

Regulations of the People's Republic of China on Open Government Information

(Adopted by the State Council on January 17, 2007, Effective May 1, 2008; Revised
April 3, 2019, Effective May 15, 2019)

Chapter I. General Principles

Article 1. In order to ensure that citizens, legal persons and other organizations obtain government information in accordance with the law, enhance transparency of the work of government, promote administration in accordance with the law, and bring into full play the role of government information in serving the people's production and livelihood and their economic and social activities, these Regulations are hereby formulated.

Article 2. "**Government information**" referred to in these Regulations means information made or obtained by administrative organs in the course of performing their administrative management functions and recorded and retained in a given form.

Article 3. The people's governments at all levels should strengthen the organization and leadership of open government information work.

The General Office of the State Council shall be the **national department in charge of open government information work**. It shall be responsible for promoting, guiding, coordinating and supervising open government information work throughout the whole country.

The general offices of local people's governments at the county level and above shall be the departments in charge of open government work in their own administrative areas and shall be responsible for promoting, guiding, coordinating and supervising open government information work in their own administrative areas.

The general office of departments that exercise vertical leadership shall be in charge of open government information work in their own systems.

Article 4. The people's government at all levels and the departments of the people's governments at the county level and above should establish and improve open government information work systems in their own administrative organs and designate an office (hereafter referred to as the "**open government information work office**") to be responsible for the daily work of open government information for their own administrative organs.

The specific functions of the open government information work office shall be:

(1) To undertake specific open government information matters for that

administrative organ;

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

(3) To organize and compile for that administrative organ an open government information guide, open government information catalogue and annual reports on open government information work;

(4) To organize and carry out examination of government information to be disclosed; and

(5) Other functions related to open government information stipulated by that administrative organ.

Article 5. When disclosing government information, administrative organs should uphold disclosure as the norm and non-disclosure as the exception, and abide by the principles of justice, fairness, and convenience to the people.

Article 6. Administrative organs should disclose government information promptly and accurately.

When administrative organs discover false or incomplete information that affects or might affect social stability and disturbs the social and economic management order, they should release accurate government information to clarify the situation.

Article 7. The people's government at all levels should actively promote open government information work and gradually increase the content of open government information.

Article 8. All levels of people's government should strengthen the regularity, standardization, and informatization management of government information resources, and strengthen the establishment of internet-based open government information platforms, promote the integration of open government information platforms and government affairs service platforms, and elevate the level of online handling of open government information.

Article 9. Citizens, legal persons and other organizations have the right to undertake supervision of administrative organs' open government information work and submit criticisms and suggestions.

Chapter II. Entities and Scope of Disclosure

Article 10. Administrative organs shall be responsible for disclosing the government information they make. Administrative organs that retain government information obtained from citizens, legal persons or other organizations shall be responsible for disclosing it; for government information obtained from other administrative organs, the administrative organ that made it or was the first to obtain it shall be responsible for disclosing it. If laws or regulations have different provisions on the authority to disclose government information, those provisions shall be followed.

Administrative organs that establish dispatched offices or internal offices that externally perform administrative management functions in their own names in accordance with laws or regulations may have those dispatched or internal offices be responsible for the open government information work related to the administrative management functions they perform.

If two or more administrative organs jointly make government information, the administrative organ that took the lead shall be responsible for disclosure.

Article 11. Administrative organs should establish and improve a government information coordination mechanism. When disclosing government information that involves other administrative organs, an administrative organ should consult and confirm with the administrative organs concerned to ensure the government information disclosed is accurate and consistent.

If the government information to be disclosed by administrative organs must be approved in accordance with laws, administrative regulations or relevant state provisions, it shall be disclosed after being approved.

Article 12. The open government information guides and open government information catalogue that administrative organs compile and publish should be updated in a timely manner.

Open government information guides shall include such contents as the types of government information, the system of cataloguing, the methods for obtaining information, and the name, office address, office hours, contact telephone number, fax number and internet contact details of the open government information work office.

Open government information catalogues shall include such contents as the index, name, summary of the contents and production date of the government information.

Article 13. Government information should be disclosed, except for the government information stipulated in Articles 14, 15 and 16 of these Regulations.

Government information disclosure by administrative organs shall take the form of proactive disclosure and disclosure on request.

Article 14. Government information determined in accordance with law to be state secrets, government information prohibited by laws and administrative regulations from being disclosed, and government information that might endanger national security, public security, economic security, or social stability after disclosure shall not be disclosed.

Article 15. Administrative organs may not disclose government information that would damage the lawful rights and interests of third parties, such as that involving

commercial secrets or personal privacy. However, if the third party consents to the disclosure or the administrative organ believes that non-disclosure would have a major impact on public interests, it shall be disclosed.

Article 16. Administrative organs may decline to disclose internal affairs information, including information on personnel management, logistics management, and internal work flows.

Administrative organs may decline to disclose in-process type information such as deliberative records, pre-decisional drafts, consultation letters, and reports requesting instructions formed in the course of performing their administrative management functions, as well as administrative law enforcement case file information. Where laws, regulations or rules stipulate that the above-mentioned information should be disclosed, those provisions shall be followed.

Article 17. Administrative organs should establish and improve open government information examination mechanisms and clarify examination procedures and responsibilities.

Administrative organs should examine government information that is to be disclosed in accordance with the Law of the People's Republic of China on Guarding State Secrets and other laws, regulations and relevant state provisions.

If administrative organs are not able to determine whether government information may be disclosed, they shall report the matter to the relevant department in charge or the secrecy administrative department for determination in accordance with laws, regulations and relevant state provisions.

Article 18: Administrative organs should establish and improve a dynamic adjustment mechanism for government information management, conduct regular assessment and examination of government information that they do not disclose, and should disclose government information that may be disclosed due to changes in the situation.

Chapter III. Proactive Disclosure

Article 19. Administrative organs should proactively disclose government information that involves the adjustment of public interests, that needs to be extensively known by the public or that the public needs in order to participate in decision-making.

Article 20. Administrative organs should proactively disclose the following government information they hold in accordance with the provisions of Article 19:

- (1) Administrative regulations, rules, and regulatory documents;
- (2) The administrative organ's functions, institutional structure, business address, business hours, contact methods, and names of the responsible persons;

- (3) National economic and social development plans, sectoral plans, regional plans and related policies;
- (4) Statistical information on national economic and social development;
- (5) The basis, conditions, procedures and results of handling administrative licensing and other external management service matters;
- (6) The basis, conditions and procedures for implementing administrative punishments and administrative compulsion, as well as administrative punishment decisions the administrative organs consider to have a definite social influence;
- (7) Financial budget and final account information;
- (8) Items subject to an administrative fee and the legal basis and standards therefor;
- (9) Catalogues of the government's centralized procurement projects, their standards and their implementation;
- (10) Approval and implementation of major construction projects;
- (11) Policies and measures on such matters as poverty alleviation, education, health care, social security and employment promotion and their implementation;
- (12) Emergency plans for, advance warning information concerning, and response measures against sudden public events;
- (13) The supervision and inspection of environmental protection, public health, safe production, food and drugs, and product quality;
- (14) Such matters as the positions, quotas, and qualification requirements for civil service recruitment and examinations and the recruitment results; and
- (15) Other government information that laws, regulations, rules and relevant state provisions stipulate should be proactively disclosed.

Article 21. In addition to the government information stipulated in Article 20 of these Regulations, the people's governments at the level of cities divided into districts and at the county level and their departments should also, based on their local specific circumstances, proactively disclose government information relating to such aspects as municipal construction, public services, public welfare undertakings, land expropriation, building expropriation, public order management, and social assistance; and the people's governments at the township (town) level should also, based on their local specific circumstances, proactively disclose government information on such aspects as carrying out agricultural and rural policies, the construction and operation of farmland water conservancy projects, transfer of rural land contract management rights, audit of homestead use, land expropriation, building expropriation, fundraising and labor programs, and social assistance.

Article 22. Administrative organs should, based on the provisions of Articles 20 and 21 of these Regulations, determine the specific content of proactively disclosed information and, in accordance with the arrangements of the higher level administrative organ, constantly increase proactively disclosed content.

Article 23. Administrative organs should establish and perfect government information release mechanisms and disclose proactively disclosed government information by means of government gazettes, government websites or other internet-

based government affairs media, and press conferences, as well as through newspapers and periodicals, radio, television and other channels.

Article 24. The people's governments at all levels shall strengthen open government information work by relying on government portal websites, and use a unified open government information platform to centrally release proactively disclosed government information. The open government information platforms should have such functions as information retrieval, viewing, and downloading.

Article 25. The people's governments at all levels should set up government information consultation venues in the national archives, public libraries and government affairs service venues, and install appropriate facilities and equipment to make it convenient for citizens, legal persons and other organizations to obtain government information.

Administrative organs may set up, as needed, venues and facilities such as public consultation rooms, materials request stations, information bulletin boards, and electronic information screens to disclose government information.

Administrative organs should provide the national archives and public libraries with proactively disclosed government information in a timely manner.

Article 26. Government information to be disclosed proactively by administrative organs should be disclosed within 20 business days from the date the information is formed or modified. If laws or regulations have different provisions on the time limit for disclosing government information, those provisions shall be followed.

Chapter IV. Disclosure on Request

Article 27. In addition to government information proactively disclosed by administrative organs, citizens, legal persons or other organizations may submit requests to obtain relevant government information with local people's governments at all levels and departments of the people's government at or above the county level that perform administrative functions in their own names (including the dispatched offices and internal offices specified in the second paragraph of Article 10 of these Regulations).

Article 28. The administrative organs stipulated in Article 27 of these Regulations should establish and improve open government information request channels and make it convenient for requesters to obtain government information on request in accordance with the law.

Article 29. Citizens, legal persons or other organizations should submit requests to obtain government information to the open government information work offices of government organs and do so in written form, including letters and digital and electronic forms. In the event that it is truly difficult for a requester to submit a request in written form, the requester may do so orally and the open government information work office

accepting the request shall fill out the request for open government information on the requester's behalf.

Open government information requests should include the following contents:

- (1) The name of the requester, proof of identity, and the method of contact;
- (2) The name, document number or other characteristic description to facilitate the government organ's search for the government information requested to be disclosed;
- (3) Requirements as to the format in which the government information requested to be disclosed is to be obtained, including the method and channel.

Article 30. If the content of an open government information request is not clear, the administrative organ should give guidance and explanations, and a one-time notice for the requester to make a supplement and correction within seven business days of receiving the request, explaining the matters that need to be supplemented and corrected and giving a reasonable time limit for supplement and correction. The time limit for reply shall be calculated from the date the administrative organ receives the supplemented and corrected request. If the requester fails to make supplements and corrections within the time limit without justifiable reasons, the request shall be deemed to have been abandoned, and the administrative organ shall no longer process the open government information request.

Article 31. The time of receipt by administrative organs of open government information requests shall be determined according to the following provisions:

- (1) If the requester submits an open government information request in person, the date of submission shall be the date of its receipt;
- (2) If an requester submits an open government information request by mail, the date of receipt of the request shall be the date when the administrative organ signs for receipt; if an open government information request is submitted by mail that does not require a signature, such as an ordinary letter, the open government information work office shall confirm with the requester the date of receipt of the request, and the date of confirmation shall be the date of its receipt;
- (3) Where a requester submits an open government information request through Internet channels or by fax to an open government information office, the date of receipt of the request shall be the date of its confirmation by both parties.

Article 32. If disclosure of requested open government information is likely to infringe the lawful rights and interests of a third party, the administrative organ should write to the third party to seek its opinion. The third party should put forward its opinions within 15 business days of the date of receipt of the letter seeking its opinions. If the third party fails to respond within the time limit, the administrative organ shall decide in accordance with the provisions of these Regulations whether to disclose the requested information. If the third party does not consent to disclosure on reasonable grounds, the administrative organ shall not disclose it. If the administrative organ believes that non-disclosure might cause a major impact on public interests, it may decide

to disclose the information and shall notify the third party in writing of the content of the government information it decided to disclose and the reasons therefor.

Article 33. If it is possible for an administrative organ to reply on the spot to an open government information request it has received, the administrative organ should reply on-the-spot.

If an administrative organ cannot reply on the spot, it should reply within 20 business days from receiving the request. If an extension of the time limit for replying to a request is needed, the agreement of the responsible person in charge of the open government information work office should be obtained and the requester notified. The maximum extension of the time limit for replying to a request may not exceed 20 business days.

The time needed by an administrative organ to seek the opinions of a third party or other organ shall not be counted against the time limit provided in the previous paragraph of this Article.

Article 34. Where requested open government information is jointly made by two or more administrative agencies, the lead administrative agency may seek the opinions of the relevant administrative agencies after receiving the open government information request, and the agencies asked for opinions should submit them within 15 business days of receiving the letter seeking their opinions. Failure to submit opinions within the time limit shall be deemed consent to disclose.

Article 35. Where the number and frequency of a requester's open government information requests obviously exceeds a reasonable range, the administrative organ may require the requester to explain the reasons. If the administrative organ considers that the reasons for the requests are unreasonable, it shall inform the requester that its requests will not be processed; if the administrative organ considers that the reasons for the requests are reasonable, but cannot reply to the requests within the time limit stipulated in Article 33 of these Regulations, it may determine a reasonable time limit for delaying the reply and notify the requester.

Article 36. Administrative organs shall reply to open government information requests respectively in accordance with the following circumstances:

(1) If the information to be disclosed has already been proactively disclosed, the requester shall be notified of the method and channels of obtaining the government information;

(2) If the information requested can be disclosed, the requester shall be given the government information, or informed of the method, channel and time to obtain the government information;

(3) If the administrative organ decides not to disclose based on the provisions of these Regulations, it shall notify the requester that the information may not be disclosed and explain the reasons;

(4) If after searching the requested information is not found, the requester shall be notified that such government information does not exist;

(5) If the information requested to be disclosed is not within the administrative organ's responsibility to disclose, it should notify the requester and explain the reason; if the administrative organ responsible for disclosing the government information can be identified, the requester shall be notified of the name and contact information of such administrative organ;

(6) If the administrative organ has already responded to the open government information request submitted by the requester, and if the requester has repeatedly requested disclosure of the same government information, the requester shall be notified that the request will not be repeatedly processed;

(7) If the requested open government information constitutes industrial and commercial information or real estate registration materials, and if relevant laws and administrative regulations have special provisions on obtaining such information, the requester shall be notified to handle the matter in accordance with the provisions of the relevant laws and administrative regulations.

Article 37. If the information requested to be disclosed contains content that should not be disclosed or does not constitute government information, but can be handled through segregation, the administrative organ shall provide the requester with the government information content that can be disclosed, and explain the reason for the content that cannot be disclosed.

Article 38. The information provided by the administrative organ to the requester should be government information that has already been made or obtained. Except for government information that can be handled through segregation in accordance with the provisions of Article 37 of these Regulations, if it is necessary for the administrative organ to process or analyze existing government information [in order to respond to the request], the administrative organ may decline to provide it.

Article 39. Where a requester conducts such activities as petitioning, complaining, or reporting in the form of an open government information request, the administrative organ should notify the requester that it will not be handled as an open government information request, and may notify the requester to submit it through appropriate channels.

If the content of the request submitted by the requester is to ask the administrative organ to provide open publications such as government gazettes, newspapers and books, the administrative organ may notify the channels for obtaining it.

Article 40. When disclosing government information on request, administrative organs should determine, based on the requester's requirements and the administrative organ's practical conditions, the concrete format in which to provide the government: if providing the government information in the format required by the requester might endanger the security of the government information carrier or be excessively costly, administrative organs may provide such government information in an appropriate form

such as electronic data, or arrange for the requester to consult or copy the relevant government information.

Article 41. If citizens, legal persons or other organizations have evidence showing that the government information provided by an administrative organ concerning them is not recorded accurately, they may request the administrative organ to correct the information. Administrative organs with authority to make corrections that establish the inaccuracy after review should make correction and notify the requester; if the administrative organ does not have the authority to make the correction, it may transfer the case to the administrative organ with authority to make the correction, and inform the requester, or inform the requester to submit the request to the administrative agency having such authority.

Article 42. Administrative organs shall provide government information on request without charge. However, if a requester requests open government information in an amount or at a frequency that is manifestly unreasonable, administrative organs may charge an information processing fee.

Specific measures for administrative organs to charge information processing fees shall be formulated by the State Council department in charge of pricing in consultation with the State Council department in charge of finance and the national department in charge of open government information work.

Article 43. If citizens requesting disclosure of government information have trouble reading or obstacles to hearing and seeing, administrative organs should provide them with necessary assistance.

Article 44. If multiple requesters request disclosure of the same government information from the same administrative organ, and the government information may be disclosed, the administrative organ may include it within the scope of proactive disclosure.

If a requester believes that government information disclosed by an administrative organ upon request involves the adjustment of public interests, needs to be extensively known by the public or is needed by the public in order to participate in decision-making, it may suggest that the administrative organ include the information within the scope of proactive disclosure. If after review the administrative organ considers it to be within the scope of proactive disclosure, it should proactively disclose it in a timely manner.

Article 45. Administrative organs should establish and improve a working system to register, review, deal with, respond to and file open government information requests and strengthen work regularization.

Chapter V. Supervision and Safeguards

Article 46. People's governments at all levels should establish and perfect

evaluation, social appraisal and accountability systems for open government information work and conduct periodic evaluation and appraisal of open government information work.

Article 47. The departments in charge of open government information work should strengthen day-to-day guidance and supervising and inspecting the implementation of open government information by administrative organs, and urge rectification or circulate criticism if the administrative organ fails to carry out government information disclosure work as required; if the leaders and directly responsible persons need to be held accountable, handling suggestions should be submitted to the organs with authority in accordance with the law.

Citizens, legal persons or other organizations that believe that administrative organs have not proactively disclosed government information as required, or have not responded to and handled requests for open government information in accordance with the law, may raise the issue with the department in charge of open government information work. If the department in charge of open government information work verifies the truth of the matter, it shall urge rectification or circulate a notice of criticism.

Article 48. The departments in charge of open government information work should conduct periodic training of the open government information staff of administrative organs.

Article 49. People's government departments at the county level and above should submit their annual open government information work reports for the prior year to the department in charge at the same level by January 31 of each year and publish it to society.

The departments in charge of open government information work of local people's governments at the county level and above should publish to society their annual reports on open government information work for the prior year before March 31 each year.

Article 50. The annual report on open government information work should include the following contents:

- (1) Information on the administrative organ's proactive disclosure of government information;
- (2) Information on the administrative organ's receipt and handling of open government information requests;
- (3) Information on requests for administrative reconsideration and filing of administrative lawsuits in respect of open government information work;
- (4) The main problems existing in open government information work and improvements thereof, and the annual report on open government information work of all levels of people's government should include evaluation, social appraisal and accountability results; and

(5) Other matters that need to be reported.

The national department in charge of open government information work should publish a unified format for the annual report on open government information work and update it in a timely manner.

Article 51. If citizens, legal persons or other organizations believe an administrative organ in its open government information work has infringed their lawful rights and interests, they may make a complaint or report it to the higher level administrative organ or the department in charge of open government information, and may also in accordance with the law, apply for administrative reconsideration or file an administrative lawsuit.

Article 52. If an administrative organ fails to establish and perfect, in violation of the provisions of these Regulations, relevant open government information systems or mechanisms, the administrative organ at the next higher level shall order that administrative organ to correct the situation; if the circumstances are serious, administrative disciplinary sanctions shall be imposed in accordance with the law on the responsible leading personnel and the directly responsible personnel of that administrative organ.

Article 53. If an administrative organ violates the provisions of these Regulations and has engaged in any one of the following circumstances, the administrative organ at the next higher level shall order such administrative organ to correct the situation. If the circumstances are serious, administrative disciplinary sanctions shall be imposed in accordance with the law on the responsible leading personnel and the directly responsible personnel of that administrative organ. If the action constitutes a crime, criminal responsibility shall be pursued in accordance with the law:

(1) Failure to fulfill, in accordance with the law, open government information functions;

(2) Failure to timely update the contents of government information that has been disclosed, the guide to open government information and the catalogue of open government information;

(3) Other actions that violate the provisions of these Regulations.

Chapter V. Supplementary Provisions

Article 54. These Regulations shall apply to the activities of organizations that are authorized by laws or regulations to exercise the functions of managing public affairs to disclose government information.

Article 55. Disclosing information that is made or obtained in the course of providing public services to society by public enterprises and institutions that are closely related to the people's interests such as education, health, water, power, gas, heating, environmental protection and public transportation shall be done with reference to

relevant laws, regulations and the provisions of the relevant departments in charge or institutions of the State Council. The national department in charge of open government information work may formulate special regulations according to actual requirements.

If the public enterprises and institutions specified in the preceding paragraph fail to disclose the information produced or obtained in the process of providing public services to society in accordance with the relevant laws, regulations and the provisions of the relevant departments in charge or organizations and offices of the State Council, citizens, legal persons or other organizations may appeal¹ to the relevant departments in charge or organizations and offices, and the department or organization of office that accepts the appeal should investigate and handle it in a timely manner and notify the appellant of the result of the handling.

Article 56. These Regulations shall go into effect as of May 15, 2019.

¹ 申诉