

**Opinions of the General Office of the State Council on Various Issues of
Implementing the Open Government Information Regulations of the
People's Republic of China**

Document *Guobanfa* [2008] No. 36
April 29, 2008

To the People's Governments of Each Province, Autonomous Region and Directly Administered Municipality, Ministries and Commission under the State Council and Each Subordinate Agency:

The following Opinions on Various Issues of Implementing the Open Government Information Regulations of the People's Republic of China (hereafter the "Regulations") are hereby offered, with the approval of the State Council, in order to benefit the implementation of the Regulations, actively and steadily promote open government information work and safeguard the obtaining of government information by citizens, legal persons and other organizations in accordance with the law.

I. Issues Concerning the Management System for Open Government Information

1. The departments (units) of the people's governments at the county level and above shall, under the unified guidance, coordination and supervision of the departments in charge of open government work of the people's government at the same level, develop open government information work.
2. Departments (units) that are under vertical leadership shall develop open government information work under the unified leadership of the department (unit) in charge of their business at the next higher level and the unified guidance and coordination of the local people's government where they are located. Departments (units) that are under dual leadership shall develop open government information work under the leadership of the local people's government where they are located and at the same time accept the guidance of the department (unit) in charge of their line of business at the next higher level.

II. Issues Concerning Establishment of the System for Coordinating the Release of Government Information

3. The departments in charge of open government information work at each level of the people's government shall organize and coordinate with relevant administrative organs to establish and perfect coordination mechanisms for releasing government information, and form unimpeded, highly effective communication channels for information release. An administrative organ wishing to release information concerning another administrative organ shall only release the information after receiving confirmation from the concerned

organ. If agreement cannot be reached after communication and coordination, the administrative organ that proposed releasing the government information shall report to and request the department in charge of open government information work at the same level to coordinate and resolve the matter.

4. The release of government information such as that relating to the quality and safety of agricultural commodities, the epidemic situation of major communicable diseases, major animal epidemics, major geographical information and data, and statistical information shall, in accordance with state laws, administrative regulations and relevant state provisions, be carried out strictly according to the stipulated jurisdictions and procedures.

III. Issues Concerning the Examination for Secrecy of Government Information to be Released¹

5. When government organs are formulating government information, they shall clarify whether such government information should be disclosed. When an administrative organ is unable to determine whether certain government information may be disclosed, it should submit the matter for determination to the relevant department (unit) in charge of its line of business or the department for safeguarding secrecy at the same level as the administrative organ.

6. Administrative organs shall strictly carry out examinations for secrecy in respect of government information they propose to disclose in accordance with the appropriate provisions of the Law of the People's Republic of China on Safeguarding State Secrets and its implementing provisions, etc. Any government information that involves state secrets or whose disclosure might endanger state security, public security, economic security and social stability shall not be disclosed.

7. Government information whose major content needs to be extensively known or participated in by the general public, but a part of which involves state secrets, shall be disclosed after undergoing legally prescribed procedures of declassification and deletion of the secret information.²

8. The management of government information that has already been transferred to the archives and archival work agencies shall be carried out in accordance with the relevant provisions of laws, administrative regulations and relevant state provisions relating to archival management.

IV. Issues Concerning Proactive Disclosure of Government Information

9. Government organs at each level, particularly each State Council department (unit) and the people's governments of each province (district, municipality) and their departments (units), shall establish and perfect mechanisms for disclosure of government information on their own initiative and strengthen the initiative and effectiveness of their

¹ See, Article 14 of the Regulations.

² See, Article 22 of the Regulations on partial disclosure.

work. Government websites, government gazettes and all such methods to make it convenient for the public to be informed shall be fully utilized, government information shall be disclosed in a timely manner, and government information catalogues and the web-based search function shall gradually be perfected, to provide the public with superior service.

10. Open government information work of a department (unit) that is no longer in existence due to government agency restructuring shall be taken over by the department (unit) that succeeds to the original department's functions.

V. Issues Concerning Disclosure of Government Information Upon Request

11. State Council departments (units) and local people's government at each level and their departments (units) shall conscientiously do a good job of the work of disclosing government information upon request. Many different methods shall be adopted to make it convenient for citizens, legal persons and other organizations to request the disclosure of government information. In particular, the people's governments and their departments (units) at the level of cities divided into districts and at the county level, the people's governments of townships (towns) that directly interface with the public at the grassroots shall fully utilize existing administrative service locations such as administrative service halls and centers, or set up specialized reception windows or locations, in order to provide convenience to the people and ensure that requests for disclosure of government information are handled in a timely and proper manner. Concurrently with their own administrative organs doing a good job of disclosing government information upon request, provincial (district, municipal) people's governments and State Council departments (units) shall strengthen guidance for governments and departments (units) at the next lower level. The General Office of the State Council shall not directly accept requests for the disclosure of government information from citizens, legal persons and other organizations.

12. Administrative organs shall promptly reply to parties submitting requests for the disclosure of government information in accordance with the time periods stipulated in the Regulations. At the same time, with respect to government information that may be disclosed, if they can provide the concrete contents [information] at the time they reply, they should do so. If they cannot provide it at the same time, they shall determine and inform the requester of the period within which they can provide it. After the Regulations go into effect formally, if there is a period of time during which a large number of requests for the disclosure of government information are filed and administrative organs have trouble replying within the time periods stipulated in the Regulations, they shall promptly explain the situation to the requesters and reply as quickly as possible.

13. If the same requester repeatedly submits disclosure requests to the same administrative organ for the same information, the administrative organ need not repeatedly reply.

14. An administrative organ may decline to provide a requester government information that is not related to special needs in respect of matters such as the requester's own production, livelihood and scientific and technological research.³ If disclosure of government information that is requested by a requester might endanger state security, public security, economic security and social stability, according to stipulations such information should not be disclosed and the requester may be notified that such information does not fall within the scope of open government information.⁴

VI. Issues Concerning Supervision and Safeguards

15. State Council departments (units) and local people's governments at each level shall push forward the formulation and perfection of measures on the inspection of open government information work and clarify inspection principles, contents, standards, procedures and methods. A social appraisal system shall be established, and open government information work shall be included within the scope of social appraisal of "government and administrative ethics practices" and the system shall be perfected and work improved based upon the results of the appraisal.

16. State Council departments (units) and local people's governments at each level and their departments (units) shall establish complete systems to receive complaints at each level, and promptly research and resolve problems that are reflected in the course of open government information work. If citizens, legal persons or other organizations believe an administrative organ has failed to fulfill, in accordance with the law, its obligations in respect of disclosing government information, they may report it to the supervision organ or the department in charge of open government information work at the same level. If they are not satisfied with the handling of the matter by the supervision organ or the department in charge of open government information work at the same level, they may report it to the higher level administrative organ in charge of their line of business, supervision organ or the department in charge of open government information work.

17. State Council departments (units) and local people's governments at each level shall arrange funding and strengthen staffing [for open government information work] in accordance with the requirements of the Notice of the General Office of the State Council on Preparing Well for Implementing the Regulations of the People's Republic of China on Open Government Information (Document *Guobanfa* [2007] No. 54).

18. State Council departments (units) and local people's governments at each level may, based on the provisions of the Regulations combined with the actual circumstances of their own departments (units), formulate concrete measures to implement the Regulations and guarantee the realization of each provision of the Regulations.

³ See, Article 13 of the Regulations.

⁴ See, Article 8 of the Regulations.

VII. Information Disclosure Work of Public Service Enterprises and Institutions⁵

19. The relevant State Council departments (units) in charge shall, based on the requirements of the Regulations, place the information disclosure of public enterprises and institutions within the overall arrangement of their own departmental (unit) information disclosure work, shall formulate concrete implementing measures before the end of October 2008 and actively promote information disclosure work by public enterprises and institutions. At the same time, work guidance by each relevant department at each level of the provincial (district, municipal) people's government shall be strengthened to comprehensively promote the deepening of information disclosure work of public enterprises and institutions.

20. Public enterprises and institutions shall, emphasizing content [information] that relates to the vital interests of the people and that society universally cares about, do a good job of information disclosure work. They shall innovate new methods, broaden disclosure channels, perfect disclosure systems and comprehensively raise the level of disclosure work.

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⁵ See, Articles 36 and 37 of the Regulations.