

Regulations on the Administration of Business Premises for Internet Access Services of the PRC

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Chapter I — General Provisions

Article 1 — These Regulations are formulated for the purposes of strengthening the administration of business premises for Internet access services, standardizing the business activities of business operators, safeguarding the lawful rights and interests of businesses and consumers, promoting the sound development of the Internet access service industry, and maintaining public order.

Article 2 — For the purposes of these Regulations, "business premises for Internet access services" refers to commercial premises such as Internet cafes and computer lounges that provide the public with Internet access services through computers and other devices and means.

Article 3 — Business premises for Internet access services shall comply with the provisions of relevant laws and regulations, strengthen the building of a spiritual civilization, provide consumers with a civilized and healthy environment for Internet access, and shall not engage in illegal activities.

Article 4 — The people's governments at or above the county level shall strengthen the leadership of the supervision and administration of business premises for Internet access services within their respective

administrative regions, and shall urge the relevant administrative departments to perform their duties in accordance with the law. The administrative departments of culture of people's governments at or above the county level shall be responsible for the supervision and administration of the establishment and business activities of business premises for Internet access services. The public security organs shall be responsible for the supervision and administration of the information network security, public security and fire safety of business premises for Internet access services. The administrative departments for industry and commerce shall be responsible for the supervision and administration of the registration of business premises for Internet access services and their business operations.

Chapter II — Establishment

Article 5 — The State shall implement a licensing system for the establishment of business premises for Internet access services. Without the permission of the administrative department of culture, no organization or individual may establish or operate business premises for Internet access services.

Article 6 — No business premises for Internet access services may be established within 200 meters of the campuses of primary or secondary schools, or in residential buildings (courtyards).

Article 7 — The establishment of business premises for Internet access services shall require the employment of professional technical personnel for operation and management, the adoption of technical measures for business management and network security management, and the satisfaction of other conditions prescribed by the State.

Article 8 — An applicant for the establishment of a business premises for Internet access services shall apply to the administrative department of culture of the local people's government at or above the county level. The administrative department of culture shall, within 20 working days of receiving the application, make a decision on whether to approve the establishment. Upon approval, it shall issue an approval document, and the applicant shall, on the strength of the approval document, apply to the public security organ for examination and approval of the information network security and fire safety. The public security organ shall, within 20 working days of receiving the application, make a decision on whether to approve the application. Upon approval, it shall issue the approval documents. The applicant shall then complete the registration formalities with the administrative department for industry and commerce on the strength of the approval documents.

Chapter III — Business Operations

Article 9 — Business premises for Internet access services shall not admit minors. Business premises for Internet access services shall display a sign prohibiting the admission of minors in a prominent position at their entrances.

Article 10 — Business premises for Internet access services shall verify and register the identity cards or other valid documents of Internet access consumers, and shall record the relevant Internet access information. The registration content and record information shall not be altered or deleted, and shall be kept for not less than 60 days and made available for inspection by the administrative department of culture and the public security organ in accordance with the law.

Article 11 — Business premises for Internet access services shall adopt technical measures for business operation management and shall not provide Internet access services by circumventing such measures, including by means of local area networks not managed by the operator.

Article 12 — The business hours of business premises for Internet access services shall be from 8 a.m. to 12 a.m. midnight. Internet access services shall not be provided outside these hours.

Article 13 — No organization or individual may use business premises for Internet access services to produce, download, reproduce, consult, publish, disseminate or otherwise use information containing any of

the following content: (1) content that violates the basic principles determined by the Constitution; (2) content that endangers State unity, sovereignty or territorial integrity; (3) content that divulges State secrets, endangers State security, or damages State honor or interests; (4) content that incites ethnic hatred or ethnic discrimination, or undermines ethnic unity; (5) content that undermines State policies on religion, or propagates cults or feudal superstitions; (6) content that disseminates rumors, disrupts social order, or undermines social stability; (7) content that propagates obscenity, gambling or violence, or incites the commission of crimes; (8) content that insults or slanders others, or infringes upon the lawful rights and interests of others; or (9) other content prohibited by laws or administrative regulations.

Article 14 — No organization or individual may engage in any of the following activities at business premises for Internet access services: (1) using computers to gamble; (2) using computers to access or disseminate information that violates the provisions of Article 13 of these Regulations; (3) sabotaging network security or data security; (4) using others' identity documents to register for Internet access, or allowing others to use one's own identity documents to register for Internet access; (5) engaging in other activities prohibited by laws or administrative regulations.

Chapter IV — Penalties

Article 15 — Where a business premises for Internet access services operates without authorization, the administrative department of culture shall ban it in accordance with the law and confiscate its illegal gains and the equipment and tools specially used for its illegal business operations. Where the illegal turnover exceeds 10,000 yuan, a fine of not less than five times and not more than ten times the illegal turnover shall be imposed; where the illegal turnover is less than 10,000 yuan, a fine of not less than 10,000 yuan and not more than 50,000 yuan shall be imposed.

Article 16 — Where a business premises for Internet access services admits minors, the administrative department of culture shall impose a warning and a fine of not more than 15,000 yuan; where the circumstances are serious, it shall order the business premises to suspend operations for rectification or revoke its license.

Article 17 — Where the administrative department of culture, the public security organ or the administrative department for industry and commerce, or any of their staff members, engages in any of the following acts in the course of supervising and administering business premises for Internet access services, the directly responsible persons in charge and other directly responsible persons shall be subject to administrative sanctions in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law: (1) issuing approval documents or licenses to applicants that do not satisfy the prescribed conditions; (2) failing to investigate and punish illegal business activities discovered or reported; or (3) other acts of dereliction of duty, abuse of power or engagement in malpractices for personal gain.

Chapter V — Supplementary Provisions

Article 18 — These Regulations shall enter into force on November 15, 2002.

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