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Open Government Information Regulations of the P.R.C. (2019)

Chapter I: General Provisions

Article 1: These Regulations are formulated so as to ensure that citizens, legal persons, and other organizations obtain government information in accordance with law, to increase the level of transparency in government work, to a rule of law government, to give full play to the role of government information in serving the public's production and livelihood and their economic and social activities.

Article 2: Government information as used in these Regulations, refers to information produced or acquired by the administrative organs in the course of their performance of administrative management functions, which has been recorded or saved in some form.

Article 3: All levels of people's government shall improve the organizational leadership of open government information efforts.

The General Office of the State Council is the competent department for open government information efforts for the entire nation, and is responsible for promoting, guiding, coordinating and supervising the entire nation's open government information efforts.

The general offices of local people's governments at the county level or above are the competent department for open government information work in that administrative region, responsible for promoting, guiding, coordinating, and supervising that administrative region's open government information efforts.

The general offices (rooms) of the departments implementing vertical leadership are in charge of open government information work for the corresponding system.

Article 4: All levels of people's government, as well as departments of people's governments at the county level or above, shall establish and complete systems for open government information efforts in that administrative organ, and designate bodies (hereinafter "open government information work bodies") responsible for routine open government information work.

The specific functions of open government information work bodies are:

- (1) To handle that administrative organ's open government information matters;
- (2) Preserving and updating the government information disclosed by that administrative organ;

- (3) Organizing the drafting of that administrative organ's open government information handbook, catalog of open government information, and annual report on open government information efforts;
- (4) Organizing implementation of reviews of government information to be disclosed;
- (5) Other functions related to open government information that that administrative organ provides.

Article 5: Disclosure of government information by administrative organs shall adhere to disclosure being the norm and non-disclosure the exception, and observe the principles of justice, fairness, legality, and convenience for the people.

Article 6: Administrative organs shall promptly and accurately disclose government information.

Where administrative organs discover false or incomplete information that impacts, or might impact, social stability or disrupt the order of social and economic management, they shall publish accurate information to clarify it.

Article 7: All levels of people's government shall actively promote open government information efforts and gradually increase the scope of open government information.

Article 8: All levels of people's government shall strengthen regulation, standardization, and information management of government information resources; strengthen the establishment of internet open government information platforms; advance the integration of open government information platforms and government affairs service platforms, and raise the level of online handling of open government information.

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

Chapter II: The Entities and Scope of Disclosure

Article 10: Responsibility for the disclosure of government information produced by administrative organs is with the administrative organ that produced that government information. Responsibility for the disclosure of government information obtained from citizens, legal persons, and other organizations is with the administrative organ storing that government information; responsibility for the disclosure of government information obtained from other administrative organs is with the administrative organ that produced or first obtained that government information. Where laws and regulations have separate provisions on the scope of authority for open government information, follow those provisions.

Where remote or internal bodies established by administrative organs perform administrative management functions to the public in their own name in accordance with laws and regulations, the remote or internal bodies may be responsible for performing open government information work related to the administrative management functions they perform.

Where two or more administrative organs jointly produce government information, the administrative organ which took the lead in production is responsible for disclosure.

Article 11: Administrative organs shall establish and complete open government information coordination mechanisms. Where administrative organs' disclosure of government information involves other organs, they shall consult and confirm with the relevant organs to ensure that the information disclosed by the administrative organs is correct and uniform.

Where administrative organs' disclosure of government information requires approvals in accordance with relevant laws, administrative regulations, and relevant State provisions, it is to be disclosed upon approval.

Article 12: Open government information handbooks and open government information catalogs drafted and published by administrative organs shall be promptly updated.

The open government information handbooks are to include the types, arrangement systems, and methods for obtaining government information, and the open government information work bodies' name, address, work hours, contact number, fax number, internet contact methods, and other relevant content.

Open government information catalogs are to include the index, titles, content summaries, and production dates and other such information on government information.

Article 13: Except as provided in articles 14, 15, and 16 of this Regulation, government information shall be disclosed.

Administrative organs' disclosure of government information employs methods of proactive disclosure and disclosure upon request.

Article 14: Government information that is lawfully designated as state secrets, government information that laws and regulations prohibit disclosure of, as well as government information that might endanger national security, public safety, economic security, or social stability after release, is not to be disclosed.

Article 15: Administrative organs must not disclose government information involving commercial secrets or personal privacy, for which disclosure would cause harm to the lawful rights and interests of third parties. However, it is to be disclosed where the third parties consent or where the administrative organ finds that nondisclosure will create a major impact on the public interest.

Article 16: Information on matters internal to administrative organs, including personnel management, logistics management, internal work processes, and information in other such areas, may be not disclosed.

Deliberation records, process drafts, consultation letters, requests for instruction, and other such process type information, as well as administrative law enforcement case files, may be not disclosed.

Where laws, regulations, and or rules provide that the information above shall be disclosed, follow those provisions.

Article 17: Administrative organs shall establish and complete mechanisms for review of open government information, clarifying the procedures and responsibility for review.

Administrative organs disclosing government information shall conduct a review of the government information to be disclosed in accordance with the "People's Republic of China State Secrets Law", as well other laws, regulations, and relevant State provisions,

Where administrative organs cannot determine whether government information may be disclosed, they shall follow laws, regulations, and relevant State provisions to report to the relevant competent department, or the administrative department for secrecy management, for a confirmation.

Article 18: Administrative organs shall establish and complete dynamically adjusting government information management mechanisms, carrying out periodic assessment and review of information from that administrative organ which was not disclosed, and government information which may be disclosed due to changing circumstances shall be disclosed.

Chapter III Proactive Disclosure

Article 19: Administrative organs shall proactively disclose government information related to adjustments of the public's interests, that require broad public understanding, or require public participation in decision making.

Article 20: Administrative organs shall proactively disclose the following government information from that administrative organ in accordance with article 19 of this Regulation:

- (1) Administrative regulations, rules, and normative documents;
- (2) Organ functions, organizational setup, office addresses, contact methods, and names responsible parties;
- (3) Citizen economic and social development plans, special plans, regional plans, and relevant policies;
- (4) Citizen economic and social development statistical information;
- (5) The basis, requirements, procedures, and results, of handling administrative permits and other management and service items aimed at the public;
- (6) The basis, requirements, and procedures for carrying out administrative punishments or administrative compulsory measures, as well as administrative punishment decisions that the administrative organs believe have a definite social impact;
- (7) Financial budget and accounting information;
- (8) Administrative fee collection programs, as well as their legal basis and standards;

- (9) Catalogs of the government's centralized purchasing projects, their standards and their implementation;
- (10) Information on the approval and implementation of major construction projects;
- (11) The policies and measures for poverty alleviation, education, medical care, social security, employment promotion, and other areas, as well as their implementation status;
- (12) Emergency response plans, early warning information, and responses to public emergencies;
- (13) Oversight and inspection situations for environmental protection, public health, production safety, food and drug safety, and product quality;
- (14) Information on civil service recruitment, such as the positions, numbers, and testing qualifications, as well as the outcome of recruitment;
- (15) Other government information that laws, regulations, rules, and relevant state provisions hold shall be proactively disclosed.

Article 21: In addition to the government information provided for in article 20, city districted-city and county level people's governments, and their departments, shall also, based on specific local conditions, proactively disclose government information in areas such as municipal government construction, public services, public interest affairs, land expropriation, housing expropriation, the administration of public security, and social assistance; village (township) people's governments shall also, based on specific local conditions, proactively disclose government information in areas such as the implementation of policies on villages and rural affairs, the construction and operation of farm irrigation projects, transfer of rural land contract operation rights, review of homestead land usage, land expropriation, housing expropriation, raising money and labor, and so forth.

Article 22: Administrative organs shall determine the specific content of government information to be proactively disclosed in accordance with articles 20 and 21 of this Regulation, and continuously increase the content for proactive disclosure in accordance with the arrangements of the administrative organ at the level above.

Article 23: Administrative organs shall establish and complete mechanisms for the publication of government information, disclosing proactively disclosed government information through channels such as government bulletins, government websites or other internet government affairs media, press conferences, as well as through newspapers and periodicals, radio, and television.

Article 24: All levels of people's government shall strengthen reliance on government portal websites to disclose government information, using the unified open government information platform for consolidated release of government information for proactive disclosure. Open government information platforms shall have search, reading, and download functions.

Article 25: People's governments at all levels shall set venues for reading government information in state archives, public libraries, and government service sites, and equip them with appropriate facilities and equipment to facilitate citizens, legal persons, and other organizations in obtaining government information.

As necessary, administrative organs may set up venues and facilities such as public reading rooms, materials request point, information bulletin boards, and electronic information screens to disclose government information.

Administrative organs shall promptly provide the state archives and public libraries with proactively disclosed government information.

Article 26: Government information within the scope of proactive disclosure shall be promptly disclosed within 20 business days from the date on which the information was produced or changed. Where laws or regulations have different provisions on the time period for disclosing government information, follow those provisions.

Chapter IV: Disclosure by Application

Article 27: In addition to the government information proactively disclosed by administrative organs; citizens, legal persons, or other organizations may apply to obtain relevant government information to local people's governments at all levels, or the departments of people's governments at the county level or above that perform administrative management functions in their own name (including remote and internal bodies provided for in paragraph 2 of article 10 of this regulation).

Article 28: Administrative organs provided for in article 27 of this Regulation shall establish and improve channels for applying for disclosure of government information, and facilitate applicants' lawfully obtaining government information.

Article 29: Where citizens, legal persons, or other organizations apply to obtain government information, they shall be submitted to the open government information work bodies administrative organs in written forms including letters and electronic documents; where there is truly difficulty in using a written form, the applicant may make an oral submission, and the open government information work body accepting that application is to complete an application for open government information on their behalf.

Applications for open government information shall include the following content:

- (1) The applicant's name [person or entity], proof of identification, and contact method;
- (2) The applied for government information's name, document number, or other characteristic descriptions conducive to the administrative organs inquiry.
- (3) Format requirements for applications to disclose government information, including the means and channels through which the information is to be received.

Article 30: Where the government information content applied for is unclear, administrative organs shall give guidance and explanations, and inform the applicant once within 7 days of receiving the application to supplement it, explaining the matters that need to be supplemented and a reasonable time for supplementing. The response period for response is calculated from the date on which administrative organs receive supplemented applications. Where the applicant exceeds the period for corrections without legitimate reason, it is viewed as forfeiting the

application, and the administrative organs are no longer to handle the that open government information request.

Article 31: The time of administrative organs' receipt of an open government information application is determined in accordance with the provisions listed below:

(1) Where the applicant submits the open government information application in person, the date of receipt is the date of submission;

(2) Where the applicant submits the open government information application by mail, the date of receipt is the date on which the administrative organ signs for receipt; where open government information applications are sent by ordinary letter or other forms of mail that do need require signatures for receipt, the open government information work bodies shall confirm with the applicant on the date it receives the application, and the date of confirmation is the date of receipt;

(3) Where the applicant submits an open government information application through the internet or open government information work body's fax, the date of receipt is the date confirmed by both sides;

Article 32: Where disclosure of open government information by application will harm the lawful rights and interests of third parties, administrative organs shall solicit the opinions of the third parties in writing. Third parties shall submit comments within 15 working days of receiving the written solicitation of opinions. Where third parties do not submit comments in the time provided, the administrative organs are to decide whether to disclose in accordance with the provisions of this Regulation. Where third parties do not consent to disclosure and have a reasonable reason, the administrative organs are not to disclose. Where administrative organs find that non-disclosure might have a major impact on public interests, the may decide to disclose, and inform third parties in writing of the content and grounds for the decision to disclose the government information.

Article 33: Where administrative organs receiving open government information applications are able to respond at the scene, they should reply at the scene.

Where administrative organs are not able to reply at the scene, they shall reply within 20 business days from receiving a request; where an extension of the time limit for replying is needed, they shall obtain the consent of the responsible person for the open government information work body and inform the applicant, the extension of the time limit must not exceed 20 business days at the longest.

The time needed for administrative organs to seek the opinions of third parties and other organs is not be counted against the time limit provided in the preceding paragraph.

Article 34: Where applications for disclosure are for government information jointly created by two or more administrative organs, the administrative organ that led the creation may solicit the opinions of relevant administrative organs after it receives the open government information application; and the organs whose opinions are being solicited are to submit comments within 15

working days of receiving the written solicitation of opinions, where comments are not submitted within the time provided, it is viewed as consent to disclosure.

Article 35: Where the number or frequency of applicants' applications to disclose government information clearly exceed reasonable limits, administrative organs may request that the applicants explain the reasons. Where administrative organs find that the reasons for the applications are not reasonable, they are to inform the applicant that they will not handle them; where administrative organs find that the reasons for the applications are reasonable, but that they are unable to respond to the applicants within the time provided in article 33 of this Regulation, they may determine a reasonably extended period for responding and inform the applicants.

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

- (1) Where the requested government information has already been proactively disclosed, inform the applicant of the methods or channels for obtaining that government information;
- (2) Where the requested government information may be disclosed, provide the applicant with that government information, or inform the applicant of the means, channels, and times for obtaining that government information;
- (3) Where administrative organs decide not to disclose on the basis of this Regulation, they are to inform the applicants of the reason for not disclosing;
- (4) Where upon searching for the information applied for is not found, inform the applicants that the government information does not exist;
- (5) Where the administrative organ is not responsible for the disclosure of the information applied for, inform the applicant and explain the reasons; where the administrative organs responsible for disclosing the government information can be determined, inform the applicant of the name and contact methods for that administrative organ.
- (6) Where administrative organs have already made a response to the open government information application submitted by applicants, and the applicants are repetitively requesting disclosure of the same government information, inform the applicants that it will not be handled again;
- (7) Where the information applied for is information such as registration materials for industry, commerce, or real property, and laws or administrative regulations have special provisions on obtaining the information, inform the applicants to handle it in accordance with the relevant laws and administrative regulations.

Article 37: Where applications for disclosure of information include content that shall not be disclosed or that is not government information, but it can be distinguished, the administrative

organ shall provide the applicant with the government information content that can be disclosed, and explain the reasons for the non-disclosed content.

Article 38: The information provided to applicants by administrative organs shall be government information that was already produced or obtained. Except where distinct handling can be done as provided for in article 37 of this Regulation, where it is necessary for administrative organs to process or analyze the government information they have, the administrative organs are not to provide it.

Article 39: Where applicants petition, complain, make reports, and so forth in the form of open government information applications, the administrative organs shall inform the applicants that it will not be handled as an open government information application and may inform them of the proper channels for submission.

Where the content of applications submitted by applicants requests that the administrative organ provide open publications such as government bulletins, newspapers and periodicals, or books, the administrative organ may inform them of the channels for obtaining it.

Article 40: The specific form in which government information is provided by administrative organs making disclosures of government information upon application shall be determined based on the request of the applicant and the actual conditions of the administrative organs' stored government information; where providing government information according to the applicants' requested format might endanger the security of the government information medium or the cost of disclosure would be too high, it may be provided as electronic data or in other appropriate formats, or arrangements may be made for the applicant to access and copy the relevant government information.

Article 41: Where citizens, legal persons, or other organizations have evidence showing that government information related to them that was provided by an administrative organ is not recorded accurately, they may request that the administrative organ correct it. Where administrative organs with the power to correct investigate and find it is true, they shall make corrections and inform the applicants; where it is not within the scope of the administrative organs' functions, the administrative organs may transfer it to the administrative organs with the power to make corrections for handling and inform the applicants, or inform the applicants to submit it to the administrative organs with the power to make corrections.

Article 42: Administrative organs providing government information upon application are not to collect fees. However, where the number or frequency of applicants' applications to disclose government information clearly exceed reasonable limits, administrative organs may collect fees for handling the information.

Specific measures on administrative organs collection of information handling fees are to be drafted by the State Council departments for pricing together with the State Council finance departments, and the departments in charge of open government information for the entire nation.

Article 43:Where citizens applying for the disclosure of government information have trouble reading or have hearing or vision impediments, administrative organs shall provide them with necessary assistance.

Article 44:Where several applicants submit applications for similar government information to the same administrative organ, and that government information may be disclosed, the administrative organ may include that information within the scope of proactive disclosure.

Where applicants feel that government information disclosed by administrative organs upon application is related to adjustments of the public's interests, requires broad public understanding, or requires public participation in decision making, they may suggest that the administrative organ include that information within the scope of proactive disclosure. Where upon review, the administrative organs find that it is within the scope of proactive disclosure, they shall promptly proactive disclose it.

Article 45:Administrative organs shall establish and complete work systems for registering, reviewing, handling, responding to, and filing open government information applications, and strengthen regulation of work.

Chapter V: Supervision and Safeguards

Article 46:All levels of people's government shall establish and complete systems for evaluation, social comment, and pursuit of responsibility in open government information efforts; and periodically conduct evaluations and comment on open government information efforts.

Article 47:The competent departments for open government information work shall strengthen routing guidance and supervisory inspections of open government information work, and where administrative organs have not carried out open government information efforts as required, urge rectification or circulate criticism; where it is necessary to pursue accountability of the responsible leaders and directly responsible personnel, a recommendation on handling is to be submitted to an authorized organ in accordance with law.

Where citizens, legal persons, or other organizations find that administrative organs have not followed requirements to proactively disclose government information or do not lawfully respond to and handle open government information applications, they may submit it to the competent departments for open government information work. Where the competent departments for open government information work investigate and find it is true, they shall urge corrections or circulate criticism.

Article 48:The competent departments for open government information work shall periodically conduct training for the administrative organs' open government information work staff.

Article 49: By January 31 of each year, the departments of people's government at the county level or above shall submit the preceding year's annual open government information work report to the competent department for open government information work of that level, and release it to the public.

By March 31 of each year, the competent departments for open government information work of local people's governments at the county level or above shall publicly release the preceding year's annual open government information work report for that level of government.

Article 50: The annual reports on open government information work shall include the following content:

- (1) Circumstances of the administrative organ's proactive disclosure of government information;
- (2) Circumstances of the administrative organ's receipt and handling of open government information applications;
- (3) Circumstances of being subject to an application for administrative reconsideration or administrative lawsuit due to open government information work;
- (4) The main problems that exist in open government information work and circumstances of improving them, and each level of people's governments' annual report on open government information work shall also include work evaluations, public assessment, and circumstances of pursuing responsibility and their outcomes.
- (5) Other matters that need to be reported.

The competent department for open government information work across the nation shall release a uniform format for annual work reports and update it when appropriate.

Article 51: Where citizens, legal persons, or other organizations find that administrative organs have violated their lawful rights and interests during open government information work, they may make a complaint or report to the administrative organ at the level above or the competent department for open government information work, and may also lawfully apply for an administrative reconsideration or initiate administrative litigation.

Article 52: Where administrative organs violate the provisions of these Regulations by failing to establish and complete relevant systems and mechanisms for open government information, the administrative organ at the level above is responsible for ordering corrections; where the circumstances are serious, the leaders with responsibility and directly responsible personnel are given sanctions in accordance with law.

Article 53: In any of the following circumstances, where administrative organs violate the provisions of these Regulations, the administrative organ at the level above is to order corrections; and where the circumstances are serious the leaders with responsibility and directly responsible personnel are given sanctions in accordance with law; and where a crime is constituted, criminal responsibility is pursued in accordance with law.

- (1) Not performing open government information functions in accordance with law;

- (2) Not promptly updating the contents of government information that has been disclosed, the open government information handbook, and the open government information catalog;
- (3) Other circumstances violating the provisions of this Regulation.

Chapter VI: Supplementary Provisions

Article 54: These Regulations apply to open government information activities of organizations that are authorized by laws or regulations to have public affairs management functions.

Article 55: Follow the relevant laws, regulations, and provisions of the competent State Council departments or bodies to implement disclosure of information produced or obtained by public enterprise or public institution units in the course of providing social public services in areas closely linked to the people's interests, such as education, **health**, water, electricity, gas, heat, environmental protection, and public transport. The competent departments for open government information work for the entire nation are to draft special provisions as required by actual conditions.

Where public enterprises and public institutions provided for in the preceding paragraph failing to disclose information that is produced or obtained in the course of providing public services in accordance with relevant laws, regulations, and provisions of the relevant competent departments or bodies under the State Council; citizens, legal persons, or other organizations may make a collateral appeal to the relevant supervisory department or body, and departments or bodies receiving such appeals shall promptly investigate and handle them, and inform the complainant of the outcome of the handling.

Article 56: This Regulation is to take effect on May 15, 2019.

中华人民共和国国务院令 第711号

现公布修订后的《中华人民共和国政府信息公开条例》，自2019年5月15日起施行。

总理 李克强
2019年4月3日

中华人民共和国政府信息公开条例

（2007年4月5日中华人民共和国国务院令 第492号公布 2019年4月3日中华人民共和国国务院令 第711号修订）

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，建设法治政府，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行政管理职能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）是本行政区域的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。

实行垂直领导的部门的办公厅（室）主管本系统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能是：

- （一）办理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) 组织开展对拟公开政府信息的审查;

(五) 本行政机关规定的与政府信息公开有关的其他职能。

第五条 行政机关公开政府信息,应当坚持以公开为常态、不公开为例外,遵循公正、公平、合法、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、扰乱社会和经济管理秩序的虚假或者不完整信息的,应当发布准确的政府信息予以澄清。

第七条 各级人民政府应当积极推进政府信息公开工作,逐步增加政府信息公开的内容。

第八条 各级人民政府应当加强政府信息资源的规范化、标准化、信息化管理,加强互联网政府信息公开平台建设,推进政府信息公开平台与政务服务平台融合,提高政府信息公开在线办理水平。

第九条 公民、法人和其他组织有权对行政机关的政府信息公开工作进行监督,并提出批评和建议。

第二章 公开的主体和范围

第十条 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、法人和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;行政机关获取的其他行政机关的政府信息,由制作或者最初获取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。

行政机关设立的派出机构、内设机构依照法律、法规对外以自己名义履行行政管理职能的,可以由该派出机构、内设机构负责与所履行行政管理职能有关的政府信息公开工作。

两个以上行政机关共同制作的政府信息,由牵头制作的行政机关负责公开。

第十一条 行政机关应当建立健全政府信息公开协调机制。行政机关公开政府信息涉及其他机关的,应当与有关机关协商、确认,保证行政机关公开的政府信息准确一致。

行政机关公开政府信息依照法律、行政法规和国家有关规定需要批准的,经批准予以公开。

第十二条 行政机关编制、公布的政府信息公开指南和政府信息公开目录应当及时更新。

政府信息公开指南包括政府信息的分类、编排体系、获取方式和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、互联网联系方式等内容。

政府信息公开目录包括政府信息的索引、名称、内容概述、生成日期等内容。

第十三条 除本条例第十四条、第十五条、第十六条规定的政府信息外，政府信息应当公开。

行政机关公开政府信息，采取主动公开和依申请公开的方式。

第十四条 依法确定为国家秘密的政府信息，法律、行政法规禁止公开的政府信息，以及公开后可能危及国家安全、公共安全、经济安全、社会稳定的政府信息，不予公开。

第十五条 涉及商业秘密、个人隐私等公开会对第三方合法权益造成损害的政府信息，行政机关不得公开。但是，第三方同意公开或者行政机关认为不公开会对公共利益造成重大影响的，予以公开。

第十六条 行政机关的内部事务信息，包括人事管理、后勤管理、内部工作流程等方面的信息，可以不予公开。

行政机关在履行行政管理职能过程中形成的讨论记录、过程稿、磋商信函、请示报告等过程性信息以及行政执法案卷信息，可以不予公开。法律、法规、规章规定上述信息应当公开的，从其规定。

第十七条 行政机关应当建立健全政府信息公开审查机制，明确审查的程序和责任。

行政机关应当依照《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。

行政机关不能确定政府信息是否可以公开的，应当依照法律、法规和国家有关规定报有关主管部门或者保密行政管理部门确定。

第十八条 行政机关应当建立健全政府信息管理动态调整机制，对本行政机关不予公开的政府信息进行定期评估审查，对因情势变化可以公开的政府信息应当公开。

第三章 主动公开

第十九条 对涉及公共利益调整、需要公众广泛知晓或者需要公众参与决策的政府信息，行政机关应当主动公开。

第二十条 行政机关应当依照本条例第十九条的规定，主动公开本行政机关的下列政府信息：

- (一) 行政法规、规章和规范性文件；
- (二) 机关职能、机构设置、办公地址、办公时间、联系方式、负责人姓名；
- (三) 国民经济和社会发展规划、专项规划、区域规划及相关政策；
- (四) 国民经济和社会发展统计信息；
- (五) 办理行政许可和其他对外管理服务事项的依据、条件、程序以及办理结果；
- (六) 实施行政处罚、行政强制的依据、条件、程序以及本行政机关认为具有一定社会影响的行政处罚决定；
- (七) 财政预算、决算信息；
- (八) 行政事业性收费项目及其依据、标准；
- (九) 政府集中采购项目的目录、标准及实施情况；
- (十) 重大建设项目的批准和实施情况；
- (十一) 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；
- (十二) 突发公共事件的应急预案、预警信息及应对情况；
- (十三) 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；
- (十四) 公务员招考的职位、名额、报考条件等事项以及录用结果；
- (十五) 法律、法规、规章和国家有关规定规定应当主动公开的其他政府信息。

第二十一条 除本条例第二十条规定的政府信息外，设区的市级、县级人民政府及其部门还应当根据本地方的具体情况，主动公开涉及市政建设、公共服务、公益事业、土地征收、房屋征收、治安管理、社会救助等方面的政府信息；乡（镇）人民政府还应当根据本地方的具体情况，主动公开贯彻落实农业农村政策、农田水利工程建运营、农村土地承包经营权流转、宅基地使用情况审核、土地征收、房屋征收、筹资筹劳、社会救助等方面的政府信息。

第二十二条 行政机关应当依照本条例第二十条、第二十一条的规定，确定主动公开政府信息的具体内容，并按照上级行政机关的部署，不断增加主动公开的内容。

第二十三条 行政机关应当建立健全政府信息发布机制，将主动公开的政府信息通过政府公报、政府网站或者其他互联网政务媒体、新闻发布会以及报刊、广播、电视等途径予以公开。

第二十四条 各级人民政府应当加强依托政府门户网站公开政府信息的工作，利用统一的政府信息公开平台集中发布主动公开的政府信息。政府信息公开平台应当具备信息检索、查阅、下载等功能。

第二十五条 各级人民政府应当在国家档案馆、公共图书馆、政务服务场所设置政府信息查阅场所，并配备相应的设施、设备，为公民、法人和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。

第二十六条 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 个工作日内及时公开。法律、法规对政府信息公开的期限另有规定的，从其规定。

第四章 依申请公开

第二十七条 除行政机关主动公开的政府信息外，公民、法人或者其他组织可以向地方各级人民政府、对外以自己名义履行行政管理职能的县级以上人民政府部门（含本条例第十条第二款规定的派出机构、内设机构）申请获取相关政府信息。

第二十八条 本条例第二十七条规定的行政机关应当建立完善政府信息公开申请渠道，为申请人依法申请获取政府信息提供便利。

第二十九条 公民、法人或者其他组织申请获取政府信息的，应当向行政机关的政府信息公开工作机构提出，并采用包括信件、数据电文在内的书面形式；采用书面形式确有困难的，申请人可以口头提出，由受理该申请的政府信息公开工作机构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、身份证明、联系方式；
- （二）申请公开的政府信息的名称、文号或者便于行政机关查询的其他特征性描述；
- （三）申请公开的政府信息的形式要求，包括获取信息的方式、途径。

第三十条 政府信息公开申请内容不明确的，行政机关应当给予指导和释明，并自收到申请之日起 7 个工作日内一次性告知申请人作出补正，说明需要补正的事项和合理的补正期限。答复期限自行政机关收到补正的申请之日起计算。申请人无正当理由逾期不补正的，视为放弃申请，行政机关不再处理该政府信息公开申请。

第三十一条 行政机关收到政府信息公开申请的时间，按照下列规定确定：

- （一）申请人当面提交政府信息公开申请的，以提交之日为收到申请之日；
- （二）申请人以邮寄方式提交政府信息公开申请的，以行政机关签收之日为收到申请之日；以平常信函等无需签收的邮寄方式提交政府信息公开申请的，政府信息公开工作机构应当于收到申请的当日与申请人确认，确认之日为收到申请之日；
- （三）申请人通过互联网渠道或者政府信息公开工作机构的传真提交政府信息公开申请的，以双方确认之日为收到申请之日。

第三十二条 依申请公开的政府信息公开会损害第三方合法权益的，行政机关应当书面征求第三方的意见。第三方应当自收到征求意见书之日起 15 个工作日内提出意见。第三方

逾期未提出意见的，由行政机关依照本条例的规定决定是否公开。第三方不同意公开且有合理理由的，行政机关不予公开。行政机关认为不公开可能对公共利益造成重大影响的，可以决定予以公开，并将决定公开的政府信息内容和理由书面告知第三方。

第三十三条 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 20 个工作日内予以答复；需要延长答复期限的，应当经政府信息公开工作机构负责人同意并告知申请人，延长的期限最长不得超过 20 个工作日。

行政机关征求第三方和其他机关意见所需时间不计算在前款规定的期限内。

第三十四条 申请公开的政府信息由两个以上行政机关共同制作的，牵头制作的行政机关收到政府信息公开申请后可以征求相关行政机关的意见，被征求意见机关应当自收到征求意见书之日起 15 个工作日内提出意见，逾期未提出意见的视为同意公开。

第三十五条 申请人申请公开政府信息的数量、频次明显超过合理范围，行政机关可以要求申请人说明理由。行政机关认为申请理由不合理的，告知申请人不予处理；行政机关认为申请理由合理，但是无法在本条例第三十三条规定的期限内答复申请人的，可以确定延迟答复的合理期限并告知申请人。

第三十六条 对政府信息公开申请，行政机关根据下列情况分别作出答复：

- （一）所申请公开信息已经主动公开的，告知申请人获取该政府信息的方式、途径；
- （二）所申请公开信息可以公开的，向申请人提供该政府信息，或者告知申请人获取该政府信息的方式、途径和时间；
- （三）行政机关依据本条例的规定决定不予公开的，告知申请人不予公开并说明理由；
- （四）经检索没有所申请公开信息的，告知申请人该政府信息不存在；
- （五）所申请公开信息不属于本行政机关负责公开的，告知申请人并说明理由；能够确定负责公开该政府信息的行政机关的，告知申请人该行政机关的名称、联系方式；
- （六）行政机关已就申请人提出的政府信息公开申请作出答复、申请人重复申请公开相同政府信息的，告知申请人不予重复处理；
- （七）所申请公开信息属于工商、不动产登记资料等信息，有关法律、行政法规对信息的获取有特别规定的，告知申请人依照有关法律、行政法规的规定办理。

第三十七条 申请公开的信息中含有不应当公开或者不属于政府信息的内容，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政府信息内容，并对不予公开的内容说明理由。

第三十八条 行政机关向申请人提供的信息，应当是已制作或者获取的政府信息。除依照本条例第三十七条的规定能够作区分处理的外，需要行政机关对现有政府信息进行加工、分析的，行政机关可以不予提供。

第三十九条 申请人以政府信息公开申请的形式进行信访、投诉、举报等活动，行政机关应当告知申请人不作为政府信息公开申请处理并可以告知通过相应渠道提出。

申请人提出的申请内容为要求行政机关提供政府公报、报刊、书籍等公开出版物的，行政机关可以告知获取的途径。

第四十条 行政机关依申请公开政府信息，应当根据申请人的要求及行政机关保存政府信息的实际情况，确定提供政府信息的具体形式；按照申请人要求的形式提供政府信息，可能危及政府信息载体安全或者公开成本过高的，可以通过电子数据以及其他适当形式提供，或者安排申请人查阅、抄录相关政府信息。

第四十一条 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，可以要求行政机关更正。有权更正的行政机关审核属实的，应当予以更正并告知申请人；不属于本行政机关职能范围的，行政机关可以转送有权更正的行政机关处理并告知申请人，或者告知申请人向有权更正的行政机关提出。

第四十二条 行政机关依申请提供政府信息，不收取费用。但是，申请人申请公开政府信息的数量、频次明显超过合理范围的，行政机关可以收取信息处理费。

行政机关收取信息处理费的具体办法由国务院价格主管部门会同国务院财政部门、全国政府信息公开工作主管部门制定。

第四十三条 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。

第四十四条 多个申请人就相同政府信息向同一行政机关提出公开申请，且该政府信息属于可以公开的，行政机关可以纳入主动公开的范围。

对行政机关依申请公开的政府信息，申请人认为涉及公共利益调整、需要公众广泛知晓或者需要公众参与决策的，可以建议行政机关将该信息纳入主动公开的范围。行政机关经审核认为属于主动公开范围的，应当及时主动公开。

第四十五条 行政机关应当建立健全政府信息公开申请登记、审核、办理、答复、归档的工作制度，加强工作规范。

第五章 监督和保障

第四十六条 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。

第四十七条 政府信息公开工作主管部门应当加强对政府信息公开工作的日常指导和监督检查，对行政机关未按照要求开展政府信息公开工作的，予以督促整改或者通报批评；需要对负有责任的领导人员和直接责任人员追究责任的，依法向有权机关提出处理建议。

公民、法人或者其他组织认为行政机关未按照要求主动公开政府信息或者对政府信息公开申请不依法答复处理的，可以向政府信息公开工作主管部门提出。政府信息公开工作主管部门查证属实的，应当予以督促整改或者通报批评。

第四十八条 政府信息公开工作主管部门应当对行政机关的政府信息公开工作人员定期进行培训。

第四十九条 县级以上人民政府部门应当在每年1月31日前向本级政府信息公开工作主管部门提交本行政机关上一年度政府信息公开工作年度报告并向社会公布。

县级以上地方人民政府的政府信息公开工作主管部门应当在每年3月31日前向社会公布本级政府上一年度政府信息公开工作年度报告。

第五十条 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）行政机关收到和处理政府信息公开申请的情况；
- （三）因政府信息公开工作被申请行政复议、提起行政诉讼的情况；
- （四）政府信息公开工作存在的主要问题及改进情况，各级人民政府的政府信息公开工作年度报告还应当包括工作考核、社会评议和责任追究结果情况；
- （五）其他需要报告的事项。

全国政府信息公开工作主管部门应当公布政府信息公开工作年度报告统一格式，并适时更新。

第五十一条 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侵犯其合法权益的，可以向上一级行政机关或者政府信息公开工作主管部门投诉、举报，也可以依法申请行政复议或者提起行政诉讼。

第五十二条 行政机关违反本条例的规定，未建立健全政府信息公开有关制度、机制的，由上一级行政机关责令改正；情节严重的，对负有责任的领导人员和直接责任人员依法给予处分。

第五十三条 行政机关违反本条例的规定，有下列情形之一的，由上一级行政机关责令改正；情节严重的，对负有责任的领导人员和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职能；

- (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；
- (三) 违反本条例规定的其他情形。

第六章 附 则

第五十四条 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。

第五十五条 教育、卫生健康、供水、供电、供气、供热、环境保护、公共交通等与人民群众利益密切相关的公共企事业单位，公开在提供社会公共服务过程中制作、获取的信息，依照相关法律、法规和国务院有关主管部门或者机构的规定执行。全国政府信息公开工作主管部门根据实际需要可以制定专门的规定。

前款规定的公共企事业单位未依照相关法律、法规和国务院有关主管部门或者机构的规定公开在提供社会公共服务过程中制作、获取的信息，公民、法人或者其他组织可以向有关主管部门或者机构申诉，接受申诉的部门或者机构应当及时调查处理并将处理结果告知申诉人。

第五十六条 本条例自 2019 年 5 月 15 日起施行。