

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

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To the People's Governments of All Provinces, Autonomous Regions and Municipalities under the Direct Jurisdiction of the Central Government, Departments and Commissions of the State Council, and Agencies under the Direct Jurisdiction of the Central Government:

The Regulations of the People's Republic of China on Open Government Information (hereafter referred to as the Regulations) shall be implemented as of May 1, 2008. In order to be really well prepared in all aspects to ensure comprehensive, correct and effective implementation of the Regulations, and with the approval of the State Council, this Notice is issued concerning the following relevant matters:

I. Fully recognize the importance and urgency of implementing the Regulations. The promulgation and implementation of the Regulations are an important measure for promoting socialist democracy and perfecting the socialist legal system, imperative requirements for enhancing the capability of governing with a scientific, democratic and lawful approach, and important components for building an administrative system that is characterized by well regulated behavior, coordinated operations, fair and transparent actions, and dutiful and highly efficient performance. To conscientiously implement the Regulations and guarantee access to government information by citizens, legal persons and other organizations in accordance with the law is an important duty of the administrative organs. At the same time, it must be recognized that practicing open government information is a systematic project of a very strong political, policy, and technical nature. The time for preparing for the implementation of the Regulations is very tight, the workload very heavy, and the standard very high. The various localities and departments (organs) must enhance their senses of urgency and responsibility to further intensify their efforts, and do a good and solid job in getting well prepared in all aspects before implementation of the Regulations.

II. To step up the formulation and updating of the guide to and catalogue of the open government information. The formulating of the guide to and catalogue of the open government information is the key to doing a good job in opening government information and facilitating the access to government information by the general public in accordance with the law. Before the official implementation of the Regulations, efforts should be stepped up in formulating and updating the guide to and catalogue of the open government information. At present, the principle of starting from the near-term to the long-term shall

be followed to focus on a comprehensive check up of the information created and collected by the current government, especially the information involving the immediate interests of the general public. The government information should be defined in a scientific way as the information that should be open, and the information that cannot be open in accordance with the Regulations of the “Law on Protecting State Secrets”, the Regulations, and other relevant laws and legal regulations. Information that should be open must be listed on the catalogue of open information as stipulated. The work of checking up and putting in good order the government information, and the formulating of the guide to and catalogue of open government information is a heavy task with very strong policy attributes and tremendous technical difficulty. The governments at various levels and their functional departments should organize special task forces to carry out this work as soon as possible, and must complete the task of formulating the guide to and catalogue of open government information before the end of March, 2008, and promptly publicize them on the governments’ web sites and related places where the general public retrieves and reads open government information.

III. The working mechanism and systemic regulations for open government information should be established and perfected as soon as possible. The establishment of a scientific and highly efficient working mechanism and strict systemic regulations for open government information is the foundation and pre-condition for ensuring the work of open government information be carried out in a lawful and orderly way. In accordance with the requirements of the Regulations and in light of the practical working situation, the governments at all levels and their functional departments should stepped up their efforts in establishing the working mechanism for the governments to open government information of their own accord which clearly stipulates the duties and obligations, procedures, and ways and time limits for making the information public. The government press conference and spokesman system shall be perfected so the governments can take more initiatives and have more authority in opening government information. Efforts should be stepped up to establish the mechanism for accepting applications requesting for open government information, formulate the working procedures for opening government information upon request, and clarify the specific requirements for each step in handling the cases, such as the acceptance, examination, handling of and responding to the applications, to effectively safeguard the legitimate rights and interests of the applicants and maintain a good order of the work of open government information. Efforts should be stepped up to establish the system for confidentiality clearance on opening government information to further clarify the distribution of responsibilities, examination procedures and methods for pursuing responsibilities in the process of confidentiality clearances on the basis of the stipulations of the Regulations, so as to effectively bring into play the role of the secrets protecting organs to make sure that no confidentiality breaches shall occur.

IV. To conscientiously adopt and formulate related supporting measures. The governments at all levels should accelerate their paces in creating spaces for reading government information in local state archives and public libraries in accordance with the stipulations of the Regulations. Their departments and agencies should create appropriate spaces or facilities in light of the actual need to facilitate the general public to have prompt and full access to information the government has made public of its own accord. The

State Council departments in charge of pricing and finance shall, in accordance with their respective terms of reference, develop concrete methods for collecting fees incurred by cost of retrieving, copying, mailing and etc. in the course of providing government information upon request, and take into full consideration of the new situations and new problems that might occur. The departments in charge of pricing and finance of the local people's governments at the county level and above shall effectively strengthen their administration and strictly regulate the way fees are collected. The relevant State Council departments in charge shall step up formulating methods for implementing the opening of information by public enterprises and establishments that are closely linked with the interests of the general public such as education, health care, sanitation, family-planning, water supply, electricity supply, gas supply, heat supply, environmental protection, public transportation, and etc. by referring to the stipulations of the Regulations to actively promote the open information work of the above-mentioned public enterprises and establishments.

V. To effectively conduct education and training for staff members of the administrative organs. The main contents of the education and training programs shall be: the important significance of practicing open government information; the basic contents of the Regulations; and the relevant supporting measures and regulations for the work. The training for the staff members of the departments in charge of the work of open government information and their functional organs should also include how to put government information in good order; the related knowledge about protecting the confidentiality of the information; the formulation of guides to and catalogues of open government information; the handling of implications for opening government information; the preparing of annual reports on the work of open government information; the providing of policy advises, and etc. to comprehensively enhance the ability and quality of the personnel concerned to do a good job in open government information. The various localities and departments should step up their efforts in developing a plan for the education and training work and conscientiously organize its implementation. The administration colleges at different levels should list the Regulations as an important part for training the civil servants and strengthen the related training work.

VI. To bring into full play the role of government web sites as a platform for opening government information. The web sites of governments at different levels shall become the primary platform for opening government information. A special column of open government information shall be establish on the web sites of governments at all levels and their functional departments with relevant links to ensure smooth connections to the web sites. To make full use of the Internet facilities in the state archives and public libraries by setting up public portals for government web sites to bring into full play the radiating role of the government web sites. To vigorously promote the construction of E-governance and strengthen key supporting and maintenance system of the government web sites. A letter box for feedbacks on the work of open government information should be created on government web sites to promptly listen to the opinions and recommendations of the general public on the work of open government information to facilitate improvement of the work.

VII. To effectively strengthen the organizing and leadership of the implementation of the Regulations. The various localities and departments should clearly designate a responsible person to be concretely in charge of the work of open government information to effectively strengthen the leadership and clarify the responsibilities so as to ensure smooth progress in all aspects of the work. In accordance with the stipulations of the Regulations, as the departments in charge of open government information, the general offices of the people's governments at the county level and above shall effectively perform the functions of promoting, guiding, coordinating and supervising the work of open government information within their respective administrative areas. If it is necessary to designate another department to be in charge of the work of open government information, the designation shall be clearly made before mid-September of 2007. The departments and organs shall each designate an agency to be in charge of the work of open government information in that organ, promptly consolidate its capability, and fulfill this work attentively in all its aspects. The governments at various levels should guarantee the financial resources needed for the work of open government information. Efforts should be made to establish and perfect the supervision and safeguard mechanism. With regards to reports by the citizens, legal persons and other organizations suggesting certain administrative organs have failed to fulfill their obligations of opening government information in accordance with the law, the superior administrative organs, supervision organs or the departments in charge of the work of open government information should accept the cases attentively, and promptly make investigations and decisions on them.

The various localities and departments shall submit a list of the departments in charge of the work of open government information and the organs in charge of the work of open government information in each department, together with the names of their responsible persons, the focal points for contacts, and their telephone numbers to the General Office of the State Council by the end of September. The General Office of the State Council will carry out a onetime inspection on the preparatory work for the implementation of the Regulations done by the localities and departments prior to the implementation of the Regulations.