

# People's Republic of China Government Information Openness Regulations<sup>1</sup>

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People's Republic of China State Council Decree

No. 492

The "People's Republic of China Government Information Openness Regulations" were passed at the 165th general affairs meeting of the State Council on 17 January 2007, are hereby promulgated, and take effect on 1 May 2008

Premier: Wen Jiabao

5 April 2007

People's Republic of China Government Information Openness Regulations

## Chapter I: General Provisions

Article 1: In order to guarantee that citizens, legal persons and other organizations obtain government information according to the law, raise the transparency of government work, stimulate administration according to the law, and fully give rein to the function of government information in popular mass production, life, economic and social activities, these Regulation are formulated.

Article 2: Government information as named in these regulations, refers to information produced or acquired by government organs in the process of implementing their duties, which is recorded or stored in a certain form.

Article 3: All levels' People's Governments shall strengthen organizational leadership over government information openness work.

The State Council Secretariat is the controlling authority for nationwide government information openness work, and is responsible for moving forward, guiding, coordinating and supervising nationwide government information openness work.

County-level or higher local People's Government Secretariats (Offices) or other government information openness work controlling authorities appointed by county-level or higher local People's Governments are responsible for moving forward, guiding, coordinating and supervising government information openness work in their administrative areas.

Article 4: All levels' People's Governments and county-level or higher People's Government departments shall establish and complete government information openness work systems for their administrative organs, and appoint organs (hereafter named government information openness work organs) to be

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responsible for daily government information openness work concerning administrative organs in their sector.

The concrete duties of government information openness work organs are:

- (1) concretely undertaking government information openness matters concerning administrative organs in their sector;
- (2) safeguarding and renewing open government information of administrative organs in their sector;
- (3) organizing and editing government information openness guidelines, government information openness catalogues and annual government information openness work reports for administrative organs in their sector;
- (4) conducting secret investigation of government information that is to be opened;
- (5) other duties relating to government information openness for administrative organs in their sector.

Article 5: Administrative organs opening government information, shall abide by the principles of fairness, justice and convenience to the people.

Article 6: Administrative organs shall timely and accurately open up government information. Where administrative organs discover false or incomplete information that influences or may influence social stability, or disorder social management order, it shall issue correct government information within the scope of their duties to clarify this.

Article 7: Administrative organs shall establish and complete government information issuance coordination mechanisms. Administrative organs issuing government information involving other administrative organs, shall communicate this to the relevant administrative organ, affirm it, and guarantee that the government information issued by the administrative organ is correct and uniform.

Administrative organs issuing government information that must be approved according to relevant State regulations, may not issue it without approval.

Article 8: Administrative organs opening up government information, may not endanger national security, public security, economic security and social stability.

## Chapter II: The scope of openness

Article 9: Administrative organs shall actively open up government information conforming to one of the following requirements:

- (1) involving the direct interest of citizens, legal persons or other organizations;
- (2) requiring the broad knowledge or participation of the social masses;
- (3) reflecting situations of the administrative organ such as setup, functions, operating procedures, etc;
- (4) other information that should be actively opened up according to laws, regulations and relevant State provisions.

Article 10: All levels' People's Governments of the county level or higher shall according to the provisions of Article 9 of these Regulations, determine the concrete content of information to be actively opened up within the scope of their duties, and focus on opening up the following government information:

- (1) administrative laws and regulations, rules and normative documents;
- (2) national economy and social development plans, special plans, regional plans and corresponding policies;
- (3) national economy and social development statistics information;
- (4) financial budgets and accounting reports;
- (5) administrative undertaking-type expense programmes, basis and standards;
- (6) concentrated government purchasing programme catalogues, standards and implementation situations;
- (7) administrative permit items, basis, conditions, quantities, procedures and time limits, as well as the complete catalogue and handling situation of materials that need to be submitted when applying for administrative permits;
- (8) approval and implementation situation of major construction programmes;
- (9) policies, measures and their implementation situation in aspects of poverty relief, education, medicine, social security, employment stimulation, etc;
- (10) emergency response plans for sudden public events, early warning systems and the response situation;
- (11) the supervision and examination situation of environmental protection, public hygiene, production safety, foods, drugs and product quality.

Article 11: People's Governments of cities divided into districts, county-level People's Governments and their departments focusing on opening up government information shall also include the following content:

- (1) major matters in town and country construction and management;
- (2) the situation of public interest undertaking construction;
- (3) the situation of levying or requisitioning of land, demolition of buildings and the concomitant compensation or subsidy expenses;
- (4) the situation of management, use and distribution of budget for rescue and relief work, care for disabled servicepeople, handouts, social contributions, etc.

Article 12: Town (township) People's Governments shall according to the provisions of Article 9 of these Regulations, actively open concrete government information content within their determined scope of duty and focus on opening up the following government information:

- (1) the situation of implementing State policies concerning rural work;
- (2) the situation of financial revenues and expenditure, and management and use of all sorts of special funds;
- (3) the examination and verification situation of town (township) general land use plans and housing land use;

(4) the situation of levying or requisitioning of land, demolition of buildings and the issuance and use of concomitant compensation or subsidy expenses

(5) the situation of town (township) credits and debts, fund raising and labour raising;

(6) the situation of issuance of budget items such as rescue and relief work, care for disabled servicepeople, handouts, social contributions, etc.;

(7) the situation of collective township and village enterprises and other economic town and village entities' contracting, rents, auctioning, etc;

(8) the situation of implementation of family planning policies.

Article 13: Apart from government information that should be actively opened by administrative organs according to the provisions of Article 9, Article 10, Article 11 or Article 12 of these Regulations, citizens, legal persons or other organizations may also go to State Council departments, all local levels' People's Governments and county-level or higher People's Government departments to request to obtain government information corresponding to their own special needs for production, life, scientific research, etc.

Article 14: Administrative organs shall establish and complete government information issue secrecy examination mechanisms, and clarify examination procedures and duties.

Administrative organs, before opening up government information, shall conduct examination of the government information to be opened up according to the "State Secrets Law of the People's Republic of China", as well as other laws, regulations and relevant State policies.

Administrative organs, when they cannot determine whether or not government information may be opened up, shall report it to the relevant controlling department of the same level's secrecy work department for determination according to laws, regulations and relevant State policies.

Administrative organs may not open up government information relating to State secrets, commercial secrets and individual privacy. But, government information relating to commercial secrets and individual privacy, where the rights holder agrees to open it up or administrative organs are convinced that not opening up might create major influence on the public interests, may be opened up.

### Chapter III: Method and procedure for opening up

Article 15: Administrative organs shall open up government information that should be actively opened up through government gazettes, government websites and press conferences, as well as methods that are convenient for the masses to understand such as newspapers, radio, television, etc.

Article 16: All levels' People's Governments shall install government information consultation venues in State archives and public libraries, and allocate corresponding facilities and equipment, to provide convenience to citizens, legal persons and other organizations in obtaining government information.

Administrative organs may establish venues or facilities such as public consultation rooms, material request points, information announcement columns, electronic information screens, etc., according to demand, to open up government information.

Administrative organs shall timely provide government information that should be actively opened up to State archives and public libraries.

Article 17: The responsibility for opening up government information produced by administrative organs lies with the administrative organ publishing the said government information; the responsibility for opening up government information obtained by administrative organs from citizens, legal persons or other organizations, lies with the administrative organ preserving the said government information. Where laws or regulations have separate provisions on the limits of government information openness, those provisions are to be followed.

Article 18: Government information belonging in the sphere that should be actively opened up, shall be opened up within 20 working days of the day in which said government information was formed or changed. Where laws or regulations have separate provisions on the time limits of government information openness, those provisions are to be followed.

Article 19: Administrative organs shall edit and issue government information openness guidelines and government information openness catalogues, and timely renew them.

Government information openness guidelines shall include the government information categories, arrangement systems, and means to obtain it, and content such as government information openness work organs' names, office address, opening times, contact telephone and fax numbers, e-mail addresses, etc.

Government information openness catalogues shall contain content such as government information indexes, names, content summaries, date of production, etc.

Article 20: Where citizens, legal persons or other organizations apply to obtain government information with administrative organs according to the provisions of Article 13 of these Regulations, they shall adopt a written method (including digital text methods); where there are difficulties to adopt written methods, applicants may put applications forward orally, and the administrative organ accepting the said application will fill out the government information openness application form on their behalf.

Government information openness applications shall contain the following content:

- (1) the applicant's personal or organization name and contact method;
- (2) a description of the government information content of which opening is applied for;
- (3) a requirement of the form of the government information of which opening is applied for.

Article 21: Administrative departments reply to applications for opening up government information respectively according to the following circumstances:

- (1) where it belongs to the open sphere, the applicant shall be notified about the method and the channel in which the government information will be obtained;
- (2) where it belongs to the sphere that may not be opened up, the applicant shall be notified and the reasons explained;
- (3) where it is not up to that administrative organ to open the information up according to the law or the said information does not exist, the application shall be notified, and where the government information openness organ can be determined, the applicant shall be notified of the said administrative organ's name and contact method;

(4) where the application content is unclear, the applicant shall be notified to make alterations or additions.

Article 22: Where there is content in government information of which opening is applied for that should not be opened up, but it can be dealt with through separation, administrative organs shall provide the information content that may be opened up to the applicant.

Article 23: Where administrative organs believe that government information of which opening up is applied for involves commercial secrets, personal privacy or the lawful rights and interest of third parties may be damaged after opening up, they shall request the third party's opinion in writing; where the third party does not agree, the information may not be opened up. But, where administrative organs believe that not opening up may create a major influence on the public interest, it shall be opened up, and the content and reasons for the decision to open up the government information will be notified to the third party in writing.

Article 24: Administrative organs receiving government information openness applications, where they are able to reply on the spot, shall reply on the spot.

Where administrative organs cannot reply on the spot, they shall reply within 15 working days from the day they receive the application; if the reply time limit needs to be extended, the government information openness work organ is responsible for agreement, the applicant shall be notified, and the reply time limit extension will at the longest not exceed 15 working days.

Where the government information of which opening up is applied for involves the lawful rights and interest of third parties, the time limit that administrative organs need to seek opinion of third parties is not calculated in the time limit provided by the second item.

Article 25: Where citizens, legal persons or other organizations apply with administrative organs for the provision of government information related to their own person such as tax collection, social guarantees, medicine and hygiene, etc., they shall show a valid identity card or certification documents.

Where citizens, legal persons or other organizations having evidence to prove that the government information records related to their own person that administrative organs provide are not correct, they have the power to request that administrative organ to rectify. Where the said administrative authority does not have the power to rectify, they shall transfer it to the administrative organ that is empowered to rectify it for handling, and notify the applicant.

Article 26: Where administrative organs rely on applications for opening up government information, they shall provide it according to the applicant's request; where it is impossible to provide information according to the requirements of the applicant, it may be provided through arranging for the applicant to consult corresponding materials, providing copies or other appropriate forms.

Article 27: Administrative organs providing government information according to requests, apart from collectable costs and expenses such as for retrieval, copying, mailing, etc., no other fees may be collected. Administrative organs may not provide government information through other organizations or individuals in paid-for methods.

Standards for administrative organs costs and expenses for retrieval, copying, mailing, etc., will be formulated by the State Council controlling department for pricing in consultation with the State Council financial department.

Article 28: Where citizens applying for opening up government information truly have economic difficulties, corresponding fees may be reduced on application of that person, with the agreement of the government information openness work organ responsible person.

Where reading difficulties or impediments to seeing or hearing exist in citizens applying for opening up government information, administrative organs shall provide the necessary assistance to them.

#### Chapter IV: Supervision and guarantees

Article 29: All levels' People's Governments shall establish and complete government information openness work appraisal systems, social appraisal systems and responsibility investigation systems, and conduct assessment and appraisal of government information openness work at regular times.

Article 30: government information openness work controlling departments and supervision organs are responsible for conducting supervision and examination of the government information openness implementation situation.

Article 31: All levels' administrative organs shall before 31 March every year, publish an annual government information openness work report for that administrative organ.

Article 32: government information openness annual work reports shall include the following content:

- (1) the situation of administrative organs' active opening up of government information;
- (2) the situation of administrative organs not granting opening up of government information when opening up of government information is applied for;
- (3) the situation of government information openness fee collection and reduction;
- (4) the situation of administrative redress and raising of administrative lawsuits concerning government information openness applications;
- (5) the situation of main problems and improvements existing in government information openness work;
- (6) other matters that need to be reported.

Article 33: Where citizens, legal persons or other organizations believe that administrative organs have not implemented their government information openness duties according to the law, they may report this to the higher-level administrative organ, the supervision organ or the government information openness work controlling department. Organs receiving reports shall instigate and deal with them.

Where citizens, legal persons or other organizations believe that administrative organs' concrete administrative acts in government information openness work infringe their lawful rights and interests, they may apply for administrative redress or raise an administrative lawsuit according to the law.

Article 34: Where administrative organs violate the provisions of these regulations, and do not establish or complete government information issuance secrecy examination mechanisms, the supervision organ or administrative organ of one level higher shall order rectification; where circumstances are grave, the administrative organ's main responsible persons will be punished according to the law.

Article 35: Where administrative organs violate the provisions of these regulations, and one of the following circumstances is present, the supervision organ or administrative organ of one level higher order rectification; where circumstances are grave, the administrative organ's directly responsible controlling

person and other directly responsible persons will be punished according to the law; where it constitutes a crime, criminal responsibility will be prosecuted according to the law:

- (1) not implementing government information openness duties according to the law;
- (2) not timely renewing open government information content, government information openness guidelines and government information openness catalogues;
- (2) collecting fees in violation of these regulations;
- (4) providing government information through other organizations or individuals in a paid-for manner;
- (5) opening up government information that should not be opened up;
- (6) other activities violating the provisions of these Regulations.

#### Chapter V: Supplementary provisions

Article 36: These Regulations apply to opening up activities of government information by organizations empowered by laws or regulations having public affairs management functions.

Article 37: The opening up of information produced or obtained by public enterprise and undertaking work units closely related to the interests of the popular masses such as education, medicine and hygiene, family planning, water provision, electricity provision, gas provision, heating provision, environmental protection, public transport, etc., in the course of providing public services to society, will be implemented with reference to these regulations, concrete rules will be formulated by the relevant State Council controlling departments or organs.

Article 38: These rules take effect on 1 May 2008.

中华人民共和国政府信息公开条例

中华人民共和国国务院令

第492号

《中华人民共和国政府信息公开条例》已经2007年1月17日国务院第165次常务会议通过，现予公布，自2008年5月1日起施行。

总 理 温家宝

二〇〇七年四月五日

中华人民共和国政府信息公开条例

#### 第一章 总 则

第一条 为了保障公民、法人和其他组织依法获取政府信息，提高政府工作的透明度，促进依法行政，充分发挥政府信息对人民群众生产、生活和经济社会活动的服务作用，制定本条例。

第二条 本条例所称政府信息，是指行政机关在履行职责过程中制作或者获取的，以一定形式记录、保存的信息。

第三条 各级人民政府应当加强对政府信息公开工作的组织领导。

国务院办公厅是全国政府信息公开工作的主管部门，负责推进、指导、协调、监督全国的政府信息公开工作。

县级以上地方人民政府办公厅（室）或者县级以上地方人民政府确定的其他政府信息公开工作主管部门负责推进、指导、协调、监督本行政区域的政府信息公开工作。

第四条 各级人民政府及县级以上人民政府部门应当建立健全本行政机关的政府信息公开工作制度，并指定机构（以下统称政府信息公开工作机构）负责本行政机关政府信息公开的日常工作。

政府信息公开工作机构的具体职责是：

- （一）具体承办本行政机关的政府信息公开事宜；
- （二）维护和更新本行政机关公开的政府信息；
- （三）组织编制本行政机关的政府信息公开指南、政府信息公开目录和政府信息公开工作年度报告；
- （四）对拟公开的政府信息进行保密审查；
- （五）本行政机关规定的与政府信息公开有关的其他职责。

第五条 行政机关公开政府信息，应当遵循公正、公平、便民的原则。

第六条 行政机关应当及时、准确地公开政府信息。行政机关发现影响或者可能影响社会稳定、扰乱社会管理秩序的虚假或者不完整信息的，应当在其职责范围内发布准确的政府信息予以澄清。

第七条 行政机关应当建立健全政府信息发布协调机制。行政机关发布政府信息涉及其他行政机关的，应当与有关行政机关进行沟通、确认，保证行政机关发布的政府信息准确一致。

行政机关发布政府信息依照国家有关规定需要批准的，未经批准不得发布。

第八条 行政机关公开政府信息，不得危及国家安全、公共安全、经济安全和社会稳定。

## 第二章 公开的范围

第九条 行政机关对符合下列基本要求之一的政府信息应当主动公开：

- （一）涉及公民、法人或者其他组织切身利益的；
- （二）需要社会公众广泛知晓或者参与的；
- （三）反映本行政机关机构设置、职能、办事程序等情况的；
- （四）其他依照法律、法规和国家有关规定应当主动公开的。

第十条 县级以上各级人民政府及其部门应当依照本条例第九条的规定，在各自职责范围内确定主动公开的政府信息的具体内容，并重点公开下列政府信息：

- （一）行政法规、规章和规范性文件；
- （二）国民经济和社会发展规划、专项规划、区域规划及相关政策；
- （三）国民经济和社会发展统计信息；
- （四）财政预算、决算报告；
- （五）行政事业性收费的项目、依据、标准；

(六) 政府集中采购项目的目录、标准及实施情况；

(七) 行政许可的事项、依据、条件、数量、程序、期限以及申请行政许可需要提交的全部材料目录及办理情况；

(八) 重大建设项目的批准和实施情况；

(九) 扶贫、教育、医疗、社会保障、促进就业等方面的政策、措施及其实施情况；

(十) 突发公共事件的应急预案、预警信息及应对情况；

(十一) 环境保护、公共卫生、安全生产、食品药品、产品质量的监督检查情况。

第十一条 设区的市级人民政府、县级人民政府及其部门重点公开的政府信息还应当包括下列内容：

(一) 城乡建设和管理的重大事项；

(二) 社会公益事业建设情况；

(三) 征收或者征用土地、房屋拆迁及其补偿、补助费用的发放、使用情况；

(四) 抢险救灾、优抚、救济、社会捐助等款物的管理、使用和分配情况。

第十二条 乡（镇）人民政府应当依照本条例第九条的规定，在其职责范围内确定主动公开的政府信息的具体内容，并重点公开下列政府信息：

(一) 贯彻落实国家关于农村工作政策的情况；

(二) 财政收支、各类专项资金的管理和使用情况；

(三) 乡（镇）土地利用总体规划、宅基地使用的审核情况；

(四) 征收或者征用土地、房屋拆迁及其补偿、补助费用的发放、使用情况；

(五) 乡（镇）的债权债务、筹资筹劳情况；

(六) 抢险救灾、优抚、救济、社会捐助等款物的发放情况；

(七) 乡镇集体企业及其他乡镇经济实体承包、租赁、拍卖等情况；

(八) 执行计划生育政策的情况。

第十三条 除本条例第九条、第十条、第十一条、第十二条规定的行政机关主动公开的政府信息外，公民、法人或者其他组织还可以根据自身生产、生活、科研等特殊需要，向国务院部门、地方各级人民政府及县级以上地方人民政府部门申请获取相关政府信息。

第十四条 行政机关应当建立健全政府信息发布保密审查机制，明确审查的程序和责任。

行政机关在公开政府信息前，应当依照《中华人民共和国保守国家秘密法》以及其他法律、法规和国家有关规定对拟公开的政府信息进行审查。

行政机关对政府信息不能确定是否可以公开时，应当依照法律、法规和国家有关规定报有关主管部门或者同级保密工作部门确定。

行政机关不得公开涉及国家秘密、商业秘密、个人隐私的政府信息。但是，经权利人同意公开或者行政机关认为不公开可能对公共利益造成重大影响的涉及商业秘密、个人隐私的政府信息，可以予以公开。

### 第三章 公开的方式和程序

第十五条 行政机关应当将主动公开的政府信息，通过政府公报、政府网站、新闻发布会以及报刊、广播、电视等便于公众知晓的方式公开。

第十六条 各级人民政府应当在国家档案馆、公共图书馆设置政府信息查阅场所，并配备相应的设施、设备，为公民、法人或者其他组织获取政府信息提供便利。

行政机关可以根据需要设立公共查阅室、资料索取点、信息公告栏、电子信息屏等场所、设施，公开政府信息。

行政机关应当及时向国家档案馆、公共图书馆提供主动公开的政府信息。

第十七条 行政机关制作的政府信息，由制作该政府信息的行政机关负责公开；行政机关从公民、法人或者其他组织获取的政府信息，由保存该政府信息的行政机关负责公开。法律、法规对政府信息公开的权限另有规定的，从其规定。

第十八条 属于主动公开范围的政府信息，应当自该政府信息形成或者变更之日起20个工作日内予以公开。法律、法规对政府信息公开的期限另有规定的，从其规定。

第十九条 行政机关应当编制、公布政府信息公开指南和政府信息公开目录，并及时更新。

政府信息公开指南，应当包括政府信息的分类、编排体系、获取方式，政府信息公开工作机构的名称、办公地址、办公时间、联系电话、传真号码、电子邮箱等内容。

政府信息公开目录，应当包括政府信息的索引、名称、内容概述、生成日期等内容。

第二十条 公民、法人或者其他组织依照本条例第十三条规定向行政机关申请获取政府信息的，应当采用书面形式（包括数据电文形式）；采用书面形式确有困难的，申请人可以口头提出，由受理该申请的行政机关代为填写政府信息公开申请。

政府信息公开申请应当包括下列内容：

- （一）申请人的姓名或者名称、联系方式；
- （二）申请公开的政府信息的内容描述；
- （三）申请公开的政府信息的形式要求。

第二十一条 对申请公开的政府信息，行政机关根据下列情况分别作出答复：

- （一）属于公开范围的，应当告知申请人获取该政府信息的方式和途径；
- （二）属于不予公开范围的，应当告知申请人并说明理由；
- （三）依法不属于本行政机关公开或者该政府信息不存在的，应当告知申请人，对能够确定该政府信息的公开机关的，应当告知申请人该行政机关的名称、联系方式；
- （四）申请内容不明确的，应当告知申请人作出更改、补充。

第二十二条 申请公开的政府信息中含有不应当公开的内容，但是能够作区分处理的，行政机关应当向申请人提供可以公开的信息内容。

第二十三条 行政机关认为申请公开的政府信息涉及商业秘密、个人隐私，公开后可能损害第三方合法权益的，应当书面征求第三方的意见；第三方不同意公开的，不得公开。但是，行政机关认为不公开可能对公共利益造成重大影响的，应当予以公开，并将决定公开的政府信息内容和理由书面通知第三方。

第二十四条 行政机关收到政府信息公开申请，能够当场答复的，应当当场予以答复。

行政机关不能当场答复的，应当自收到申请之日起15个工作日内予以答复；如需延长答复期限的，应当经政府信息公开工作机构负责人同意，并告知申请人，延长答复的期限最长不得超过15个工作日。

申请公开的政府信息涉及第三方权益的，行政机关征求第三方意见所需时间不计算在本条第二款规定的期限内。

第二十五条 公民、法人或者其他组织向行政机关申请提供与其自身相关的税费缴纳、社会保障、医疗卫生等政府信息的，应当出示有效身份证件或者证明文件。

公民、法人或者其他组织有证据证明行政机关提供的与其自身相关的政府信息记录不准确的，有权要求该行政机关予以更正。该行政机关无权更正的，应当转送有权更正的行政机关处理，并告知申请人。

第二十六条 行政机关依申请公开政府信息，应当按照申请人要求的形式予以提供；无法按照申请人要求的形式提供的，可以通过安排申请人查阅相关资料、提供复制件或者其他适当形式提供。

第二十七条 行政机关依申请提供政府信息，除可以收取检索、复制、邮寄等成本费用外，不得收取其他费用。行政机关不得通过其他组织、个人以有偿服务方式提供政府信息。

行政机关收取检索、复制、邮寄等成本费用的标准由国务院价格主管部门会同国务院财政部门制定。

第二十八条 申请公开政府信息的公民确有经济困难的，经本人申请、政府信息公开工作机构负责人审核同意，可以减免相关费用。

申请公开政府信息的公民存在阅读困难或者视听障碍的，行政机关应当为其提供必要的帮助。

#### 第四章 监督和保障

第二十九条 各级人民政府应当建立健全政府信息公开工作考核制度、社会评议制度和责任追究制度，定期对政府信息公开工作进行考核、评议。

第三十条 政府信息公开工作主管部门和监察机关负责对行政机关政府信息公开的实施情况进行监督检查。

第三十一条 各级行政机关应当在每年3月31日前公布本行政机关的政府信息公开工作年度报告。

第三十二条 政府信息公开工作年度报告应当包括下列内容：

- (一) 行政机关主动公开政府信息的情况；
- (二) 行政机关依申请公开政府信息和不予公开政府信息的情况；
- (三) 政府信息公开的收费及减免情况；
- (四) 因政府信息公开申请行政复议、提起行政诉讼的情况；
- (五) 政府信息公开工作存在的主要问题及改进情况；
- (六) 其他需要报告的事项。

第三十三条 公民、法人或者其他组织认为行政机关不依法履行政府信息公开义务的，可以向上级行政机关、监察机关或者政府信息公开工作主管部门举报。收到举报的机关应当予以调查处理。

公民、法人或者其他组织认为行政机关在政府信息公开工作中的具体行政行为侵犯其合法权益的，可以依法申请行政复议或者提起行政诉讼。

第三十四条 行政机关违反本条例的规定，未建立健全政府信息公开发布保密审查机制的，由监察机关、上一级行政机关责令改正；情节严重的，对行政机关主要负责人依法给予处分。

第三十五条 行政机关违反本条例的规定，有下列情形之一的，由监察机关、上一级行政机关责令改正；情节严重的，对行政机关直接负责的主管人员和其他直接责任人员依法给予处分；构成犯罪的，依法追究刑事责任：

- (一) 不依法履行政府信息公开义务的；
- (二) 不及时更新公开的政府信息内容、政府信息公开指南和政府信息公开目录的；
- (三) 违反规定收取费用的；
- (四) 通过其他组织、个人以有偿服务方式提供政府信息的；
- (五) 公开不应当公开的政府信息的；
- (六) 违反本条例规定的其他行为。

## 第五章 附 则

第三十六条 法律、法规授权的具有管理公共事务职能的组织公开政府信息的活动，适用本条例。

第三十七条 教育、医疗卫生、计划生育、供水、供电、供气、供热、环保、公共交通等与人民群众利益密切相关的公共企事业单位在提供社会公共服务过程中制作、获取的信息的公开，参照本条例执行，具体办法由国务院有关主管部门或者机构制定。

第三十八条 本条例自2008年5月1日起施行。