government information be provided in a specific form, the administrative organ shall provide the information in the requested form. If the administrative organ is unable to provide the information in the requested form, it may provide the information in another appropriate form and shall explain the reasons therefor.

Article 37 — Where a citizen makes an application for government information and provides evidence that the government information provided by the administrative organ is inconsistent with the applicant's own information, the administrative organ shall verify the information. If it is confirmed that the information is inaccurate, it shall correct it. If the administrative organ has no authority to correct the information, it shall forward the matter to the administrative organ that has such authority and inform the applicant.

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Article 38 — Where an administrative organ provides government information to an applicant, it shall not disclose any content that shall not be disclosed in accordance with the provisions of Articles 14, 15, and 16 of these Regulations. However, the administrative organ may make a distinction between the content that may be disclosed and the content that may not be disclosed, and provide the applicant with the content that may be disclosed.

Article 39 — Where an administrative organ provides government information to an applicant in accordance with the provisions of these Regulations, it shall not charge any fees, unless the applicant requests that the information be provided in a specific form and the cost of providing the information in such form exceeds the reasonable standard.

Article 40 — Where an applicant is able to prove that the government information for which disclosure is requested concerns the applicant's own personal information, tax records, social security records, or other such information, the administrative organ shall disclose the information and shall not reject the application on the grounds that the information is internal or process-related.

Chapter V — Supervision and Safeguards

Article 41 — The government information disclosure work departments of the people's governments at all levels shall periodically assess and appraise the government information disclosure work of the administrative organs within their respective administrative areas.

Article 42 — The government information disclosure work departments of the people's governments at or above the county level shall inspect the government information disclosure work of the administrative organs within their respective administrative areas, mainly to review the following:

(1) Whether government information is disclosed on the government information disclosure platform in a timely and accurate manner;

(2) Whether the government information disclosure guide and the government information disclosure catalog are compiled and published in a timely manner;

(3) Whether government information disclosure applications are processed in accordance with the law;

(4) Whether the government information disclosure work system is sound and standardized;

(5) Other matters that require supervision and inspection.

Article 43 — Where an administrative organ fails to establish and improve the relevant systems for government information disclosure, the government information disclosure work department at the next higher level shall urge it to make corrections.

Article 44 — The government information disclosure work departments of the people's governments at all levels shall, within 30 days after the end of each year, submit to the government information disclosure work department at the next higher level the annual report on government information disclosure for the administrative region under their jurisdiction.

Article 45 — The annual report on government information disclosure shall include the following:

(1) An overview of the government information disclosure work of the administrative organ for the year;

(2) Information on the active disclosure of government information;

(3) Information on the receipt and processing of government information disclosure applications;

(4) Information on administrative reconsideration and administrative litigation arising from government information disclosure;

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(5) The main problems in the government information disclosure work and suggestions for improvement, including statistical tables on the relevant items of the government information disclosure work for the year at all levels of the people's governments;

(6) Other matters that need to be reported.

Article 46 — Citizens, legal persons, or other organizations that believe that an administrative organ has failed to perform its obligations in relation to government information disclosure in accordance with the law may report the matter to the government information disclosure work department at the next higher level.

The government information disclosure work department that receives the report shall investigate and deal with the matter.

Article 47 — Citizens, legal persons, or other organizations that believe that a specific administrative act of an administrative organ in the course of government information disclosure has infringed upon their lawful rights and interests may apply for an administrative reconsideration or initiate an administrative lawsuit in accordance with the law.

Article 48 — Where an administrative organ fails to perform its government information disclosure obligations in accordance with the law, the government information disclosure work department at the same level or higher level shall, in accordance with its authority, urge the organ to make corrections or circulate a notice of criticism. If the circumstances are serious, the responsible leaders and the directly responsible persons shall be investigated for liability in accordance with the law.

Article 49 — Where a government information disclosure work department violates the provisions of these Regulations and commits any of the following acts, the administrative organ at the next higher level shall order it to make corrections. If the circumstances are serious, the responsible leaders and the directly responsible persons shall be investigated for liability in accordance with the law:

(1) Failing to perform the duties of guidance, coordination, or supervision in accordance with the law;

(2) Failing to investigate and deal with the reports made by citizens, legal persons, or other organizations in accordance with the provisions.

Article 50 — Where an administrative organ violates the provisions of these Regulations and commits any of the following acts, the government information disclosure work department at the next higher level shall order it to make corrections. If the circumstances are serious, the responsible leaders and the directly responsible persons shall be investigated for liability in accordance with the law:

(1) Failing to perform its government information disclosure obligations in accordance with the law;

(2) Failing to update the disclosed government information, the government information disclosure guide, and the government information disclosure catalog in a timely manner;

(3) Charging fees in violation of the provisions of these Regulations;

(4) Obstructing the lawful performance of duties by the government information disclosure work department;

(5) Failing to perform the duties of supervision and inspection in accordance with the law;

(6) Other acts in violation of these Regulations.

Chapter VI — Supplementary Provisions

Article 51 — Organizations authorized by laws or regulations to perform public affairs management functions shall apply these Regulations in disclosing government information.

Article 52 — These Regulations shall apply, mutatis mutandis, to the disclosure of government information related to public services provided by public enterprises and institutions, such as those in education, public

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health, water supply, power supply, gas supply, heating supply, public transport, and telecommunications.

Article 53 — These Regulations shall apply to government information disclosure by the village (resident) committees that perform administrative functions on behalf of the people's government.

Article 54 — The specific measures for government information disclosure by the people's governments at or above the county level shall be formulated by the national government information disclosure work department, together with the relevant departments under the State Council.

Article 55 — These Regulations shall apply, mutatis mutandis, to the government information disclosure work of the relevant working bodies of the organs of the Chinese Communist Party and other political parties, people's organizations, public institutions, and social organizations.

Article 56 — These Regulations shall take effect on May 15, 2019. The Regulations of the People's Republic of China on Government Information Disclosure promulgated by the State Council on April 5, 2007, shall be repealed simultaneously.

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