

State Secrets Laws and Regulations of the PRC

Editors' Introduction

Up until now—and indeed for the entire history of the Chinese Communist Party—the system of administration used by the Chinese government to manage and control the many matters that it deems to be “state secrets” has been a carefully guarded secret of its own. The laws and regulations that comprise the state secrets system are found mainly in classified publications, only some of which become publicly available.

In this section, we present a comprehensive and wide-ranging set of the main laws and regulations concerning state secrets. **Part A**, Main Statutes, Regulations and Supreme Court Interpretation Governing the State Secrecy System in China, contains the two most relevant national laws on this subject, the Law on the Protection of State Secrets (issued in 1988 by the Standing Committee of the National People's Congress) and the Measures for Implementing the Law on the Protection of State Secrets (issued in 1990 by the National Administration for the Protection of State Secrets, or NAPSS), both of which are translated here in full. The third item is the Supreme People's Court's Interpretation of Certain Issues Regarding the Specific Application of the Law When Trying Cases of Stealing, Gathering, Procuring or Illegally Providing State Secrets or Intelligence Outside of the Country, also translated in full.

Part B provides relevant excerpts from several of the key national laws that contain provisions on state secrets crimes: the Criminal Law, the Criminal Procedure Law and the State Security Law.

In **Part C**, we present the four regulations (issued jointly by the NAPSS and the relevant ministry) that specifically set forth the matters classified as state secrets in the work of the public security organs, the people’s courts, the procuratorates, and in the administration of prisons and labor camps.

The Regulation on the Protection of State Secrets in News Publishing in **Part D** provides a legal basis for understanding state secrets in media work in China.

Finally, in **Part E**, we offer excerpts from a selection of regulations—issued jointly by the NAPSS and a variety of government bodies and ministries—mandating which matters are to remain state secrets in such diverse areas as environmental protection, family planning, ethnic affairs, and social science research.

The numerous laws and regulations comprising the state secrets system are not readily available to the public. Due to the lack of a comprehensive system of access, it is difficult to determine if these laws have been updated or even, as noted in this report, if they have been rescinded. Within these limits, HRIC has made best efforts to identify the most current versions of the laws and regulations. In compiling this compendium, primary and secondary legal sources were consulted, including bulletins, commentaries and treatises published or available online.

This is the first time that such an extensive compilation of laws and regulations on state secrets has ever been published in English, and the first time that many of the individual documents have been made available to English readers. The importance of making these laws and regulations more generally available is to assist ordinary citizens, reporters, human rights workers and others to understand the state secrets system—not only so that they might avoid disclosing or possessing state secrets themselves, but perhaps more importantly, to begin the process of transparency that is essential to fair governance and judicial openness, and to reveal the arbitrariness of the system.

A.

Main Statutes, Regulations,
and Supreme Court Interpretation
Governing the State Secrecy System in China

**1. LAW ON THE PROTECTION OF STATE SECRETS
OF THE PEOPLE’S REPUBLIC OF CHINA**

Editors’ Note:

Promulgated in 1988, the Law on the Protection of State Secrets lays out the scope of matters that are designated as state secrets, as well as the responsibilities of each level of state secrets organ in classifying and handling information. Article 2, the wording of which is repeated in numerous other documents related to state secrets, sets forth the broad definition of what constitutes a state secret: all matters that are “related to state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time.”

Article 8, the key article in this law, lists seven categories of matters that are classified as state secrets: policies on national affairs and national defense, diplomatic affairs, matters involving national economic and social development, national scientific and technology matters, and investigations of criminal offenses. The seventh item is a “catch-all” phrase that encompasses “all other matters classified as state secrets by the national State Secrets Bureau,” thus giving that body (the NAPSS) unlimited and unlegislated power to classify as a state secret virtually any information that it deems could harm the “security and interests of the state.”

The Chinese text of the following law is available at: http://www.gov.cn/banshi/2005-08/21/content_25096.htm.

中华人民共和国保守国家秘密法

Law on the Protection of State Secrets of the People's Republic of China

颁布日期：1988年9月5日
 实施日期：1989年5月1日
 颁布单位：全国人大常委会

Promulgation Date: September 5, 1988
 Effective Date: May 1, 1989
 Promulgation Body: The Standing Committee of the National People's Congress

第一章 总则

Chapter One: General Provisions

Purpose

第一条

为保守国家秘密，维护国家的安全和利益，保障改革开放和社会主义建设事业的顺利进行，制定本法。

Article 1

This law is formulated for the purpose of protecting state secrets, safeguarding state security and national interests and ensuring the smooth progress of reform, of opening to the outside world, and of socialist construction.

Definition of state secrets

第二条

国家秘密是关系国家的安全和利益，依照法定程序确定，在一定时间内只限一定范围的人员知悉的事项。

Article 2

State secrets are matters that are related to state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time.

Obligation to protect state secrets

第三条

一切国家机关、武装力量、政党、社会团体、企业事业单位和公民都有保守国家秘密的义务。

Article 3

All state organs, armed forces, political parties, public organizations, enterprises, institutions and citizens have an obligation to protect state secrets.

Principle of active prevention, emphasizing priorities

第四条

保守国家秘密的工作，实行积极防范、突出重点、既确保国家秘密又便利各项工作的方针。

Article 4

The work of protecting state secrets shall be carried out in line with the principle of active prevention, emphasizing priorities, and ensuring the safety of state secrets while at the same time facilitating work in all other fields.

第五条

国家保密工作部门主管全国保守国家秘密的工作。县级以上地方各级保密工作部门在其职权范围内，主管本行政区域保守国家秘密的工作。

中央国家机关在其职权范围内，主管或者指导本系统保守国家秘密的工作。

第六条

县级以上国家机关和涉及国家秘密的单位，根据实际情况设置保密工作机构或者指定人员，管理本机关和本单位保守国家秘密的日常工作。

第七条

在保守、保护国家秘密以及改进保密技术、措施等方面成绩显著的单位或者个人，应当给予奖励。

Article 5

The national State Secrets Bureau shall be responsible for protecting state secrets throughout the country. The local state secrets bureaus at or above the county level shall, within the scope of their functions and powers, be responsible for protecting state secrets in the administrative areas under their jurisdiction.

The central state organs shall, within the scope of their functions and powers, be responsible for and guide the work of protecting state secrets in their own organs and in the departments subordinate to them.

Article 6

State organs at or above the county level and units whose work involves state secrets shall, in accordance with their actual conditions, set up bodies or designate personnel to administer the day-to-day work of protecting state secrets within their own organs or units.

Article 7

Units or individuals that have rendered meritorious service in protecting and safeguarding state secrets and improving techniques and measures in this field should be rewarded.

National State Secrets Bureau***State organs at or above the county level******Rewards***

第二章 国家秘密的范围和密级

Chapter Two: The Scope and Classification of State Secrets

Scope of state secrets

第八条

国家秘密包括符合本法第二条规定的下列秘密事项：

Article 8

In accordance with the provisions of Article 2 of this law, state secrets shall include the following:

- (一) 国家事务的重大决策中的秘密事项；
- (二) 国防建设和武装力量活动中的秘密事项；
- (三) 外交和外事活动中的秘密事项以及对外承担保密义务的事项；
- (四) 国民经济和社会发展中的秘密事项；
- (五) 科学技术中的秘密事项；
- (六) 维护国家安全活动和追查刑事犯罪中的秘密事项；
- (七) 其他经国家保密工作部门确定应当保守的国家秘密事项。

- (1) secret matters concerning major policy decisions on state affairs;
- (2) secret matters in the building of national defense and in the activities of the armed forces;
- (3) secret matters in diplomatic activities and in activities related to foreign countries, as well as secrets to be maintained as commitments to foreign countries;
- (4) secret matters in national economic and social development;
- (5) secret matters concerning science and technology;
- (6) secret matters concerning activities for safeguarding state security and the investigation of criminal offenses; and
- (7) other matters that are classified as state secrets by the national State Secrets Bureau.

不符合本法第二条规定的，不属于国家秘密。

Matters that do not conform with the provisions of Article 2 of this law shall not be considered state secrets.

政党的秘密事项中符合本法第二条规定的，属于国家秘密。

Secrets of political parties that conform with the provisions of Article 2 of this law shall be considered state secrets.

第九条

国家秘密的密级分为“绝密”、“机密”、“秘密”三级。

“绝密”是最重要的国家秘密，泄露会使国家的安全和利益遭受特别严重的损害；“机密”是重要的国家秘密，泄露会使国家的安全和利益遭受严重的损害；“秘密”是一般的国家秘密，泄露会使国家的安全和利益遭受损害。

第十条

国家秘密及其密级的具体范围，由国家保密工作部门分别会同外交、公安、国家安全和其他中央有关机关规定。

国防方面的国家秘密及其密级的具体范围，由中央军事委员会规定。

关于国家秘密及其密级的具体范围的规定，应当在有关范围内公布。

第十一条

各级国家机关、单位对所产生的国家秘密事项，应当按照国家秘密及其密级具体范围的规定确定密级。

对是否属于国家秘密和属于何种密级不明确的事项，由国家保密工作部门，省、自治区、直辖市的保密工作部

Article 9

State secrets are classified into three categories: top secret, highly secret and secret.

Top secret information refers to vital state secrets, the disclosure of which will cause extremely serious harm to state security and national interests; highly secret information refers to important state secrets, the disclosure of which will cause serious harm to state security and national interests; and secret information refers to ordinary state secrets, the disclosure of which will cause harm to state security and national interests.

Article 10

The specific scope of state secrets and their classification levels shall be stipulated by the national State Secrets Bureau together with the ministries of Foreign Affairs, Public Security and State Security and other relevant central organs.

The specific scope of state secrets related to national defense, and their classification levels, shall be stipulated by the Central Military Commission.

Provisions on the specific scope and classification levels of state secrets shall be made known within relevant quarters.

Article 11

State organs and units at various levels shall, in accordance with the provisions on the specific scope and classification levels of state secrets, determine the classification level of any state secret that arises in said organs and units.

If it is unclear whether or not a certain matter is a state secret or which classification level a matter should belong to,

Classification categories

Central responsibility for stipulating scope and classification levels

Responsibility of state organs and units

Unclear scope or classification

门，省、自治区政府所在地的市和经国务院批准的较大的市的保密工作部门或者国家保密工作部门审定的机关确定。在确定密级前，产生该事项的机关、单位应当按照拟定的密级，先行采取保密措施。

the question shall be determined by either the national State Secrets Bureau; the state secrets bureaus at the level of province, autonomous region or directly-administered municipality; the state secrets bureau of a city where the government of a province or an autonomous region is located; the state secrets bureau of a larger city approved by the State Council; or an organ examined and approved by the national State Secrets Bureau. Pending the classification of the secret, the state organ or unit where the matter has arisen shall initially take security measures in accordance with the classification level proposed.

Marking classified materials

第十二条

属于国家秘密的文件、资料，应当依照本法第九条、第十条、第十一条的规定标明密级。不属于国家秘密的，不应标为国家秘密文件、资料。

Article 12

In accordance with the provisions in Articles 9, 10 and 11 of this law, documents and other materials that are determined to contain state secrets shall be marked with their classification level. Documents and other materials that are not determined to be state secrets shall not be marked as such.

Determination when differences arise regarding definition/classification

第十三条

对是否属于国家秘密和属于何种密级有争议的，由国家保密工作部门或者省、自治区、直辖市的保密工作部门确定。

Article 13

When differences arise as to whether or not a matter is a state secret, or regarding which classification level it belongs to, the question shall be determined by the national State Secrets Bureau or the state secrets bureaus at the level of province, autonomous region or directly-administered municipality.

第十四条

机关、单位对国家秘密事项确定密级时，应当根据情况确定保密期限。确定保密期限的具体办法由国家保密工作部门规定。

第十五条

国家秘密事项的密级和保密期限，应当根据情况变化及时变更。密级和保密期限的变更，由原确定密级和保密期限的机关、单位决定，也可以由其上级机关决定。

第十六条

国家秘密事项的保密期限届满的，自行解密；保密期限需要延长的，由原确定密级和保密期限的机关、单位或者其上级机关决定。

国家秘密事项在保密期限内不需要继续保密的，原确定密级和保密期限的机关、单位或者其上级机关应当及时解密。

Article 14

When determining the classification level of state secrets, state organs and units shall, according to the circumstances, also determine the length of time that the secrets should be protected. Specific measures for determining the time period shall be formulated by the national State Secrets Bureau.

Article 15

The classification levels of state secrets and the length of time that they should be protected should be altered in accordance with changing circumstances. Such alterations shall be decided on by the state organs or units that originally determined the classification level of the secrets and the time period for protecting them, or by a higher-level department.

Article 16

A state secret shall be automatically declassified when the time period for protecting it has expired; in cases where it is necessary to extend the time period, the matter shall be decided on by the state organ or unit that originally determined the classification level of the secret and the time period for protecting it, or by a higher-level department.

If the time period for protecting a state secret does not need to be extended, it should be declassified without delay by the state organ or unit that originally determined its classification level and the time period for protecting it, or by a higher-level department.

Length of time for secrets protection***Alteration of classification levels and length of time for protection******Automatic declassification and time extension***

第三章 保密制度

Chapter Three: The System for Protecting State Secrets

Security measures for classified documents, materials and objects

第十七条

属于国家秘密的文件、资料和其他物品的制作、收发、传递、使用、复制、摘抄、保存和销毁，由国家保密工作部门制定保密办法。

Article 17

The national State Secrets Bureau shall formulate security measures regarding the making, receiving, dispatching, transmitting, use, copying, excerpting, preservation and destruction of documents and other materials and objects that are state secrets.

采用电子信息等技术存取、处理、传递国家秘密的办法，由国家保密工作部门会同中央有关机关规定。

Measures for electronically storing, processing and transmitting state secrets by this and other technical means shall be formulated by the national State Secrets Bureau together with the relevant central authorities.

Security measures for top-secret documents, materials and objects

第十八条

对绝密级的国家秘密文件、资料和其他物品，必须采取以下保密措施：

Article 18

Documents and other materials and objects that are classified as top-secret state secrets must be protected by the following security measures:

(一) 非经原确定密级的机关、单位或者其上级机关批准，不得复制和摘抄；

(1) They shall not be copied or excerpted without prior approval from the state organ or unit that originally determined their classification level, or by a higher-level department.

(二) 收发、传递和外出携带，由指定人员担任，并采取必要的安全措施；

(2) They shall be dispatched, received, delivered and carried only by personnel that are specially designated to take on these responsibilities, and additional security measures shall be adopted as needed; and

(三) 在设备完善的保险装置中保存。

(3) They shall be kept in perfectly equipped safes.

经批准复制、摘抄的绝密级的国家秘密文件、资料和其他物品，依照前款规定采取保密措施。

Once approval has been granted for the copying or excerpting of documents and other materials or objects classified as top-secret state secrets, security measures shall be adopted in accordance with the provisions in the preceding paragraphs.

第十九条

属于国家秘密的设备或者产品的研制、生产、运输、使用、保存、维修和销毁，由国家保密工作部门会同中央有关机关制定保密办法。

Article 19

Security measures shall be formulated by the national State Secrets Bureau, together with the relevant central authorities, for the manufacture, production, transportation, use, storage, maintenance and destruction of equipment or goods classified as state secrets.

Security measures for classified equipment or goods

第二十条

报刊、书籍、地图、图文资料、声像制品的出版和发行以及广播节目、电视节目、电影的制作和播放，应当遵守有关保密规定，不得泄露国家秘密。

Article 20

In the publication and distribution of newspapers, periodicals, books, maps, illustrated materials and audio-visual products, and in the production and broadcast of radio and television programs and films, the relevant security regulations shall be complied with and no state secrets shall be disclosed.

Publication, distribution and broadcast

第二十一条

在对外交往与合作中需要提供国家秘密事项的，应当按照规定的程序事先经过批准。

Article 21

When state secrets must be provided in order to maintain relations and cooperation with foreign countries, prior approval must be obtained in accordance with the prescribed procedures.

第二十二条

具有属于国家秘密内容的会议和其他活动，主办单位应当采取保密措施，并对参加人员进行保密教育，规定具体要求。

Article 22

With regard to meetings and other activities that involve state secrets, the host unit shall adopt the appropriate security measures, provide the participants with education on how to protect state secrets, and set the specific requirements for doing so.

Meetings and other activities

Forbidden military zones and places not open to the public

第二十三条

军事禁区和属于国家秘密不对外开放的其他场所、部位，应当采取保密措施，除依照国家有关规定经过批准外，不得擅自决定对外开放或者扩大开放范围。

Article 23

Forbidden military zones and other places that involve state secrets and are not open to the public shall be protected by security measures; no one may decide to open them to the public or enlarge the area that is open to the public without prior approval obtained in accordance with the relevant state regulations.

Private contacts or correspondence

第二十四条

不准在私人交往和通信中泄露国家秘密。

Article 24

No state secrets shall be disclosed in private contacts or correspondence.

Carrying documents and other materials and objects

携带属于国家秘密的文件、资料和其他物品外出不得违反有关保密规定。

When carrying documents and other material and objects classified as state secrets outside of one's unit, the relevant security regulations shall be obeyed.

不准在公共场所谈论国家秘密。

No state secrets shall be discussed in public places.

Transmission of state secrets

第二十五条

在有线、无线通信中传递国家秘密的，必须采取保密措施。

Article 25

Transmission of state secrets through wired or wireless communications shall be protected by security measures.

不准使用明码或者未经中央有关机关审查批准的密码传递国家秘密。

No state secrets shall be transmitted either by plain code or by a secret code that has not been examined and approved by the relevant central authorities.

不准通过普通邮政传递属于国家秘密的文件、资料和其他物品。

No documents or other materials and objects classified as state secrets shall be transmitted by ordinary mail.

Transmission out of the country

第二十六条

未经有关主管部门批准，禁止将属于国家秘密的文件、资料和其他物品携带、传递、寄运至境外。

Article 26

Without prior approval by a higher-level department, no document or any other material or object classified as a state secret shall be carried, transmitted, posted or transported out of the country.

第二十七条

国家秘密应当根据需要，限于一定范围的人员接触。绝密级的国家秘密，经过批准的人员才能接触。

第二十八条

任用经管国家秘密事项的专职人员，应当按照国家保密工作部门和人事主管部门的规定予以审查批准。

经管国家秘密事项的专职人员出境，应当经过批准任命的机关批准；国务院有关主管机关认为出境后将对国家安全造成危害或者对国家利益造成重大损失的，不得批准出境。

第二十九条

机关、单位应当对工作人员进行保密教育，定期检查保密工作。

第三十条

国家工作人员或者其他公民发现国家秘密已经泄露或者可能泄露时，应当立即采取补救措施并及时报告有关机关、单位；有关机关、单位接到报告后，应当立即作出处理。

Article 27

State secrets shall, depending on the circumstances, be accessible only to a limited number of people. Top-secret state secrets shall be accessible only to personnel who have obtained prior approval.

Article 28

Personnel to be placed in charge of state secrets shall be examined and approved in accordance with the regulations of the national State Secrets Bureau and the relevant personnel department.

Exit from the country by personnel placed in charge of state secrets must be approved by the same organ that originally approved their appointment. If the State Council's department in charge of such matters determines that exiting the country will endanger state security or cause serious damage to national interests, no approval shall be granted for said exit.

Article 29

State organs and units shall provide education to their personnel on how to protect state secrets and shall check up on protection of state secrets work at regular intervals.

Article 30

If state employees and other citizens should find that state secrets have been disclosed or are in danger of being disclosed, they should immediately take measures to remedy the situation and promptly report the matter to the state organs and units concerned, which shall, upon receiving such reports, deal with the matter without delay.

Limited access to state secrets

Personnel in charge of state secrets

Exit from the country

Personnel education

Remedial action and reporting

Criminal liability

第三十一条

违反本法规定，故意或者过失泄露国家秘密，情节严重的，依照刑法第一百八十六条的规定追究刑事责任。

Article 31

If any individual violates the provisions of this law and discloses state secrets intentionally or through negligence under circumstances that are deemed to be serious, he or she shall be held criminally responsible in accordance with the provisions of Article 186 of the [1979] Criminal Law*.

*[*Ed. Note: Article 186 of the 1979 Criminal Law corresponds to Article 398 of the 1997 Criminal Law, the text of which is included below under “Selected Provisions of Major Laws Involving State Secrets.”]*

Administrative sanctions

违反本法规定，泄露国家秘密，不够刑事处罚的，可以酌情给予行政处分。

If any individual violates the provisions of this law and discloses state secrets under circumstances that are deemed not serious enough for criminal punishment, he or she may be given administrative sanctions in accordance with the specific circumstances of each case.

Criminal liability for providing state secrets/intelligence outside of the country

第三十二条

为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密的，依法追究刑事责任。

Article 32

Any individual who steals, gathers, procures or illegally provides state secrets or intelligence outside of the country shall be held criminally responsible in accordance with the law.

第五章 附则

Chapter Five: Additional Provisions

第三十三条

国家保密工作部门根据本法制定实施办法，报国务院批准后施行。

Article 33

The national State Secrets Bureau shall, in accordance with this law, formulate measures for its implementation. These measures shall take effect once approval has been granted by the State Council.

Implementation

第三十四条

中央军事委员会根据本法制定中国人民解放军保密条例。

Article 34

The Central Military Commission shall, in accordance with this law, formulate the regulations of the Chinese People's Liberation Army on the protection of state secrets.

Central Military Commission regulations

第三十五条

本法自1989年5月1日起施行。1951年6月公布的《保守国家机密暂行条例》同时废止。

Article 35

This law shall take effect as of May 1, 1989. The Provisional Regulation on Protecting State Secrets, promulgated in June 1951, shall be rescinded as of the same date.

Effective date

2. MEASURES FOR IMPLEMENTING THE LAW ON THE PROTECTION OF STATE SECRETS OF THE PEOPLE'S REPUBLIC OF CHINA

Editors' Note:

Measures for Implementing the Law on the Protection of State Secrets, issued in 1990 by the National Administration for the Protection of State Secrets, provides for retroactive classification of information not already enumerated or classified as a state secret, if disclosure of information *could* result in any one of the “eight consequences” deemed to cause harm to the security and interests of the state. Those include “affecting national unity, ethnic unity or social stability,” “hindering defense work,” and “endangering the ability of the state to defend its power.” This last clause has been invoked to prosecute charges of “endangering state security,” which have been used to gain convictions for a wide range of non-violent political acts.

These measures also specify which security classification (top secret, highly secret and secret) is determined by which level of state secrets bureau throughout the country, with top-secret matters classified at the national level and so forth downward through the administrative levels (Article 10). This document also details the situations under which individuals may either be rewarded for protecting state secrets (such as reporting potential or actual leaks to the authorities) or punished for disclosing them.

The Chinese text of the following measures is available at: http://www.stats.gov.cn/tjgl/swdcglgg/xgfg/t20041118_402209111.htm.

中华人民共和国保守国家秘密法实施办法

Measures for Implementing the Law on the Protection of State Secrets of the People's Republic of China

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第一章 总则

Chapter One: General Provisions

第一条

根据《中华人民共和国保守国家秘密法》（以下简称保密法）的规定，制定本办法。

Article 1

These measures have been formulated in accordance with the Law on the Protection of State Secrets of the People's Republic of China (hereafter referred to as the State Secrets Law).

Promulgating authority

第二条

国家保密工作部门是国务院的职能机构，根据《保密法》和本办法主管全国的保密工作。

Article 2

The national State Secrets Bureau is a functioning organ of the State Council and, in accordance with the State Secrets Law and these measures, is in charge of all protection of state secrets work performed throughout the country.

National State Secrets Bureau

县级以上地方各级政府的保密工作部门，在上级保密工作部门的指导下，依照保密法律、法规和规章管理本行政区域的保密工作。

State secrets bureaus in all local governments at the county level or above, under the direction of a higher-level state secrets bureau, shall administer work that comes under the domain of protecting state secrets in accordance with the laws, rules and regulations on protection of state secrets work.

State secrets bureaus at or above the county level

第三条

中央国家机关在其职权范围内主管或者指导本系统的保密工作，组织和监督下级业务部门执行保密法律、法规和规章，可以根据实际情况单独或者会同有关部门制定主管业务方面的保密规章。

Article 3

Organs of the central government shall, within the limits of their authority, either be in charge themselves, or direct another body to be in charge of, protection of state secrets work; shall organize and supervise lower-level pro-

Organs of the central government

Consequences of disclosure and classification

第四条

某一事项泄露后会造成下列后果之一的，应当列入国家秘密及其密级的具体范围（以下简称保密范围）：

- （一）危害国家政权的巩固和防御能力；
- （二）影响国家统一、民族团结和社会安定；
- （三）损害国家在对外活动中的政治、经济利益；
- （四）影响国家领导人、外国要员的安全；
- （五）妨害国家重要的安全保卫工作；
- （六）使保护国家秘密的措施可行性降低或者失效；
- （七）削弱国家的经济、科技实力；
- （八）使国家机关依法行使职权失去保障。

professional departments in the implementation of laws, regulations and rules for protecting state secrets, and may, in accordance with the actual circumstances, by itself or in cooperation with the relevant department, formulate rules and regulations on the protection of state secrets to be used within that professional field.

Article 4

If any matter, once disclosed, could result in any of the following, it should be considered to fall within the scope of state secrets and their security classifications (hereafter referred to as the “scope of state secrets protection”):

- (1) Endangering the ability of the state to consolidate and defend its power.
- (2) Affecting national unity, ethnic unity or social stability.
- (3) Harming the political or economic interests of the state in its dealings with foreign countries.
- (4) Affecting the security of state leaders or top foreign officials.
- (5) Hindering important security or defense work of the state.
- (6) Causing a decrease in the feasibility, or a loss of effectiveness to, the measures used to safeguard state secrets.
- (7) Weakening the economic or technological strength of the nation.
- (8) Causing state organs to lose the ability to exercise their authority according to law.

第五条

保密范围应当根据情况变化适时修订，修订的程序依照《保密法》第十条的规定办理。

Article 5

The scope of secrets to be protected should be amended according to changing circumstances and in a timely manner. The procedure for making such amendments shall be handled in accordance with the provisions in Article 10 of the State Secrets Law.

Amendment of scope of secrets

第六条

涉及国家秘密的机关、单位，应当进行经常性的保密教育和检查，落实各项保密措施，使所属人员知悉与其工作有关的保密范围和各项保密制度。

Article 6

All organs and units whose work involves state secrets shall carry out regular education on, and inspections of, protection of state secrets work, and they shall implement various measures related to such work so that their personnel may learn the scope of secrets to be protected in their work and the various systems related to protecting state secrets.

Implementation by organs and units

第二章 确定密级、变更密级和解密

Chapter Two: Determining Security Classifications, Changing Classification Levels and Declassification

第七条

各机关、单位依照规定确定密级、变更密级和解密，应当接受其上级机关和有关保密工作部门的指导和监督。

Article 7

All organs and units shall determine security classifications, change security classifications and declassify matters according to regulations and shall receive guidance and supervision from a higher-level organ or a relevant state secrets bureau.

Guidance and supervision

第八条

各机关、单位对所产生的国家秘密事项，应当依照保密范围的规定及时确定密级，最迟不得超过十日。

Article 8

The security classification of any state secret matter that arises within an organ or unit shall be determined in a timely manner, not to exceed a period of 10 days, in accordance with the regulations on the scope of state secrets protection.

Determination in a timely manner

Amendment of classification

第九条

密级确定以后，确定密级的机关、单位发现不符合保密范围规定的，应当及时纠正；上级机关或者有关保密工作部门发现不符合保密范围规定的，应当及时通知确定密级的机关、单位纠正。

Article 9

After the security classification has been determined, if the organ or unit that made the determination finds that the classification level does not correspond to the level stipulated for its scope of state secrets protection, it shall amend the determination in a timely manner. If a higher-level organ or a relevant state secrets bureau finds that the classification level does not correspond to the level stipulated for the scope of state secrets protection for that matter, it shall immediately notify the organ or unit that made the determination and request that the determination be amended.

Determination when classification is unclear

第十条

对是否属于国家秘密和属于何种密级不明确的事项，依照下列规定确定：

Article 10

If it is unclear whether or not a certain matter is a state secret or which classification level a matter should belong to, the following provisions shall be used to make the determination:

• **Top-secret level**

(一) 绝密级由国家保密工作部门确定；

(1) Top-secret level matters shall be determined by the national State Secrets Bureau.

• **Highly-secret level**

(二) 机密级由省、自治区、直辖市的或者其上级的保密工作部门确定；

(2) Highly-secret level matters shall be determined by the state secrets bureau of a province, autonomous region or directly-administered municipality, or by another higher-level state secrets bureau.

• **Secret level**

(三) 秘密级由省、自治区政府所在地的市和国务院批准的较大的市的或者其上级的保密工作部门确定。

(3) Secret level matters shall be determined by the state secrets bureau of a city in which the government of a province or an autonomous region is located, by the state secrets bureau of a larger city approved by the State Council, or by another higher-level state secrets bureau.

其他机关经国家保密工作部门审定，可以在其主管业务方面行使前款规定的确定密级权。

Other organs approved by the national State Secrets Bureau may also exercise their authority to determine the security classification of matters that are within their area of expertise.

第十一条

对是否属于国家秘密和属于何种密级不明确的事项，产生该事项的机关、单位无相应确定密级权的，应当及时拟定密级，并在拟定密级后的十日内依照下列规定申请确定密级：

(一) 属于主管业务方面的事项，逐级报至国家保密工作部门审定的有权确定该事项密级的上级机关；

(二) 其他方面的事项，逐级报至有权确定该事项密级的保密工作部门。

接到申请的机关或者保密工作部门，应当在三十日内作出批复。

Article 11

If it is unclear whether or not a certain matter is a state secret or which classification level a matter should belong to, and if the organ or unit in which the matter arose does not have the relevant authority to determine its security classification, the organ or unit in which the matter arose shall make an initial determination. Once an initial determination has been made, the organ or unit shall submit an application for approval of the security classification within 10 days according to the following provisions:

(1) Matters that are within that organ or unit's area of expertise should be sent to a higher-level organ that has been approved by the national State Secrets Bureau and that has the authority to determine the security classification of that matter.

(2) Other matters should be sent to the state secrets bureau that has the authority to determine the security classification of that matter.

The organ or state secrets bureau shall issue a reply within 30 days of receipt of the application.

Classification if organ/unit does not have relevant authority

Reporting by state secrets bureaus and other organs

第十二条
依照本办法第十条、第十一条的规定行使确定密级权的保密工作部门和其他机关，应当将其行使确定密级权的情况报至规定保密范围的部门。

Article 12
In exercising their authority to determine security classifications according to the provisions in Article 10 and Article 11 of these measures, state secrets bureaus and other organs shall report the details of the matter they are determining to the department that stipulates the scope of state secrets protection for that matter.

Responsibility for marking classified documents, information or other materials

第十三条
属于国家秘密的文件、资料和其他物品，由确定密级的机关、单位标明密级；依照本办法第十条、第十一条的规定确定密级的，由提出申请的机关、单位标明密级。

Article 13
Documents, information or other materials that are state secrets shall be marked with their security classification by the organ or unit that determined the classification level. If their security classification was determined according to Article 10 and/or Article 11 of these measures, the organ or unit that applied for approval shall mark them with their security classification level.

属于国家秘密的事项不能标明密级的，由产生该事项的机关、单位负责通知接触范围内的人员。

If it is not possible to mark a state secret matter with a security classification, the organ or unit responsible for producing the matter should notify all personnel who could come into contact with that matter.

Change of initial determination if:

第十四条
国家秘密事项的密级，应当根据下列情形之一，由确定密级的机关、单位及时变更：

Article 14
If either of the following situations should arise, the security classification level of a state secret matter shall be promptly changed by the organ or unit that made the initial determination:

- **definite change in level of harm**

(一) 该事项泄露后对国家的安全和利益的损害程度已发生明显变化的；

(1) The level of harm that could be caused to state security and interests if the secret were disclosed has undergone a definite change; or

(二) 因为工作需要, 原接触范围需作很大改变的。

(2) For work reasons, the original scope of the matter must be changed.

• **work reasons**

情况紧急时, 可以由上级机关直接变更密级。

If the situation is urgent, a higher-level organ may directly change a security classification.

第十五条

对保密期限内的国家秘密事项, 根据情况变化, 有下列情形之一, 由确定密级的机关、单位及时解密:

Article 15

If either of the following situations should arise, state secret matters that are still within the time period for remaining classified shall be promptly declassified, according to changing circumstances, by the organ or unit that made the initial determination:

Declassification within remaining classified time period if:

(一) 该事项公开后无损于国家的安全和利益的;

(1) If making the matter public would cause no harm to state security or interests; or

• **no harm or**

(二) 从全局衡量公开后对国家更为有利的。

(2) If it is judged that, in light of the overall situation, making the matter public would benefit the country.

• **benefit to country**

情况紧急时, 可以由上级机关直接解密。

If the situation is urgent, a higher-level organ may directly declassify the matter.

第十六条

对于上级机关或者有关保密工作部门要求继续保密的事项, 在所要求的期限内不得解密。

Article 16

If a higher-level organ or a relevant state secrets bureau requests that a matter remain classified, then the matter should not be declassified during the time period requested.

No declassification

第十七条

各机关、单位确定密级、变更密级或者决定解密, 应当由承办人员提出具体意见交本机关、单位的主管领导人审核批准; 工作量较大的机关、单位可以由主管领导人授权本机关、单位的保密工作机构或者指定负责人员办理批准前的审核工作。

Article 17

Whenever any organ or unit determines or changes a security classification, or decides to declassify a state secret, it shall pass on the specific opinion given by the person who initiated the matter to the leader in charge of that organ or unit for examination

Written record

前款规定的执行情况应当有文字记载。

and approval. If the work load of that organ or unit is too great, the leader in charge of that organ or unit may authorize its protection of state secrets office, or may appoint another person, to handle the work of examining the matter before it is approved.

The circumstances of the acts mentioned in the preceding paragraph shall be recorded in writing.

Notification of changed classification or declassification

第十八条
国家秘密事项变更密级或者解密后，应当及时通知有关的机关、单位；因保密期限届满而解密的事项除外。

Article 18
After the security classification of a state secret matter has been changed or the matter has been declassified, the relevant organ or unit shall be promptly notified; however, matters that have been declassified upon the expiration of the time limit for them to remain classified shall be exempt from this requirement.

Marking changed/declassified documents, information or other materials

国家秘密事项变更密级或者解密后，应当及时在有关文件、资料和其他物品上标明；不能标明的，应当及时将变更密级或者解密的决定通知接触范围内的人员。

After the security classification of a state secret matter has been changed or the matter has been declassified, the change shall be promptly marked on the relevant documents, information or other materials. If it is not possible to do so, personnel within the relevant field should be notified in advance of the decision to change the security classification or to declassify the matter.

Organ/unit closed down or merged

第十九条
确定密级的机关、单位被撤销或者合并，有关变更密级和解密的工作由承担其原职能的机关、单位负责；无相应的承担机关、单位的，由有关的上级机关或者保密工作部门指定的机关负责。

Article 19
If the organ or unit that determined a particular security classification is closed down or has been merged with another organ or unit, the work of changing that particular security classification or declassifying that matter is the responsibility of the organ or unit that formerly performed the functions of that organ or unit. If there is no corresponding organ or unit that formerly

performed those functions, an organ appointed by a higher-level organ or state secrets bureau shall be responsible for performing such work.

第三章 保密制度

Chapter Three: The System for Protecting State Secrets

第二十条

接触国家秘密事项的人员或者机关、单位的范围，由确定密级的机关、单位限定。接触范围内的机关、单位，由其主管领导人限定本机关、单位的具体接触范围。

Article 20

The organ or unit that determines the security classification of a state secret matter shall determine which individuals, organs or units may have access to that matter. The leaders in charge of the organs or units that have access to state secret matters shall determine the specific range of access allowed within that organ or unit.

Access

工作需要时，上级机关、单位可以改变下级机关、单位限定的国家秘密的接触范围。

When necessary, a higher-level organ or unit may change the range of access granted by a lower-level organ or unit.

第二十一条

复制属于国家秘密的文件、资料和其他物品，或者摘录、引用、汇编其属于国家秘密的内容，不得擅自改变原件的密级。

Article 21

When copying or duplicating documents, information or other materials that contain state secrets, or when excerpting, quoting, or compiling information that contains state secrets, changing the security classification of such matters without authorization is not permitted.

No change of classification without authority

第二十二条

在对外交往与合作中，对方以正当理由和途径要求提供国家秘密时，应当根据平等互利的原则，按照国家主管部门的规定呈报有相应权限的机关批准，并通过一定形式要求对方承担保密义务。

Article 22

In working and cooperating with foreign countries, if the other party makes a request for a state secret, providing there is a suitable reason and the request is made via the appropriate channels, the request may be granted on the basis of equality and mutual benefit. According to the regulations of the relevant state department, a report must

Requests by foreign countries

对外提供国家秘密涉及多部门的，可以由有关的保密工作部门进行组织、协调工作。

对外提供涉及经济、科技和社会发展方面的国家秘密，批准机关应当向同级政府的保密工作部门通报有关情况。

be submitted to the organ with the corresponding jurisdiction and approval must be granted. In addition, the other party must be asked, in a specified manner, to take on the responsibility of protecting that state secret.

If a state secret that is provided to a foreign country involves multiple departments, the relevant state secrets bureau may do the work of organizing and coordinating these procedures.

If a state secret that is provided to a foreign country involves the economy, science and technology, or social development, the organ that gave the approval shall inform the state secrets bureau at the appropriate governmental level of the situation.

Measures for meetings

第二十三条

具有属于国家秘密内容的会议，主办单位应当采取下列保密措施：

Article 23

Whenever meetings are held that involve state secrets, the host unit shall adopt the following measures to protect state secrets:

• **location**

(一) 选择具备保密条件的会议场所；

(1) It shall select a meeting location that has suitable facilities for protecting state secrets.

• **participants**

(二) 根据工作需要，限定参加会议人员的范围，对参加涉及绝密级事项会议的人员予以指定；

(2) It shall limit the scope of participants to only those required for the work at hand, and it shall be responsible for appointing the participants at meetings involving top-secret matters.

• **equipment and documents**

(三) 依照保密规定使用会议设备和管理会议文件、资料；

(3) It shall follow the regulations on the protection of state secrets in using equipment and managing documents and information during meetings.

• **passing on contents**

(四) 确定会议内容是否传达及传达范围。

(4) It shall determine whether or not the contents of the meeting

should be passed on to others,
and if so, to whom.

第二十四条

涉及国家秘密的重要活动，主办单位可以制定专项保密方案并组织实施；必要时，有关保密工作部门应当会同主办单位工作。

Article 24

When important events are held that involve state secrets, the host unit may formulate special plans for the protection of state secrets and may organize and implement such plans. If necessary, the relevant state secrets bureau shall assist the host unit in this work.

Important events

第二十五条

属于国家秘密不对外开放的场所、部位的保密措施，由有关机关、单位制定或者与保密工作部门的共同商定。

Article 25

Measures to protect state secrets at locations or sites that are not open to outsiders shall be formulated by the relevant organ or unit, or decided upon in discussion with a state secrets bureau.

Locations/sites not open to the public

第二十六条

发生泄密事件的机关、单位，应当迅速查明被泄露的国家秘密的内容和密级、造成或者可能造成危害的范围和严重程度、事件的主要情节和有关责任者，及时采取补救措施，并报告有关保密工作部门和上级机关。

Article 26

In the event that a state secret is disclosed, the organ or unit in which the disclosure occurred shall immediately launch an investigation to determine the contents and security classification of the state secret that was disclosed, the extent of the damage that has been or could be caused, the main details of the incident, the severity of the punishment, and the names of those responsible for the incident. It should then take appropriate measures to remedy the situation and report the incident to a state secrets bureau and a higher-level organ.

Investigation, remedy and reporting if disclosure occurs

第四章 奖惩

Chapter Four:
Rewards and Punishments

Rewards

第二十七条

凡有下列表现之一的个人或者集体，由其所在机关、单位、上级机关或者当地政府依照规定给予奖励：

Article 27

Individuals or groups that do any of the following shall be rewarded by the organ or unit where they work, a higher-level organ, or the local government, according to the relevant body's regulations:

- | | |
|---|---|
| <p>(一) 在危急情况下，保护国家秘密安全的；</p> | <p>(1) Safeguard state secrets under dangerous circumstances.</p> |
| <p>(二) 对泄露或者非法获取国家秘密和行为及时检举的；</p> | <p>(2) Immediately report any acts involving the disclosure or illegal procurement of state secrets.</p> |
| <p>(三) 发现他人泄露或者可能泄露国家秘密，立即采取补救措施，避免或者减轻损害后果的；</p> | <p>(3) Upon discovering that a state secret has been or could be disclosed, take immediate action to remedy the situation and thereby prevent or reduce any harmful results.</p> |
| <p>(四) 在涉及国家秘密的专项活动中，严守国家秘密，对维护国家的安全和利益作出重要贡献的；</p> | <p>(4) Safeguard state secrets and make a major contribution to the protection of state security and interests during any special events that involve state secrets.</p> |
| <p>(五) 在国家保密技术的开发、研究中取得重大成果或者显著成绩的；</p> | <p>(5) Obtain significant results or make outstanding achievements in the development or research of new technology used to protect state secrets.</p> |
| <p>(六) 一贯严守国家秘密或者长期从事保密工作的管理，事迹突出的；</p> | <p>(6) Have consistently safeguarded state secrets or have been engaged in the work of managing state secrets over a long period of time and have made outstanding contributions.</p> |

(七) 长期经管国家秘密的专职人员，一贯忠于职守，确保国家秘密安全的。

(7) Have worked as special state secrets personnel over a long period of time or have consistently and loyally safeguarded and guaranteed the security of state secrets.

第二十八条

对于为保守国家秘密作出突出贡献的个人或者集体，各级保密工作部门和其他有关的保密工作机构，应当向有关机关、单位或者政府提出奖励的建议；需要时，也可以直接给予奖励。

Article 28

For any individuals or groups that make outstanding contributions to the protection of state secrets, all levels of state secrets bureaus and other relevant state secrets organs shall make suggestions to the relevant organ, unit or government on the rewards to be granted. If needed, said departments and organs may grant the reward directly.

Rewards for outstanding contributions by individuals/groups

第二十九条

凡泄露国家秘密尚不够刑事处罚的，有关机关、单位应当依照规定并根据被泄露事项的密级和行为的具体情节，给予行政处分。

Article 29

If the disclosure of a state secret is not serious enough to warrant criminal punishment, the relevant organ or unit shall apply administrative sanctions according to regulations and in accord with the specific circumstances of the act itself and the security classification of the state secret matter involved.

Administrative sanctions

第三十条

对泄露国家秘密尚不够刑事处罚，有下列情形之一的，应当从重给予行政处分：

Article 30

If the disclosure of a state secret is not serious enough to warrant criminal punishment but one of the following circumstances apply, more severe administrative sanctions shall be imposed:

More severe administrative sanctions if enumerated circumstances present

(一) 泄露国家秘密已造成损害后果的；

(1) Disclosure of the state secret has already resulted in harmful consequences.

(二) 以谋取私利为目的的泄露国家秘密的；

(2) Disclosure of the state secret was done for the purpose of gaining profit for oneself.

(三) 泄露国家秘密危害不大但次数较多的或者数量较大的；

(3) Disclosure of the state secret did not result in a great amount of harm but there were either numerous incidences of disclosure or numerous secrets were disclosed.

(四) 利用职权强制他人违反保密规定的。

(4) An individual used the authority and power of his or her position to force another person to break the regulations on the protection of state secrets.

Severe administrative sanctions if already punished/exempt from prosecution

第三十一条

泄露国家秘密已经人民法院判处刑罚的以及被依法免于起诉或者免于刑事处罚的，应当从重给予行政处分。

Article 31

If a verdict has been reached by a people's court on the disclosure of a state secret and the defendant was exempted from prosecution or punishment according to law, severe administrative sanctions shall be imposed.

Lenient administrative sanctions or exemption from punishment

第三十二条

泄露秘密级国家秘密，情节轻微的，可以酌情免于或者从轻给予行政处分；泄露机密级国家秘密，情节轻微的，可以酌情从轻给予行政处分，也可以免于行政处分；泄露绝密级国家秘密，情节特别轻微的，可以酌情从轻给予行政处分。

Article 32

If a secret-level state secret is disclosed under circumstances deemed to be minor, the perpetrator may be duly exempt from punishment or lenient administrative sanctions may be imposed. If a highly-secret level state secret is disclosed under circumstances deemed to be minor, the perpetrator may also be duly exempt from punishment or lenient administrative sanctions may be imposed. If a top-secret level state secret is disclosed under circumstances deemed to be very minor, lenient administrative sanctions may be imposed.

Request for administrative sanctions/punishment

第三十三条

各级保密工作部门和其他有关的保密工作机构，可以要求有关机关、单位对泄密责任者给予行政处分或者处罚；对行政处分或者处罚决定持有异议时，可以要求对作出的行政处分或者处罚进行复议。

Article 33

Any level of state secrets bureau, or any other organ related to the work of state secrets protection, may request the relevant organ or unit to impose administrative sanctions or punishments on those responsible for disclosing state

secrets. If there is a dispute regarding the decision to impose an administrative sanction or punishment, a request may be made to the organ carrying out the sanction or punishment to reconsider its decision.

第三十四条

因泄露国家秘密所获取的非法收入，应当予以没收并上交国库。

Article 34

If any illegal funds are obtained through the disclosure of a state secret, such funds shall be confiscated and handed over to government coffers.

Confiscation of illegal funds

第五章 附 则

Chapter Five: Additional Provisions

第三十五条

《保密法》和本办法规定中的“泄露国家秘密”是指违反保密法律、法规和规章的下列行为之一：

Article 35

The phrase “disclosing state secrets” as stipulated in the State Secrets Law and in these measures refers to any of the following acts that are in violation of the laws, rules and regulations pertaining to the protection of state secrets:

Disclosing state secrets

(一) 使国家秘密被不应知悉者知悉的；

(1) Allowing a state secret to be known by any individual that is not allowed to know such information.

(二) 使国家秘密超出了限定的接触范围，而不能证明未被不应知悉者知悉的。

(2) Allowing a state secret to go beyond the specified group of individuals allowed access to that secret, and to not be able to prove that such a disclosure of information did not take place.

第三十六条

《保密法》和本办法规定中的“是否属于国家秘密和属于何种密级不明确的事项”，是指在有关的保密范围中未作明确规定，而符合本办法第四条规定的事项。

Article 36

The phrase “if it is unclear whether or not a certain matter is a state secret or which classification level a matter should belong to,” as stipulated in the State Secrets Law and in these measures, refers to matters whose scope of state secrets protection has not yet been

If it is unclear whether or not a matter is a state secret or which classification level it should belong to

No application to other secret matters or internal (*neibu*) matters

第三十七条

不属于国家秘密的其他秘密或者机关、单位的内部事项，不适用《保密法》和本办法。

clearly stipulated and which correspond to any of the items listed under Article 4 of these measures.

Article 37

The State Secrets Law and these measures do not apply to other secret matters, or to the internal (*neibu*) matters of an organ or unit, that are not state secrets.

Documents, information or materials that were classified as state secrets before the State Secrets Law

第三十八条

《保密法》施行前所确定的各项国家秘密文件、资料和其他物品，应当依照《保密法》和本办法进行清理，重新确定密级和保密期者解密。

Article 38

Any documents, information or materials that were classified as state secrets before the State Secrets Law came into effect must be checked and verified in accordance with the State Secrets Law and these measures, and the matters must either be given new security classifications and new time periods for remaining protected as secrets, or be declassified.

尚未进行清理的，仍应当按照原定密级管理；发生、发现泄露行为时，应当依照《保密法》和本办法的有关规定，对所涉及的事项是否属于国家秘密和属于何种密级重新加以确认。

Matters that have not yet undergone the checking and approval process shall be handled according to their original security classification, and if an act of disclosing such a state secret occurs or is discovered, a new determination shall be made, in accordance with the State Secrets Law and these measures, as to whether or not the matter concerned is a state secret and if so, which security classification it should be given.

Implementation by central state organs and local governments

第三十九条

中央国家机关和各省、自治区、直辖市政府，可以根据本系统、本地区的实际情况，根据《保密法》和本办法制定实施细则。

Article 39

State organs belonging to the central government and all local governments at the level of province, autonomous region or directly-administered municipality shall formulate detailed principles for implementing the State Secrets Law and these measures according to the actual conditions of their system or region.

第四十条

本办法由国家保密工作部门负责。

Article 40

These measures are the responsibility of the national State Secrets Bureau.

Responsibility for measures

第四十一条

本办法自发布之日起施行。

Article 41

These measures shall take effect as of the day they are issued.

Effective date

**3. THE SUPREME PEOPLE’S COURT
 INTERPRETATION OF CERTAIN ISSUES REGARDING
 THE SPECIFIC APPLICATION OF THE LAW WHEN
 TRYING CASES OF STEALING, GATHERING,
 PROCURING OR ILLEGALLY PROVIDING STATE
 SECRETS OR INTELLIGENCE OUTSIDE OF
 THE COUNTRY**

Editors’ Note:

The Supreme People’s Court’s Interpretation of Certain Issues Regarding the Specific Application of the Law When Trying Cases of Stealing, Gathering, Procuring or Illegally Providing State Secrets or Intelligence Outside of the Country lays out the punishments for this particular set of crimes based on the “seriousness” of the circumstances of the crime (e.g. providing top-secret state secrets is more serious than lower-level secrets), with the death penalty being mandated where the crime is considered to have been committed under “especially deplorable circumstances.” Such vague wording leaves a great deal of latitude for the courts and procuratorates to determine the “seriousness” of any given crime.

A key article is Article 6, which extends the scope of punishment for this crime to any act of sending materials over the Internet that might contain state secrets or intelligence, a crime that has been used to punish many dissidents and writers in recent years.

The Chinese text of the following interpretation is available at: <http://www.court.gov.cn/lawdata/explain/penal/200303210002.htm>.

最高人民法院关于审理为境外窃取、刺探、收买、非法提供国家秘密、情报案件具体应用法律若干问题的解释

文件号：法释〔2001〕4号
颁布部门：最高人民法院
颁布日期：2001年1月17日
实施日期：2001年1月22日

为依法惩治为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密、情报犯罪活动，维护国家安全和利益，根据刑法有关规定，现就审理这类案件具体应用法律的若干问题解释如下：

第一条

刑法第一百一十一条规定的“国家秘密”，是指《中华人民共和国保守国家秘密法》第二条、第八条以及《中华人民共和国保守国家秘密法实施办法》第四条确定的事项。

刑法第一百一十一条规定的“情报”，是指关系国家安全和利益、尚未公开或者依照有关规定不应公开的事项。

The Supreme People's Court's Interpretation of Certain Issues Regarding the Specific Application of the Law When Trying Cases of Stealing, Gathering, Procuring or Illegally Providing State Secrets or Intelligence Outside of the Country

Document No.: Legal Interpretation No. 4 (2001)
Promulgation Body: The Supreme People's Court
Promulgation Date: January 17, 2001
Effective Date: January 22, 2001

In order to punish, according to law, the criminal activities of stealing, gathering, procuring or illegally providing state secrets or intelligence to bodies, organizations or individuals outside of the country, and to safeguard the security and interests of the state, the following interpretation of certain issues regarding the specific application of the law when hearing such cases is hereby given, based on the relevant provisions of the Criminal Law:

Article 1

The term “state secrets” as stipulated in Article 111 of the Criminal Law refers to those matters specified in Article 2 and Article 8 of the Law on the Protection of State Secrets of the People's Republic of China and in Article 4 of the Measures for Implementing the Law on the Protection of State Secrets of the People's Republic of China.

The term “intelligence” as stipulated in Article 111 of the Criminal Law refers to those matters that concern state security and interests which have either not yet been made public, or should not be made public, according to relevant regulations.

Purpose

"State secrets"

"Intelligence"

Intelligence to bodies/organizations/individuals outside of country

对为境外机构、组织、人员窃取、刺探、收买、非法提供国家秘密之外的情报的行为，以为境外窃取、刺探、收买、非法提供情报罪定罪处罚。

Acts of stealing, gathering, procuring or illegally providing intelligence that is not a state secret to bodies, organizations or individuals outside of the country shall be determined to be, and punished as, the crime of stealing, gathering, procuring or illegally providing intelligence to anyone outside of the country.

State secrets/intelligence to anyone outside of country under "especially serious circumstances"

第二条

为境外窃取、刺探、收买、非法提供国家秘密或者情报，具有下列情形之一的，属于“情节特别严重”，处十年以上有期徒刑、无期徒刑，可以并处没收财产：

Article 2

If an act of stealing, gathering, procuring or illegally providing state secrets or intelligence to anyone outside of the country is committed under any of the following circumstances, it shall be considered a crime committed under “especially serious circumstances” and a sentence of between ten years’ imprisonment and life imprisonment may be imposed and the defendant’s property and belongings may be confiscated:

• **top-level**

(一) 为境外窃取、刺探、收买、非法提供绝密级国家秘密的；

(1) Stealing, gathering, procuring or illegally providing top-secret level state secrets to anyone outside of the country;

• **three or more highly-secret**

(二) 为境外窃取、刺探、收买、非法提供三项以上机密级国家秘密的；

(2) Stealing, gathering, procuring or illegally providing three or more highly-secret level state secrets to anyone outside of the country;

• **state secrets/intelligence and especially serious harm**

(三) 为境外窃取、刺探、收买、非法提供国家秘密或者情报，对国家安全和利益造成其他特别严重损害的。

(3) Stealing, gathering, procuring or illegally providing state secrets or intelligence to anyone outside of the country, the results of which cause especially serious harm to state security and interests.

Especially deplorable circumstances and death penalty

实施前款行为，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑，并处没收财产。

If, in carrying out the acts mentioned in the above items, especially serious harm is caused to the state or the people, and if such acts are committed under especially deplorable circumstances, the death penalty may be

imposed and the defendant's property and belongings may be confiscated.

第三条

为境外窃取、刺探、收买、非法提供国家秘密或者情报，具有下列情形之一的，处五年以上十年以下有期徒刑，可以并处没收财产：

- (一) 为境外窃取、刺探、收买、非法提供机密级国家秘密的；
- (二) 为境外窃取、刺探、收买、非法提供三项以上秘密级国家秘密的；
- (三) 为境外窃取、刺探、收买、非法提供国家秘密或者情报，对国家安全和利益造成其他严重损害的。

第四条

为境外窃取、刺探、收买、非法提供秘密级国家秘密或者情报，属于“情节较轻”，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处没收财产。

Article 3

If an act of stealing, gathering, procuring or illegally providing state secrets or intelligence to anyone outside of the country is committed under any of the following circumstances, a sentence of between five and 10 years' imprisonment may be imposed and the defendant's property and belongings may be confiscated:

- (1) Stealing, gathering, procuring or illegally providing highly-secret level state secrets to anyone outside of the country;
- (2) Stealing, gathering, procuring or illegally providing three or more secret-level state secrets to anyone outside of the country; and
- (3) Stealing, gathering, procuring or illegally providing state secrets or intelligence to anyone outside of the country, the results of which cause serious harm to state security and interests.

Article 4

If an act of stealing, gathering, procuring or illegally providing secret level state secrets or intelligence to anyone outside of the country is committed under circumstances that are deemed to be "less serious," a sentence of five years' imprisonment or less, criminal detention, public surveillance or deprivation of political rights may be imposed and the defendant's property and belongings may be confiscated.

State secrets/intelligence to anyone outside of country under the following circumstances

- **highly-secret**
- **three or more secret-level**
- **state secrets/intelligence and serious harm**

Secret level/intelligence to anyone outside of country and "less serious circumstances"

"Knows/should know" standard for providing matter not marked to anyone outside of the country

第五条

行为人知道或者应当知道没有标明密级的事项关系国家安全和利益，而为境外窃取、刺探、收买、非法提供的，依照刑法第一百一十一条的规定以为境外窃取、刺探、收买、非法提供国家秘密罪定罪处罚。

Article 5

If a person knows, or should know, that any matter not marked with a security classification has a bearing on state security and interests but still steals, gathers, procures or illegally provides such matters to anyone outside of the country, the determination and punishment for this crime shall be that of stealing, gathering, procuring or illegally providing state secrets outside of the country according to the provisions in Article 111 of the Criminal Law.

Transmission via Internet

第六条

通过互联网将国家秘密或者情报非法发送给境外的机构、组织、个人的，依照刑法第一百一十一条的规定定罪处罚；将国家秘密通过互联网予以发布，情节严重的，依照刑法第三百九十八条的规定定罪处罚。

Article 6

If state secrets or intelligence are illegally transmitted via the Internet to bodies, organizations or individuals outside of the country, the determination and punishment for this crime shall be in accordance with the provisions in Article 111 of the Criminal Law. If state secrets are sent over the Internet and the circumstances are serious, the determination and punishment for this crime shall be in accordance with the provisions in Article 398 of the Criminal Law.

Verification of whether state secret and classification

第七条

审理为境外窃取、刺探、收买、非法提供国家秘密案件，需要对有关事项是否属于国家秘密以及属于何种密级进行鉴定的，由国家保密工作部门或者省、自治区、直辖市保密工作部门鉴定。

Article 7

When trying cases of stealing, gathering, procuring or illegally providing state secrets to anyone outside of the country, verification must be obtained as to whether or not the matter is a state secret and if so, which security classification it belongs to. Such verification must be obtained either from the national State Secrets Bureau or from a state secrets bureau at the provincial, autonomous region or directly-administered municipality level.

B.

Selected Provisions of Major Laws

Involving State Secrets

Editors' Note:

Below some of the key points in national laws that contain provisions on state secrets are excerpted. Article 4 of the State Security Law is crucial in understanding what the Chinese authorities consider to be crimes that “endanger state security”: the list encompasses both espionage-related and political crimes, the latter of which are not specified but come under the general headings of “conspiring to overthrow the government” (subversion, or any act that threatens the government), “splitting the country” (all ethnic unrest, such as protests in Tibet or the Xinjiang Uyghur Autonomous Region), and “overthrowing the socialist system” (used less often in recent years than the other two, which are invoked regularly to punish dissidents of all stripes).

The Criminal Law sets forth the actual sentences for all crimes; the provisions here are related to the crimes of stealing, gathering, procuring or illegally providing state secrets or intelligence outside of the country, endangering state security, and possessing or disclosing state secrets. As with the Supreme People’s Court Interpretation, above, the Criminal Law also uses the vague term of “serious” circumstances to determine the severity of punishment, thus again allowing substantial latitude to the courts. The Criminal Procedure Law explicates the legal procedures to be followed when the judicial organ arrests an individual, such as the right to an attorney.

中华人民共和国国家安全法

颁布部门：全国人大常委会
颁布日期：1993年2月22日
实施日期：1993年2月22日

Definition of "any act of endangering state security"

第四条

任何组织和个人进行危害中华人民共和国国家安全的行为都必须受到法律追究。

本法所称危害国家安全的行为，是指境外机构、组织、个人实施或者指使、资助他人实施的，或者境内组织、个人与境外机构、组织、个人相勾结实施的下列危害中华人民共和国国家安全的行为：

- (一) 阴谋颠覆政府，分裂国家，推翻社会主义制度的；
- (二) 参加间谍组织或者接受间谍组织及其代理人的任务的；
- (三) 窃取、刺探、收买、非法提供国家秘密的；

State Security Law of the People's Republic of China

Promulgation Body: The Standing Committee of the National People's Congress
Promulgation Date: February 22, 1993
Effective Date: February 22, 1993

Article 4

Any organization or individual that has committed any act of endangering state security of the People's Republic of China shall be prosecuted according to law.

The phrase "any act of endangering state security" as referred to in this law means any of the following acts of endangering state security of the People's Republic of China committed by institutions, organizations or individuals outside the territory of the People's Republic of China, or by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or by organizations or individuals within the territory in collusion with institutions, organizations or individuals outside of the country:

- (1) conspiring to overthrow the government, splitting the country or overthrowing the socialist system;
- (2) joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- (3) stealing, gathering, procuring or illegally providing state secrets;

(四) 策动、勾引、收买国家工作人员叛变的;

(4) instigating, luring or bribing a government official to turn traitor; and,

(五) 进行危害国家安全的其他破坏活动的。

(5) committing any other act of sabotage that endangers state security.

第二十条

任何个人和组织都不得非法持有属于国家秘密的文件、资料和其他物品。

Article 20

No individual or organization may illegally hold any documents, information or other materials classified as state secrets.

Illegally holding state secrets

第二十三条

境外机构、组织、个人实施或者指使、资助他人实施,或者境内组织、个人与境外机构、组织、个人相勾结实施危害中华人民共和国国家安全的行为,构成犯罪的,依法追究刑事责任。

Article 23

Whenever any act of endangering state security committed by institutions, organizations or individuals outside of the country, or committed by other persons under the instigation or financial support of said institutions, organizations or individuals, or committed by institutions or individuals within the country in collusion with institutions, organizations or individuals outside of the country constitutes a crime, such institutions, organizations or individuals shall be held criminally responsible according to law.

Institutions/organizations or individuals outside of country and criminal responsibility for endangering state security

第二十八条

故意或者过失泄露有关国家安全工作的国家秘密的,由国家安全机关处十五日以下拘留;构成犯罪的,依法追究刑事责任。

Article 28

Anyone who intentionally or mistakenly discloses a state secret related to state security work shall be detained by a state security organ for not more than 15 days; if such act constitutes a crime, that person shall be held criminally responsible.

Disclosing state secrets related to state security work

Search by state security organ and criminal responsibility for illegally holding or disclosing state secrets

第二十九条

对非法持有属于国家秘密的文件、资料和其他物品的，以及非法持有、使用专用间谍器材的，国家安全机关可以依法对其人身、物品、住处和其他有关的地方进行搜索；对其非法持有的属于国家秘密的文件、资料和其他物品，以及非法持有、使用的专用间谍器材予以没收。

非法持有属于国家秘密的文件、资料和其他物品，构成泄露国家秘密罪的，依法追究刑事责任。

中华人民共和国刑法(1997修订)

颁布部门：全国人民大会
 颁布日期：1997年3月14日
 实施日期：1997年10月1日
 修正日期：1999年12月25日，
 2001年8月31日，2001年12月29日，
 2002年12月28日，2005年2月28日，
 2006年6月29日

Sentences for stealing or providing state secrets outside the country and "circumstances"

第一百一十一条

为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密或者情报的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 29

A state security organ may search the body, belongings, residence and other related places of anyone who illegally holds documents, information or other materials classified as state secrets, or who illegally holds or uses equipment especially for espionage purposes, and it may confiscate such documents, information, materials and equipment.

Anyone who illegally holds documents, information or other materials classified as state secrets and commits the crime of disclosing state secrets shall be held criminally responsible according to law.

Criminal Law of the People's Republic of China (1997)

Promulgation Body: National People's Congress
 Promulgation Date: March 14, 1997
 Effective Date: October 1, 1997
 Amended: December 25, 1999;
 August 31, 2001; December 29, 2001; December 28, 2002;
 February 28, 2005; June 29, 2006

Article 111

Whoever steals, gathers, procures or illegally provides state secrets or intelligence for an organ, organization or individual outside of the country shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years. If the circumstances are deemed to be especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. If the circumstances are deemed to be less serious, he shall be sentenced to fixed-

term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

第一百一十三条

本章上述危害国家安全罪行中，除第一百零三条第二款、第一百零五条、第一百零七条、第一百零九条外，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑。

犯本章之罪的，可以并处没收财产。

第二百八十二条

以窃取、刺探、收买方法，非法获取国家秘密的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上七年以下有期徒刑。

非法持有属于国家绝密、机密的文件、资料或者其他物品，拒不说明来源与用途的，处三年以下有期徒刑、拘役或者管制。

Article 113

Whoever commits any of the crimes of endangering state security as mentioned above in this chapter, except for those crimes mentioned in Paragraph 2 of Article 103 and in Articles 105, 107 and 109,* if the crime causes especially serious harm to the state and the people or if the circumstances are especially serious, he or she may be sentenced to death.

Whoever commits any of the crimes mentioned in this chapter may also be subject to confiscation of their property and belongings.

*[*Ed. Note: These are: inciting others to split the state or undermining national unity; subverting state power or overthrowing the socialist system; spreading rumors or slander to subvert state power; funding criminal activities in China from abroad; and the defection of government officials while discharging their official duties abroad.]*

Article 282

Whoever uses the methods of stealing, gathering or procuring to illegally obtain state secrets shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. If the circumstances are deemed to be serious, he or she shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever unlawfully holds documents, information or other materials classified as “top secret” or “highly secret” state secrets and refuses to explain their

Death penalty if endangering state security and especially serious harm or circumstances

Confiscation of property and belongings

Sentences for stealing, etc. under serious circumstances

Violations by state personnel

第三百九十八条

国家机关工作人员违反保守国家秘密法的规定，故意或者过失泄露国家秘密，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

source or purpose shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 398

State personnel who violate provisions of the Law on the Protection of State Secrets and who, under circumstances deemed to be serious, either intentionally or through negligence disclose state secrets, shall be sentenced to three years' imprisonment or less, or criminal detention. If the circumstances of their crime are deemed to be especially serious, they shall be sentenced to not less than three years and not more than seven years' imprisonment.

Violations by non-state personnel

非国家机关工作人员犯前款罪的，依照前款的规定酌情处罚。

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished according to the circumstances and in accordance with the provisions of the preceding paragraph.

中华人民共和国刑事诉讼法(1996修订)

颁布部门：全国人民代表大会
颁布日期：1996年3月17日
实施日期：1997年1月1日

Criminal Procedure Law of the People's Republic of China (1996)

Promulgation Body: National People's Congress
Promulgation Date: March 17, 1996
Effective Date: January 1, 1997

Evidence

- **authority to collect/obtain**

第四十五条

人民法院、人民检察院和公安机关有权向有关单位和个人收集、调取证据。有关单位和个人应当如实提供证据。

Article 45

The people's courts, the people's procuratorates and the public security organs have the authority to collect or obtain evidence from all units and individuals concerned. The units and individuals concerned shall provide truthful evidence.

- **confidential**

对于涉及国家秘密的证据，应当保密。

Evidence involving state secrets shall be kept confidential.

凡是伪造证据、隐匿证据或者毁灭证据的，无论属于何方，必须受法律追究。

第九十六条

犯罪嫌疑人在被侦查机关第一次讯问后或者采取强制措施之日起，可以聘请律师为其提供法律咨询、代理申诉、控告。犯罪嫌疑人被逮捕的，聘请的律师可以为其申请取保候审。涉及国家秘密的案件，犯罪嫌疑人聘请律师，应当经侦查机关批准。

受委托的律师有权向侦查机关了解犯罪嫌疑人涉嫌的罪名，可以会见在押的犯罪嫌疑人，向犯罪嫌疑人了解有关案件情况。律师会见在押的犯罪嫌疑人，侦查机关根据案件情况和需要可以派员在场。涉及国家秘密的案件，律师会见在押的犯罪嫌疑人，应当经侦查机关批准。

第一百五十二条

人民法院审判第一审案件应当公开进行。但是有关国家秘密或者个人隐私的案件，不公开审理。

Anyone who falsifies, conceals or destroys evidence, regardless of which side of a case he belongs to, must be investigated under law.

Article 96

After a criminal suspect has been interrogated by an investigative organ for the first time, or starting from the day on which coercive measures are adopted against him, he may appoint a lawyer to provide him with legal advice and to file petitions and complaints on his behalf. If a criminal suspect has been arrested, his lawyer may request that the suspect be released on bail pending trial. If a case involves state secrets, the criminal suspect must obtain the approval of the investigative organ before appointing a lawyer.

The appointed lawyer shall have the right to find out from the investigative organ what crime the criminal suspect is suspected of, and may meet with the criminal suspect in custody to learn the details of the case. When the lawyer meets with the criminal suspect in custody, the investigative organ may, according to the circumstances of the case and as it deems necessary, send one or more of its personnel to be present at the meeting. If a case involves state secrets, before the lawyer meets with the criminal suspect, he must obtain the approval of the investigative organ.

Article 152

Trials of the first instance heard in a people's court shall be heard in public. However, cases involving state secrets or the private affairs of individuals shall not be heard in public.

- **falsification, concealment or destruction**

Appointment of lawyer

Rights of appointed lawyer

Public or not public trials

十四岁以上不满十六岁未成年人犯罪的案件，一律不公开审理。十六岁以上不满十八岁未成年人犯罪的案件，一般也不公开审理。

No cases involving crimes committed by minors who have reached the age of 14 but not the age of 16 shall be heard in public. Generally, cases involving crimes committed by minors who have reached the age of 16 but not the age of 18 shall also not be heard in public.

对于不公开审理的案件，应当当庭宣布不公开审理的理由。

The reason for not hearing a case in public shall be announced in court.

The full Chinese text of the above laws are available at:

- State Security Law of the People's Republic of China: http://www.gov.cn/ziliao/flfg/2005-08/05/content_20927.htm
- Criminal Law of the People's Republic of China: <http://www.people.com.cn/item/faguiku/xingf/R1010.html>
- Criminal Procedure Law of the People's Republic of China: http://www.gov.cn/banshi/2005-05/25/content_887.htm

C.

Four Classified Regulations Pertaining to Law Enforcement and the Judiciary

1. REGULATION ON STATE SECRETS AND THE SPECIFIC SCOPE OF EACH LEVEL OF SECRETS IN PUBLIC SECURITY WORK

Editors' Note:

The following regulation details the precise scope of state secrets and internal matters in public security (police) work. Issued jointly by the Ministry of Public Security and the National Administration for the Protection of State Secrets in February 1995, this regulation is itself classified as a “secret” level document.

This regulation mandates a far-reaching classification of basic information in police work, ranging from the “deployment” of law enforcement duties to undisclosed statistics about arrests of state security suspects and sentencing of offenders to the reeducation-through-labor system.

Reflecting the role of the public security organs in suppressing political dissent and social strife, Article 2 lists as top secret any “important” information on “international hostile organizations,” “splittist organizations” and “hostile religious organizations” that are currently under investigation by a public security organ. Information on handling illegal gatherings, demonstrations, disturbances, riots, and other critical political incidents that have a “major influence” on local social order is considered “highly secret.”

This regulation also contains a level of secrecy below “secret” which is termed “*neibu*” (internal). Article 3 lists the items that—although not technically classed as state secrets—still may not be released to the public without consent of the relevant body. This information includes statistics on kidnapping and trafficking in humans, details of criminal cases whose disclosure would have a “negative impact” on the public, and certain information on violations of the law or codes of conduct by police officers.

The source for the following regulation is: 国家保密局（编），《国家秘密及其密级具体范围的规定选编》（修订本）（机密），（北京：金城出版社，1997），7–12 [National Administration for the Protection of State Secrets, ed., *Selected Regulations on State Secrets and the Specific Scope of Each Level of Secrets* (Revised Edition, Classified as “Highly Secret”), (Beijing: Jincheng Publishing House, 1997), 7–12].

公安工作中国家秘密及其密级具体范围的规定

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work

颁布日期：1995年3月28日
实施日期：1995年5月1日

Promulgation Date: March 28, 1995
Effective Date: May 1, 1995

Promulgating authority

第一条

根据《中华人民共和国保守国家秘密法》第二章第十条规定，制定本规定。

Article 1

This regulation has been formulated in accordance with Chapter 2, Article 10 of the Law on the Protection of State Secrets of the People’s Republic of China.

Scope of each classification level

第二条

公安工作中国家秘密及其密级的具体范围：

Article 2

State secrets and the specific scope of each level of secrets in public security work are as follows:

Top secret

(一) 绝密级事项

A. Matters classed as top secret

1. 党和国家主要领导人、来访的外国国家元首和政府首脑未公开的活动日程、警卫部署，住地、路线、现场警卫的警力部署及其通信联络方法和秘密安全设施、执勤方案、警卫手段。

1. Information that has not already been made public on the itineraries and deployment of security guards for top Party and state leaders, visiting foreign heads of state and heads of government; the deployment of security guards at the homes of these individuals, along routes that they follow, and in public locations; methods for communicating with and contacting these individuals, as well as secret security arrangements, plans for implementing such arrangements, and the methods used by security guards.

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| <p>2. 涉及国家安全统一、社会稳定、民族团结、国家经济利益、对外关系等特别重要的秘密情报；</p> <p>3. 公安机关防范、制止、处置骚乱、暴乱、重大紧急治安事件的具体方案；</p> <p>4. 重点警卫、守卫、守护目标和国家重点建设工程，国防保密工程，通信、电力、水力、交通枢纽设施，重要的信息中心等要害单位或部位，重要军工产品、尖端科研项目的安全保卫工作计划和警卫、守卫值勤方案、力量部署、安全技术防范措施及其有关情况；</p> <p>5. 重要情报的来源、获取手段和联络方法；</p> <p>6. 对重要侦控对象的查控、堵截措施、材料和正在侦查的重要专案、敌情线索查证情况；</p> | <p>2. Secret intelligence involving the coordination of national security, the stability of social administration, ethnic unity, national economic interests, foreign relations, and other especially important intelligence.</p> <p>3. Specific plans of the public security organ to guard against, prevent or deal with disturbances, riots and other major and urgent public order incidents.</p> <p>4. Key sites being guarded, protected or defended; key national engineering projects; classified projects related to national defense; the facilities at communications, electrical, water or transportation hubs; important centers of information and other critical units or parts; the output of important military projects; the plans and security personnel used in the security and protection work of advanced scientific research projects; the objectives of on-duty security guards; the strength of their deployments; measures to safeguard technology; and other relevant information.</p> <p>5. The sources of and methods used to procure important intelligence, and the methods used for maintaining contact.</p> <p>6. Information on investigating and controlling, on ways to intercept, and other materials regarding important targets of surveillance, as well as information used to verify important cases currently under investigation or leads on enemy positions.</p> |
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| <p>7. 公安机关调查掌握境内外敌对组织或社团、间谍特务组织、民族分裂组织、黑社组织、国际犯罪集团、国际恐怖组织、宗教敌对势力、反动会道门和境内非法组织及其人员的重要情况和动态；</p> | <p>7. Important information and developments on domestic and international hostile organizations or movements, espionage and spy organizations, minority splittist organizations, secret societies, international criminal gangs, international terrorist organizations, hostile religious organizations, reactionary sects, and other illegal domestic organizations and their personnel that are currently under investigation by a public security organ.</p> |
| <p>8. 侦察工作专案、阵地、特情、密干、“朋友”、“关系”、秘密保卫员及业务据点的布建、审批、使用、管理情况；</p> | <p>8. Information on the reconnoitering work of special cases, enemy positions, special agents, secret agents, “friends,” “relations,” and secret security personnel, as well as the establishment, applications for approval, usage and management of their strongholds.</p> |
| <p>9. 技术侦察手段和技术侦察阵地的设置、实力、使用情况；</p> | <p>9. Information on methods of technical reconnaissance work and the installation, strength and uses of technical reconnaissance positions.</p> |
| <p>10. 技术侦察手段的技术方法、技术侦察专用器材的性能、管理情况及其更新换代情况；</p> | <p>10. Information on the function and administration of the specific technical means for doing technical reconnaissance work and the specialized equipment used for such work, as well as the newest generations of such equipment.</p> |
| <p>11. 技术侦察业务工作和技术管理情况；</p> | <p>11. Information on professional technical reconnaissance work and the technical administration of such work.</p> |
| <p>12. 计算机系统处理绝密级信息的安全技术措施；</p> | <p>12. Measures to safeguard the technology of encoding systems used to handle top-secret information.</p> |

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| 13. 居民身份证、边境管理区通行证和出入境证件的一类防伪措施； | 13. Category 1 measures to protect against forging resident identity cards, transit visas used at border control areas, and entry and exit visas. |
| 14. 有重大影响的外国人秘密入境向我申请政治避难的情况； | 14. Information on foreign nationals of great influence who secretly enter the country and apply for political asylum. |
| 15. 担负看守所、劳改单位看押任务的武警部队执勤方案及其有关情况； | 15. Information on plans for police troops responsible for guarding detention centers and reeducation-through-labor units, and other related information. |
| 16. 武警部队总队（含）以上的实力统计和执勤目标、岗哨的综合统计。 | 16. Compiled statistics on the strength of police troops at the regiment level and above, and on sites being guarded by on-duty troops and sentry guards. |

(二) 机密级事项

B. Matters classed as highly secret

Highly secret

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| 1. 重点对象以外的警卫对象和国内、国际举行的重要会议、重大活动未公开的活动安排、警卫部署，通信联络的密语、代号，住地的秘密安全设施及其有关情况； | 1. Except for key targets of security personnel, all information that has not yet been made public regarding the arrangements and security deployments for important conferences and major events held domestically and internationally; secret codes and code names used for making contact; secret security arrangements at residences; and other related information. |
| 2. 在处理涉外案件、事件中对外交涉、谈判的策略、方案，我同外国警方的秘技术合作或对外承担保密义务的事项； | 2. Tactics and plans for handling cases and incidents involving foreign matters or foreign affairs negotiations, and matters related to secret technical cooperation with international police forces or with foreigners who have the duty of protecting state secrets. |

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| <p>3. 反革命案件的统计数字、综合情况；</p> | <p>3. Numerical and compiled statistics on counterrevolutionary cases.</p> |
| <p>4. 重点目标以外的其它警卫、守卫、守护目标的安全保卫工作计划、守护力量部署、执勤方案和安全技术防范措施及其有关情况；</p> | <p>4. Except for key sites, all other information on security defense plans, the deployment of guards, and duty rosters of security personnel at sites being guarded, protected or defended, as well as measures to safeguard technology and other related information.</p> |
| <p>5. 公安机关调查掌握的境内外敌对组织或社团、间谍特务组织、民族分裂组织、黑社会组织、国际犯罪集团、国际恐怖组织、宗教敌对势力、反动会道门和境内非法组织及其人员的一般情况和动态；</p> | <p>5. General information and developments on domestic and international hostile organizations or movements, espionage and spy organizations, minority splittist organizations, secret societies, international criminal gangs, international terrorist organizations, hostile religious organizations, reactionary sects, and other illegal domestic organizations and their personnel that are currently under investigation by a public security organ.</p> |
| <p>6. 对外国、外商驻华机构和人员的工作情况以及来华政治避难的外国人管理情况；</p> | <p>6. Information on the work of foreign agencies and businesses posted in China and their personnel, and information on handling foreign nationals who come to China for political asylum.</p> |
| <p>7. 正在侦查的重大刑事案件的侦察方案、使用手段，侦察、预审及技术鉴定工作情况；</p> | <p>7. Plans and methods used to investigate important criminal cases already under investigation, as well as information on investigations, prejudication, and the work of technical verification.</p> |
| <p>8. 根据《刑事诉讼法》第五十条的规定，因“有碍侦查”而在逮捕后不通知家属或所在单位的重要案犯关押地点、动态，有重大影响的服刑人员的动态；</p> | <p>8. Information on the place of custody or circumstances of prisoners of great influence who are serving sentences and who, after being arrested, in order to “obstruct the investigation” did not</p> |

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- notify their families or units in accordance with the provisions of Article 50 of the Criminal Procedure Law.
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| 9. 国家级重要计算机系统的安全状况和安全措施，以及进行安全检查的有关情况； | 9. Security measures and the security situation of important state-level encoding systems, as well as related information used to carry out safety inspections. |
| 10. 无线通信中正在或准备使用的用于侦察反革命案件和重大刑事案件、布置警卫工作、处理紧急治安事件、调动警力的联络呼号、密语； | 10. Call letters and secret contact codes that are either in current use or are being prepared to be used through wireless communications to investigate counterrevolutionary cases and important criminal cases, to arrange security work, to handle public order emergencies, or to transfer security forces. |
| 11. 来源秘密的公安科学技术和科研资料； | 11. Materials on the source of secrets used in public security technology and research. |
| 12. 平息、处理对当地社会秩序有重大影响的非法集会、游行示威和闹事、骚乱及其它紧急治安事件的具体工作部署及其有关情况； | 12. Information on the specific deployment of troops to suppress and handle illegal gatherings, demonstrations and protests, as well as disturbances, riots and other public order emergencies that have a major influence on local social order, and other related information. |
| 13. 预防和处理看守所人犯暴狱、劫狱等重大事故的预案及其有关情况； | 13. Information on preventing and handling prison violence, jail-breaks and other major incidents, and other related information. |
| 14. 居民身份证、边境管理区通行证和出入境证件的二类防伪措施； | 14. Category 2 measures to protect against forging resident identity cards, transit visas used at border control areas, and entry and exit visas. |

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| <p>15. 公安机关隐蔽工作单位的机构、任务、人员、编制、经费情况和人员、器材伪装及其掩护措施；</p> | <p>15. Information on the organization, duties, personnel, establishment and expenditures of covert public security work units, as well as their undercover personnel and counterfeit equipment, and measures to keep them undercover.</p> |
| <p>16. 武器弹药、爆炸物品和剧毒物品及放射性物品的集中存放地点、数量、守护、运送情况；</p> | <p>16. Information on the locations of concentrated deposits, quantities, measures to safeguard, and transportation of weapons ammunition, explosive materials, highly toxic substances and radioactive materials.</p> |
| <p>17. 武警部队支队、大队的实力统计和执行目标、岗哨的综合统计。</p> | <p>17. Compiled statistics on the strength of detachments and brigades of armed troops and on the sites being guarded by on-duty troops and sentry guards.</p> |

Secret

(三) 秘密级事项

C. Matters classed as secret

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| <p>1. 公安机关打击、查处违法犯罪活动的具体工作部署、行动方案；</p> | <p>1. Plans for the specific deployment and movements of public security organs in cracking down on, investigating and handling unlawful criminal activities.</p> |
| <p>2. 尚未公布的全国和各省、自治区、直辖市逮捕人犯、劳动教养、少年管教、收容审查、抓获人犯的综合情况和统计数字；</p> | <p>2. Compiled information and statistics that have not yet been made public on criminals that have been arrested, captured, sent for reeducation through labor or juvenile rehabilitation, or taken in for shelter and investigation in any directly-administered municipality, autonomous region or province throughout the country.</p> |
| <p>3. 国有大型企业的守护力量部署、安全技术防范措施及其它有关情况；</p> | <p>3. The strength and deployment of guards at, and the measures to safeguard technology of, large state-owned enterprises, and other related information.</p> |

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| 4. 技术侦察手段的代号； | 4. Codes names used for technical reconnaissance methods. |
| 5. 公安机关掌握的重要社情动态； | 5. Important social movements being looked into by public security organs. |
| 6. 重要的检举、揭发材料和检举、揭发人的姓名、住址以及可能危害其安全的有关情况； | 6. Important information from informants and whistleblowers, the names and addresses of informants and whistleblowers, and any other information that might endanger their persons or their safety. |
| 7. 公安机关调查、掌握、控制的工作对象以及重点人口的情况和数字； | 7. Information and statistics on those who are targets of investigation, under investigation, or under the control of public security organs, and key members of the population that are under public security scrutiny. |
| 8. 正在侦察、预审的刑事案件的具体方案、重要案情和侦察、预审工作情况； | 8. Specific plans and important case details on criminal cases that are in the information-gathering or the pretrial stages, and information on information-gathering or pretrial work. |
| 9. 根据《刑事诉讼法》第五十条的规定，因“有碍侦查”而在逮捕后不通知其家属或所在单位的一般案犯关押地点和动态； | 9. Information on the place of custody or circumstances of ordinary prisoners who, after being arrested, in order to “obstruct the investigation,” did not notify their families or units in accordance with the provisions of Article 50 of the Criminal Procedure Law. |
| 10. 各地构成犯罪的非法种植毒品原植物案件和铲除此类毒品原植物的统计数字，境内制造毒品的情况、数字； | 10. Statistics on anything that constitutes a crime in any part of the country involving cases of growing botanical substances for illegal drugs or digging up this kind of botanical substance for drug use, and information or figures |

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| | on the domestic manufacturing of drugs. |
| 11. 公安机关社会化、职业化阵地、据点的情况； | 11. Information on positions or strongholds that have been used for social or business purposes by the public security organs. |
| 12. 治安、狱内耳目的布建、使用情况及其数字； | 12. Information and statistics on the setting up and uses of spies in public order work or inside prisons. |
| 13. 无线通讯中，用于刑侦和社会治安工作的频率、暗语； | 13. The frequencies and code words used in wireless communications to perform criminal investigations and public order work. |
| 14. 计算机安全监察工作的总体部署，处理涉密讯息计算机系统的信息安全和物理安全措施； | 14. The total deployment of those in charge of computer security work, the security of computer systems that handle information involving secrets, and the physical safety measures of such systems. |
| 15. 侦察、边防、出入境管理部门侦控工作的内部工作程序； | 15. The procedures of the internal surveillance work of reconnoitering scouts, border patrols, and departments that handle immigration. |
| 16. 居民身份证、边防管理区通行证和出入境证件的三类防伪措施，各种公安业务专用章和机动车驾驶证执照的防伪措施； | 16. Category 3 measures to protect against forging resident identity cards, transit visas used at border control areas, and entry and exit visas. Measures to protect against forging all kinds of specialized public security business stamps [chops] as well as licenses to operate motor vehicles. |
| 17. 武警部队中队的执勤目标、岗哨统计和实力统计。 | 17. Statistics on the sites being guarded by on-duty armed forces at the squadron level, sentry guards, and the strength of these troops. |

第三条

公安工作中下列事项不属于国家秘密，但应当作为内部事项管理，未经规定机关批准不得擅自扩散：

1. 尚未公布的统计数字和文件、公文、管理措施；
2. 刑事技术的具体方法和具有国际先进水平的刑事技术器材；
3. 公安机关掌握的一般社情动态；
4. 尚未构成犯罪的零星非法种植毒品原植物情况、零星铲除情况及其数字；
5. 拐卖人口的发案数字和被拐卖人口数字，涉及少收民族妇女、外籍妇女和严重威胁群众安全感的拐卖人口案件以及群众阻挠解救受害妇女儿童案件的具体案情；
6. 已破案但公开会造成不良影响的刑事案件的具体案情；

Article 3

The following matters are not classed as state secrets within public security work, but they should be handled as internal (*neibu*) matters and their unauthorized dissemination is not allowed without first getting permission from the regulatory organ.

1. Statistics and files, documents, and administrative measures that have not yet been made public.
2. Specific methods of criminal investigation techniques and advanced criminal investigation techniques used internationally.
3. General social movements currently being looked into by public security organs.
4. Information or figures on anything that does not yet constitute a crime involving scattered cases of growing or digging up botanical substances for illegal drugs.
5. Figures on cases of kidnapping and trafficking in humans and figures on those kidnapped or sold; cases involving the kidnapping and trafficking of women belonging to ethnic minorities or women from outside the country; cases of kidnapping and trafficking in humans that seriously threaten the safety of the public; and specific details of cases of gathering crowds to obstruct the rescue of women or children that are in danger of being harmed.
6. Specific details of criminal cases that have already been solved but whose public disclosure would have a negative impact.

Internal (neibu) matters

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| <p>7. 大型活动的保卫工作方案及其具体措施；</p> | <p>7. Plans and specific measures for security arrangements at large-scale activities.</p> |
| <p>8. 国有企业的安全保卫工作计划、守护力量部署、安全技术防范措施及其它有关情况；</p> | <p>8. Plans to secure the safety of, and the number of guards deployed to protect, state-owned enterprises, as well as measures to safeguard their technology and other related information.</p> |
| <p>9. 内部参阅的各种资料；</p> | <p>9. All kinds of internal (<i>neibu</i>) reference materials.</p> |
| <p>10. 正在拟议中的构机、人员调整意见；</p> | <p>10. Opinions currently being drafted regarding proposed changes to organs and their personnel.</p> |
| <p>11. 未决定公布的公安干警违法违纪的统计数字和情况；</p> | <p>11. Information and statistics—about which a decision has not yet been made regarding whether to make such information public—concerning violations of the law or codes of conduct by public security officers.</p> |
| <p>12. 由县以上公安机关规定的其它事项。</p> | <p>12. All other matters concerning regulations of public security organs at the county level and above.</p> |

Public security work and other departments' work

第四条

公安工作中涉及其它部门保密工作事项的，按照有关保密范围执。

Article 4

Matters in public security work that affect other departments' work of protecting state secrets must be handled according to the relevant scope of state secrets protection.

Secrets used by police troops

第五条

武警部队的其它涉密事项执行军队系统的定密规定。

Article 5

Secret regulations on other matters involving secrets used by police troops to implement systems of the armed forces.

第六条

本规定由公安部保密工作机构负责解释。

Article 6

Explaining this regulation is the work of the organ responsible for the protection of secrets of the Ministry of Public Security.

Responsibility for explaining regulation**第七条**

本规定自1995年5月1日起生效。公安部、国家保密局1989年10月17日印发的《公安工作中国家秘密及其密级具体范围的规定》（〔89〕公发21号文件）同时废止。

Article 7

This regulation takes effect as of May 1, 1995. At the same time, the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Security Work (document no. 21 [89]) issued on October 17, 1989 is hereby revoked.

Effective date

2. REGULATION ON STATE SECRETS AND THE SPECIFIC SCOPE OF EACH LEVEL OF SECRETS IN THE WORK OF THE PEOPLE'S PROCURATORATES

Editors' Note:

The regulation below details the precise scope of state secrets and internal matters in the work of the people's procuratorates. Issued jointly by the Supreme People's Procuratorate and the National Administration for the Protection of State Secrets, this regulation is itself classified as a "secret" level document.

This regulation mandates the classification of matters such as statistics and information regarding the death penalty at all administrative levels, and the number of political cases handled yearly (referred here under their pre-1997 appellation of "counterrevolutionary crimes"). Included in the list of matters classed as "highly secret" are statistics and details regarding the use of torture to extract confessions, a practice that has caused much controversy within the judicial system and internationally.

This type of information is commonly regarded as key indicators of a country's human rights record, in particular in respect to the administration of justice.

The source for the following regulation is: 国家保密局（编），《国家秘密及其密级具体范围的规定选编》（修订本）（机密），（北京：金城出版社，1997年），70-71页 [National Administration for the Protection of State Secrets, ed., *Selected Regulations on State Secrets and the Specific Scope of Each Level of Secrets* (Revised Edition, Classified as "Highly Secret"), (Beijing: Jincheng Publishing House, 1997), 70-71].

检察工作中国家秘密及其密级具体范围的规定

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People's Procuratorates

实施日期：1996年1月15日

Effective Date: January 15, 1996

第一条

为维护国家的安全和利益，保障检察工作依法顺利进行，根据《中华人民共和国保守国家密法》和《中华人民共和国保守国家秘密法实施办法》的规定，制定本规定。

Article 1

In order to safeguard the security and interests of the state and to ensure that the work of the people's procuratorates runs smoothly and according to law, this regulation has been formulated in accordance with the provisions in the Law on the Protection of State Secrets of the People's Republic of China and the Measures for Implementing the Law on the Protection of State Secrets of the People's Republic of China.

Purpose and promulgating authority

第二条

检察工作中的国家秘密是指关系国家的安全和利益，依照法定程序确定，在一定时间内只限一定范围的人员知悉的事项。

Article 2

State secrets in the work of the people's procuratorates refers to matters that are related to state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time.

Definition of state secrets

第三条

检察工作中国家秘密及其密级的具体范围：

Article 3

State secrets and the specific scope of each level of secrets in the work of the people's procuratorates are as follows:

Scope of each classification level

(一) 绝密级事项

- 1. 检察机关正在立案侦查（包括立案前的初查）的对国家安全、社会稳定有影响的案件和涉及省部级以上干部的案件的侦查方案及案件材料（包括举报材料）；

A. Matters classed as top secret

Top secret

- 1. Plans and materials for investigating cases put on file for investigation that are currently being investigated by procuratorial organs (including initial investigations that occurred prior to putting a case on file) and that could impact state security or social stability, as well as plans and ma-

materials for investigating cases that involve cadres at the provincial level or above (including materials provided by informants).

2. 全国死刑统计数字及综合情况；
3. 检察系统使用的保密机及其密钥和加密算法；

2. Statistics and compiled information on death sentences nationwide.
3. Scrambling devices used in the work of the procuratorates, as well as their keys and encryption algorithms.

Highly secret

(二) 机密级事项

B. Matters classed as highly secret

1. 检察机关正在立案侦查（包括立案前的初查）的案件的侦查计划、处理意见及有关材料（包括举报材料）；
2. 反革命案件的统计数字和综合情况；
3. 涉外案件对外交涉的策略、方案；
4. 省、自治区、直辖市死刑统计数字和综合情况；
5. 采取刑讯逼供、体罚虐待手段造成严重后果的统计数字和具体案情；

1. Plans for investigating and ideas on how to handle cases put on file for investigation that are currently being investigated by procuratorial organs (including initial investigations that occurred prior to putting a case on file), as well as related materials (including materials provided by informants).
2. Statistics and compiled information on counterrevolutionary cases.
3. Strategies and proposals regarding cases involving foreigners or foreign affairs.
4. Statistics and compiled information on death sentences within provinces, autonomous regions or directly-administered municipalities.
5. Statistics and specific case details regarding the use of torture to extract confessions and corporal punishment abuse that led to serious consequences.

6. 检察机关武器弹药调拨、发运、存放情况。

6. Information on the allocation, transportation, and storage of weapons and ammunition by procuratorial organs.

(三) 秘密级事项

C. Matters classed as secret

Secret

1. 审查起诉的刑事案件（自侦案件除外）的有关材料和处理意见；

1. Relevant materials and opinions on how to handle investigations into indictments of criminal cases (except for cases investigated by oneself).

2. 尚未公布的全国和省、自治区、直辖市刑事案件、逮捕人犯的统计数字；

2. Statistics on criminal cases, and on those arrested in connection with such cases, that have not yet been made public either nationwide or within provinces, autonomous regions or directly-administered municipalities.

3. 省辖市（地区、自治州）死刑统计数字和综合情况。

3. Statistics and compiled information on death sentences within provincially-administered municipalities (prefectures and autonomous prefectures).

第四条

检察工作中涉及其它部门的国家秘密事项，按照国家有关主管部门的保密范围确定密级。

Article 4

If there are any state secret matters within the work of the procuratorate that involve other departments, the security classification of those matters should be carried out according to the scope of state secrets protection practiced by that department.

Classification of matters that involve other departments

第五条

本规定由最高人民法院保密委员会负责解释。

Article 5

Explaining this regulation is the responsibility of the Committee on the Protection of State Secrets of the Supreme People's Procuratorate.

Responsibility for explaining regulation

Effective date

第六条

本规定自1996年1月15日起生效。最高人民法院、国家保密局1989年10月23日制定的《检察工作中国家秘密及其密级具体范围的规定》（〔1989〕高检发保委字第17号），最高人民法院1990年8月23日制定的《关于〈检察工作中国家秘密及其密级具体范围的规定〉的说明》（高检发保委字〔1990〕1号）同时废止。

Article 6

This regulation shall take effect as of January 15, 1996. At the same time, the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People's Procuratorate (Supreme Procuratorate Protection Committee document no. 17 [1989]) jointly issued on October 23, 1989 by the Supreme People's Procuratorate and the National Administration for the Protection of State Secrets, as well as the Explanation of the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People's Procuratorates (Supreme Procuratorate Protection Committee document no. 1 [1990]) issued on August 23, 1990 by the Supreme People's Procuratorate, are hereby revoked.

3. REGULATION ON STATE SECRETS AND THE SPECIFIC SCOPE OF EACH LEVEL OF SECRETS IN THE WORK OF THE PEOPLE'S COURTS

Editors' Note:

The following regulation details the precise scope of state secrets and internal matters in the work of the people's courts. Issued jointly by the Supreme People's Court and the National Administration for the Protection of State Secrets in July 1995, this regulation is itself classified as a "secret" level document.

This regulation reflects the high level of secrecy under which courts operate in China, as well as their subordination to the internal instructions of the Supreme People's Court and the higher people's courts. Indeed, Article 7 states that, although the work of the people's courts is itself not a state secret, "any matters that, once made public, could have a negative impact or undesirable results" must not be made public, thereby providing the courts with legal justification for withholding trial proceedings from the public domain.

Cases of "very high," "high" and "relatively high" significance, as well as the instructions received by the courts on how to adjudicate them, are respectively classified as top secret, highly secret and secret. The term "significance" is not specifically defined but seems to refer to the risk of public embarrassment or loss of political control that certain cases might cause for the government, such as "major criminal cases involving Party or state leaders," "socially sensitive cases" or cases that, "if disclosed, could provoke social unrest or intensify ethnic conflicts."

This regulation also mandates the classification of all information regarding "the use of bodily organs of prisoners who have been sentenced to death," a subject that has been widely discussed and for which the government has been criticized in recent years (Article 3, Section B.4).

The source for the following regulation is: 国家保密局（编），《国家秘密及其密级具体范围的规定选编》（修订本）（机密），（北京：金城出版社，1997年），52-55页 [National Administration for the Protection of State Secrets, ed., *Selected Regulations on State Secrets and the Specific Scope of Each Level of Secrets* (Revised Edition, Classified as "Highly Secret"), (Beijing: Jincheng Publishing House, 1997), 52-55].

人民法院工作中国家秘密及其密级具体范围的规定

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People's Courts

颁布日期：1995年7月31日
 实施日期：1995年8月8日

Promulgation Date: July 31, 1995
 Effective Date: August 8, 1995

Purpose and promulgating authority

第一条

根据《中华人民共和国保守国家秘密法》和《中华人民共和国保守国家秘密法实施办法》的规定，为维护国家的安全和利益，保障人民法院审判工作依法顺利进行，制定本规定。

Article 1

In order to safeguard the security and interests of the state and to ensure that the judicial work of the people's courts runs smoothly and according to law, this regulation has been formulated in accordance with the provisions in the Law on the Protection of State Secrets of the People's Republic of China and the Measures on Implementing the Law on the Protection of State Secrets of the People's Republic of China.

Definition of state secrets

第二条

人民法院工作中国家秘密是指人民法院工作中关系国家安全和利益，依照法定程序确定，并在一定时间内只限一定范围的人员知悉的事项。

Article 2

State secrets in the work of the people's courts refers to matters that are related to state security and national interests and, as specified by legal procedure, are entrusted to a limited number of people for a given period of time.

Scope of each classification level

第三条

人民法院工作中的国家秘密及其密级的具体范围：

Article 3

State secrets and the specific scope of each level of secrets in the work of the people's courts are as follows:

Top secret

(一) 绝密级事项

1. 最高人民法院和高级人民法院就审理具有特别重大影响案件的内部重要指示、决定、部署、方案和案件处理中重大问题的请示、报告、批复。

A. Matters classed as top secret

1. Important internal directives, decisions, plans and proposals used by the Supreme People's Court and higher people's courts in trying cases of very high significance, as well as requests for instructions, reports and official replies regarding important

questions that come up in handling such cases.

本规定所指的“具有特别重大影响案件”，一般应是最高人民法院或高级人民法院作为一审的下列案件：

- (1) 在全国或省、自治区、直辖市范围内具有重大影响的反革命案件；
- (2) 关系国家主权和国家重大利益的涉外案件；
- (3) 关系国家内政、外交工作的非常敏感案件；
- (4) 如泄露可能在全国或省、自治区、直辖市范围内引起社会动乱和激化民族矛盾的案件；
- (5) 涉及党和国家领导人的重大刑事案件。

也可以是因特殊需要，由上级人民法院指定中级人民法院作为一审的上述(1)至(4)类案件。

In this regulation, the phrase “cases of very high significance” generally refers to the following types of cases tried in trials of the first instance by the Supreme People’s Court or higher people’s courts:

- (i) Counterrevolutionary cases of high significance either nationwide or that come under the jurisdiction of provinces, autonomous regions and directly-administered municipalities.
- (ii) Cases involving foreign matters that impact national sovereignty and key interests of the state.
- (iii) Extremely sensitive cases that impact either national-level internal affairs or foreign affairs work.
- (iv) Cases that, if disclosed, could provoke social unrest and intensify ethnic conflicts either nationwide or under the jurisdiction of provinces, autonomous regions and directly-administered municipalities.
- (v) Major criminal cases involving Party or state leaders.

It is also possible that, if there is a special need, the higher people’s courts could direct an intermediate people’s court to hold a trial of the first instance for

- **Cases of very high significance**

the types of cases listed above in items (i) through (iv).

2. 最高人民法院和高级人民法院审判委员会、合议庭讨论具有特别重大影响案件的具体情况和记录。
3. 全国判处、核准和执行死刑案犯的年度、月份统计数字。

2. Specific details and records of cases of very high significance that have been sent by the Supreme People's Court or higher people's courts for deliberation to either judicial committees or collegiate benches.
3. Annual or monthly statistics on national cases involving the sentencing, ratification or implementation of the death penalty.

Highly secret

(二) 机密级事项

B. Matters classed as highly secret

1. 最高人民法院和高级人民法院就审理具有重大影响案件的内部重要指示、决定、部署、方案和案件处理中重要问题的请示、报告、批复。

1. Important internal directives, decisions, plans and proposals used by the Supreme People's Court and higher people's courts in trying cases of high significance, as well as requests for instructions, reports and official replies regarding important questions that come up in handling such cases.

• **Cases of high significance**

本规定所指的“具有重大影响案件”，一般应是最高人民法院或高级人民法院作为一审或根据需要指定由中级人民法院作为一审的下列案件：

In this regulation, the phrase “cases of high significance” generally refers to the following types of cases tried in trials of the first instance either by higher people's courts or to cases that are directed, as needed, to intermediate people's courts for trials of the first instance:

- (1) 在省、自治区、直辖市范围内具有较大影响的反革命案件；

- (i) Counterrevolutionary cases of relatively high significance either nationwide or that come under the jurisdiction of provinces, autonomous regions and directly-administered municipalities.

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| (2) 关系国家声誉和国家利益的涉外案件； | (ii) Cases involving foreign matters that impact national reputation and the interests of the state. |
| (3) 如省、自治区、直辖市范围内社会敏感案件； | (iii) Socially sensitive cases that come under the jurisdiction of provinces, autonomous regions and directly-administered municipalities. |
| (4) 在泄露可能在一个地区范围内引起社会动乱和激化民族矛盾的案件； | (iv) Cases that, if disclosed, could provoke social unrest or intensify ethnic conflicts and that come under the jurisdiction of a single prefecture. |
| (5) 涉及正、副省部级领导干部或在国内外政治上有重大影响知名人士的重大刑事案件。 | (v) Important criminal cases involving leading cadres in provincial departments at the chief or deputy chief levels, or involving well-known persons of great influence who work in national domestic or foreign politics. |
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| 2. 中级以上人民法院审判委员会、合议庭讨论具有重大影响案件的具体情况和记录。 | 2. Specific details and records of cases of high significance that have been sent for deliberation to judicial committees or collegiate benches by people's courts at the intermediate level and above. |
| 3. 省、自治区、直辖市和全军判处、核准和执行死刑案犯的年度、月份统计数字。 | 3. Annual or monthly statistics on cases tried at the provincial, autonomous region or directly-administered municipality level, as well as all military cases that involve the sentencing, ratification or implementation of the death penalty. |
| 4. 人民法院判处死刑的罪犯尸体或尸体器官利用的具体情况 | 4. Specific information on the corpses or on the use of bodily organs of prisoners who have |

Secret

• **Cases of relatively high significance**

(三) 秘密级事项

1. 最高人民法院和高级人民法院就审理具有较大影响案件的内部重要指示、决定、安排、方案和案件处理中重要问题的请示、报告、批复。

本规定所指的“具有较大影响案件”，一般应是中级人民法院作为一审的下列案件：

- (1) 在一个地区范围内具有较大影响的反革命案件；
- (2) 有较大影响的涉外案件；
- (3) 在一个地区、县范围内社会敏感的案件；
- (4) 如泄露可能在一个地区、县范围内引起社会动荡或影响民族团结的案件；
- (5) 涉及地、县级主要领导干部或省、地、县范围

been sentenced to death by people's courts.

C. Matters classed as secret

1. Important internal directives, decisions, arrangements and proposals used by the Supreme People's Court and higher people's courts in trying cases of relatively high significance, as well as requests for instructions, reports and official replies regarding important questions that come up in handling such cases.

In this regulation, the phrase “cases of relatively high significance” generally refers to the following types of cases tried in trials of the first instance by intermediate people's courts:

- (i) Counterrevolutionary cases of relatively high significance that come under the jurisdiction of a single prefecture.
- (ii) Cases of relatively high significance involving foreign matters.
- (iii) Socially sensitive cases that come under the jurisdiction of a single prefecture or county.
- (iv) Cases that, if disclosed, could provoke social unrest or affect ethnic unity and that come under the jurisdiction of a single prefecture or county.
- (v) Important criminal cases involving leading cadres at

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| <p>内政治上有较大影响知名人士的重大刑事案件。</p> | <p>the prefecture or county level, or involving well-known persons of great influence who work in domestic politics at the provincial, prefecture or county level.</p> |
| <p>2. 各级人民法院审判委员会、合议庭讨论具有较大影响案件的具体情况和记录。</p> | <p>2. Specific details and records of cases of relatively high significance that have been sent for deliberation to judicial committees or collegiate benches by people's courts at all levels.</p> |
| <p>3. 中级人民法院判处和执行死刑案犯年度、月份统计数字。</p> | <p>3. Annual or monthly statistics on cases tried by intermediate people's courts involving the sentencing or implementation of the death penalty.</p> |
| <p>4. 中级以上人民法院除死刑外的刑事司法统计报表。</p> | <p>4. Criminal judiciary forms for reporting statistics on cases other than those involving the death penalty tried by people's courts at the intermediate level and above.</p> |
| <p>5. 对有较大影响的死刑案犯执行死刑的方案。</p> | <p>5. Plans to carry out the executions of prisoners of relatively high significance who have received the death penalty.</p> |
| <p>6. 外国最高法院院长和首席大法官来访中重要事项的内部请示、报告。</p> | <p>6. Internal reports and requests for instructions on important matters related to visits to China from abroad by supreme court chief justices and other chief justices.</p> |

Matters regarding newly-created or existing regulations

第四条

对于人民法院工作中新产生或本规定不明确的事项，一旦泄露可能会给国家的安全和利益造成危害的事项，产生该事项的人民法院应先拟定密级，并按所拟密级采取相应的保密措施，同时由高级人民法院归口上报最高人民法院保密委员会确定。

Article 4

Within the work of the people's courts, if there are any matters regarding either newly-created regulations or existing regulations that are not clear and which, once disclosed, could harm the security and interests of the state, then the people's courts must produce an initial draft to determine the level of secrets that apply to these matters. In addition, they should follow the relevant measures adopted to protect the secrecy of these drafts. At the same time, all higher people's courts should verbally report to the Committee on the Protection of State Secrets of the Supreme People's Court to obtain verification.

User instructions for computers, data/files on lawsuits, or audio-visual products

第五条

计算机的应用程序和数据、诉讼案卷和声像制品中涉及国家秘密的，其密级按其中最高的密级确定。

Article 5

If there are any state secrets contained in user instructions for computers, data or files on lawsuits, or audio-visual products, then when determining which level of secrets should be used to classify these, the highest level of secrets among them should be used.

Matters that involve other departments

第六条

人民法院工作中涉及其它部门的国家秘密事项，其密级应按国家有关主管部门保密范围的规定执行。

Article 6

If, in the work of the people's courts there are matters of state secrecy that involve other departments, the level of secrets applied to these matters should be determined according to the regulations of the relevant national-level department responsible for the protection of state secrets.

第七条

对人民法院在审判工作中形成的，虽不属于国家秘密，但一旦公开又会造成不良影响和后果的事项，应按审判工作秘密进行保守，不准擅自公开和扩散。

第八条

本规定由最高人民法院保密委员会负责解释。

第九条

本规定自1995年8月8日起施行。最高人民法院、国家保密局1989年10月24日下发的《人民法院工作中国家秘密及其密级具体范围的规定》（法（办）发（1989）30）号文件及最高人民法院1992年1月15日下发的（法（1992）4号）对该规定的说明通知同时废止。

Article 7

In terms of the form that the judicial work of the people's courts takes, although that work itself is not a state secret, whenever there are matters that, once made public, could have a negative impact or undesirable results, then those secrets in judicial work must be protected and must not be made public or disseminated without authorization.

Article 8

Explaining this regulation is the responsibility of the Committee on the Protection of State Secrets of the Supreme People's Court.

Article 9

This regulation shall take effect as of August 8, 1995. At the same time, the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in the Work of the People's Courts (court document no. 30 [89]) issued on October 24, 1989 by the Supreme People's Court and the National Administration for the Protection of State Secrets, as well as the notice of explanation regarding this regulation (court document no. 4 [1992]) issued on January 15, 1992 by the Supreme People's Court, are hereby revoked.

Matters that could have negative/undesirable results**Responsibility for explaining regulation****Effective date**

4. REGULATION ON STATE SECRETS AND THE SPECIFIC SCOPE OF EACH LEVEL OF SECRETS IN JUDICIAL ADMINISTRATION WORK

Editors' Note:

The following regulation details the scope of state secrets and internal matters in the “judicial administration” of prisons and labor camps. Issued jointly by the Ministry of Justice and the National Administration for the Protection of State Secrets in August 1995, this regulation is itself classified as a “secret” level document.

This regulation reflects the high degree of secrecy in which prison administration and conditions are kept in the PRC. It precludes the disclosure of statistics on prisoner executions, “unusual” deaths in detention facilities (including reeducation-through-labor and juvenile facilities), “reeducation plans” for political and religious prisoners, as well as data on “instances of police officers causing injuries or disabilities to prisoners.” Even general statistics on the number of prisoners currently held in detention nationwide are classed as “secret” level state secrets.

Not surprisingly, plans for “dealing with human rights issues” such as the reform of individuals in prisons or reeducation-through-labor camps is classed as “highly secret,” as is information on the detention and reform of “prisoners of influence” currently serving sentences (Article 2, Section B), although the phrase “prisoners of influence” is not defined.

This regulation also contains a section on “*neibu*” (internal) information which, although not technically a state secret, still may not be disclosed without permission from the relevant body. Listed among the *neibu* information (Article 4) is data on instances of police mistreatment of prisoners, cases of police officers who violate discipline, and—in a final catch-all phrase—“information not yet made public on any judicial administration work that is not a state secret.”

The source for the following regulation is: 国家保密局（编），《国家秘密及其密级具体范围的规定选编》（修订本）（机密），（北京：金城出版社，1997年），56–58页 [National Administration for the Protection of State Secrets, ed., *Selected Regulations on State Secrets and the Specific Scope of Each Level of Secrets* (Revised Edition, Classified as “Highly Secret”), (Beijing: Jincheng Publishing House, 1997), 56–58].

司法行政工作中国家秘密及其密级具体范围的规定

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Judicial Administration Work

颁布日期：1995年8月31日
实施日期：1995年10月15日

Promulgation Date: August 31, 1995
Effective Date: October 15, 1995

第一条

根据《中华人民共和国保守国家秘密法》及其实施办法，制定本规定。

Article 1

This regulation has been formulated in accordance with the Law on the Protection of State Secrets of the People's Republic of China and the measures for implementing that law.

Promulgating authority

第二条

司法行政工作中国家秘密及其密级的具体范围：

Article 2

State secrets and the specific scope of each level of secrets in judicial administration work are as follows:

Scope of each classification level

(一) 绝密级事项

A. Matters classed as top secret

Top secret

1. 全国监狱、劳动教养工作的总体规划、计划；
2. 监狱、劳教所全国总体看押兵力部署方案，警戒、执勤方案；
3. 大批量跨地区调动罪犯的部署和行动方案；

1. Overall programs and plans for nationwide prison and reeducation-through-labor work.
2. Overall plans for the deployment of military troops to guard detention areas and reeducation-through-labor facilities nationwide, as well as plans for guards and on-duty personnel.
3. Plans for the deployment and movement of large numbers of prisoners being transferred from one region to another.

(二) 机密级事项

B. Matters classed as highly secret

Highly secret

1. 全国和各省、自治区、直辖市统计的监狱、少管所和劳教所内重新犯罪人员的处决人数及非正常死亡人数；

1. Statistics nationwide and for any province, autonomous region or directly-administered municipality on the number of new prisoner executions and unusual

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| | deaths in prisons, juvenile detention facilities and reeducation-through-labor facilities. |
| 2. 预防和处置监狱、劳教所内越狱、暴狱重大事件的预案； | 2. Advance plans on how to prevent and handle major incidents of jailbreaks and violence in prisons and reeducation-through-labor facilities. |
| 3. 监狱、少管所内正在侦察的重、特大案件的侦察计划、侦察手段和打击对策； | 3. Plans and methods for gathering information on important and especially large cases currently being investigated in prisons and juvenile detention facilities, as well as countermeasures for handling such cases. |
| 4. 全国监狱、劳教所的总体布局； | 4. The overall layout of national prisons and reeducation-through-labor facilities. |
| 5. 国际人权斗争中针对改造罪犯、劳教人员和预防犯罪的问题我方拟采取的对策； | 5. Countermeasures that our country plans to adopt to deal with international human rights issues including prisoner reform, reform of reeducation-through-labor inmates, and crime prevention. |
| 6. 省、自治区、直辖市范围内调犯计划、行动方案； | 6. Plans and proposals on transferring prisoners within provinces, autonomous regions and directly-administered municipalities. |
| 7. 监狱、劳教所武器、弹药集中存放地点、数量、守护、运送情况； | 7. Information on the location, quantity, security arrangements and transportation of weapons and ammunition stored in prisons and reeducation-through-labor facilities. |
| 8. 有重大影响的服刑人员的关押、改造情况。 | 8. Information on the detention and reform of prisoners of influence currently serving sentences. |

(三) 秘密级事项

C. Matters classed as secret

Secret

1. 监狱的干警编制、看押兵力、警戒、报警、通讯、供电设施、武器装备情况;
 2. 全国在押罪犯年度、季度的综合统计数字;
 3. 省、自治区、直辖市以下单位统计的监狱、少管所和劳教所内重新犯罪人员的处决人数及非正常死亡人数。
 4. 监狱内的耳目建设情况。
 5. 全国在押犯和劳教人员的专项、抽样调查与分类统计数字;
 6. 司法界要员出访、来访的重要事项的内部请示、报告及方案。
1. Information on matters inside prisons including police officer formations, troops guarding detention areas, guards, reports made to the police, communications, electrical power facilities and weaponry.
 2. Compiled annual and quarterly statistics on prisoners currently in detention nationwide.
 3. Statistics at the level of province, autonomous region, directly-administered municipality or lower regarding the number of new prisoner executions and unusual deaths in prisons, juvenile detention facilities and reeducation-through-labor facilities.
 4. Information on the placement of spies in prisons.
 5. Specialized and sample surveys on, and the statistical classifications of, prisoners currently in detention and reeducation-through-labor inmates nationwide.
 6. Internal requests for instructions, reports and proposals on important matters related to visits to China by foreign judicial officials or visits abroad by Chinese judicial officials.

Judicial administration work and other departments' work

第三条

司法行政业务工作中涉及其它部门的国家秘密事项，其密级应按所涉及部门的保密范围执行。

Article 3

If there are any state secret matters within the arena of judicial administration work that involve other departments, the security classification of those matters should be carried out according to the scope of state secrets protection practiced by that department.

Internal (neibu) matters

第四条

司法行政工作中下列事项不属于国家秘密，而作为工作秘密内部掌握，未经规定机关批准不得擅自扩散：

Article 4

The following matters, which fall within judicial administration work and are not considered state secrets but are secret work being handled internally (*neibu*), must not be made public or disseminated without authorization from the regulatory organ:

1. 对搞现行反革命活动、搞非法宗教活动、搞非法刊物和非法组织活动的劳教人员的劳教方案；
2. 罪犯和劳教人员在监狱、少管所和劳教所内的犯罪情况；
3. 监狱、少管所和劳教所内的发案数、罪犯和劳教人员的改造动向及脱逃情况的综合分析；
4. 全国监狱系统财务决算和计划及工业、农业年度报表；

1. Reeducation plans for reeducation-through-labor inmates who engage in counterrevolutionary activities, illegal religious activities, illegal publications and the activities of illegal organizations.
2. Information on crimes committed by prisoners or reeducation-through-labor inmates in prisons, juvenile rehabilitation facilities or reeducation-through-labor facilities.
3. Comprehensive analyses of information on the numbers of, and the prisoners involved in, cases occurring inside prisons, juvenile rehabilitation facilities or reeducation-through-labor facilities, as well as on reform trends and escapes of reeducation-through-labor inmates.
4. Financial statements and plans of the national prison system, as well as annual industrial and agricultural reports.

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| 5. 律师受理的未公开的对国家安全、民族团结、对外关系有一定影响的刑事案件、经济案件的案情及对外表态口径； | 5. Case details and guidelines on how to handle foreign inquiries regarding criminal and economic cases of definite significance concerning state security, national unity or foreign relations that have been handled by lawyers and not yet made public. |
| 6. 追捕逃犯和追找劳教人员的行动方案； | 6. Action plans to pursue and arrest escaped prisoners and to pursue and return reeducation-through-labor inmates. |
| 7. 打击监狱、少管所和劳教所内犯罪活动的破案计划、行动方案和情况报告； | 7. Plans for solving cases, action plans and information reports on cracking down on criminal activities inside prisons, juvenile rehabilitation facilities and reeducation-through-labor facilities. |
| 8. 干警致残、致伤罪犯、劳教人员和干警违法乱纪的数据； | 8. Data on instances of police officers causing injuries or disabilities to prisoners or reeducation-through-labor inmates and instances of police officers violating the law or discipline. |
| 9. 全国监狱系统财务、工业季度统计报表和年度投资计划； | 9. Financial and industrial quarterly statistical reports on the national prison system, as well as annual investment plans. |
| 10. 部属政法院校尚未实施的有关教学质量评估的统考或抽考的试题以及单独招生的考题； | 10. Test questions on actual or sample exams that have not yet been used to evaluate the qualifications of relevant students and teachers applying to political and legal institutions affiliated with a government ministry, as well as individual examination questions used for admitting new students. |

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| <p>11. 在一定时间和范围内的不宜公开的机构设置、内部分工、干部选拔、配备、任免事项的材料及干部档案材料；</p> | <p>11. Materials on relevant organizations that should not be made public within a given time period or within certain confines regarding the organizations' set-up and internal division of labor; their selection, allocation, appointment and dismissal of cadres; and files and information on cadres in those organizations.</p> |
| <p>12. 尚未公布的司法行政干警违纪案件的调查、审理情况；</p> | <p>12. Information not yet released on the investigations or trials of cases of judicial administration officers who violate discipline.</p> |
| <p>13. 全国在押罪犯和劳教人员思想动态、生活卫生方面的统计数字；</p> | <p>13. Statistics on the ideological tendencies and living and sanitation conditions of prisoners in detention and reeducation-through-labor facilities nationwide.</p> |
| <p>14. 罪犯和劳教人员中发生较大规模疫病的情况；</p> | <p>14. Information on relatively large-scale epidemics that occur amongst prisoners and reeducation-through-labor inmates.</p> |
| <p>15. 审计机关内部机构的工作计划、总结、请示、报告及有关纪录；</p> | <p>15. Work plans, summaries, requests for instructions and reports regarding the internal structure of auditing agencies, and other related records.</p> |
| <p>16. 未经公开的司法行政工作中非国家秘密的统计资料；</p> | <p>16. Statistical information not yet made public on any judicial administration work that is not a state secret.</p> |
| <p>17. 司法行政系统企、事业单位的人事、劳资统计报表和财务决算；</p> | <p>17. Financial statements and statistical reports on the personnel, labor and capital of enterprises and institutions within the judicial administration system.</p> |
| <p>18. 内部工作文件、参考资料。</p> | <p>18. Documents and reference materials used in internal (<i>neibu</i>) work.</p> |

第五条

本规定由司法部保密委员会负责解释。

Article 5

Explaining this regulation is the responsibility of the Committee on the Protection of State Secrets of the Ministry of Justice.

Responsibility for explaining regulation**第六条**

本规定自1995年10月15日起生效。司法部、国家保密局1990年1月6日联合制发的《司法行政工作中国家秘密及其密级具体范围的规定》（〔89〕司发办字第237号文）及司法部1991年5月6日下发的（〔91〕司办通字061号）对该规定的说明同时废止。

Article 6

This regulation shall take effect as of October 15, 1995. At the same time, the Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Judicial Administration Work (judicial document no. 237 [89]) jointly issued on January 6, 1990 by the Ministry of Justice and the National Administration for the Protection of State Secrets, as well as the notice of explanation regarding this regulation (judicial document no. 061 [91]) issued on May 6, 1991 by the Ministry of Justice, are hereby revoked.

Effective date

D.

Regulation on the Protection of State Secrets in News Publishing

Editors' Note:

The following regulation, issued by the National Administration for the Protection of State Secrets in June 1992, specifies the obligations of news and media organizations in respect to state secrets protection. These obligations apply to the publishing or issuing of newspapers and periodicals, news dispatches, books, maps, illustrated reference materials, audio-visual productions, as well as the production and broadcasting of radio programs, television programs and films.

According to this regulation, all news publishing units in China should use a dual system of first checking all articles, reports, drafts, news releases and so forth internally for any possible disclosures of state secrets; after this, if it unclear whether or not a state secret might be involved, the unit must send the materials to another, higher department for external vetting. If the materials in question are found to contain state secrets, such information must either be declassified, abridged, edited, or otherwise removed.

In addition, any news reports on national politics, foreign affairs, economics, science and technology, and military affairs that are to be sent to foreign news organizations for publication must always be checked by a higher body, regardless of whether or not there is a question of the materials containing state secrets. This regulation also contains a section (Chapter 3) on what news publishing units should do in case a state secret is disclosed in the course of their work. The above dual system is intended precisely to prevent any such disclosures, but should they occur, the persons or units responsible will be “severely punished” (Article 18).

As regulations concerning the state secrets system are not systematically provided to the public, it can be difficult to determine the current status of any particular regulation. A search for this regulation on news publishing, for instance, found it listed on two different Web sites, both belonging to Peking University: The Lawyee Web site (www.lawyee.net) where it was listed as no longer effective, and the Law Info China Web site (www.lawinfochina.com) where it was listed as currently effective.

The source for the following regulation is: 李志东（主编），《中华人民共和国保密法全书》，（本书仅供各级保密部门、组织、人员使用）（长春：吉林人民出版社，1999），363–366页 [Li Zhidong, ed. *Compendium of Laws of the People's Republic of China on the Protection of State Secrets*, (Circulation limited to departments, organizations and personnel doing state secrets protection work), (Changchun: Jilin People's Press, 1999), 363–366].

新闻出版保密规定

颁布日期：1992年6月13日
实施日期：1992年10月1日
文号 国保(1992)34号

第一章 总 则

第一条

为在新闻出版工作中保守国家秘密，根据《中华人民共和国保守国家秘密法》第二十条，制定本规定。

第二条

本规定适用于报刊、新闻电讯、书籍、地图、图文资料、声像制品的出版和发行以及广播节目、电视节目、电影的制作和播放。

第三条

新闻出版的保密工作，坚持贯彻既保守国家秘密又有利于新闻出版工作正常进行的方针。

第四条

新闻出版单位及其采编人员和提供信息单位及其有关人员应当加强联系，协调配合，执行保密法规，遵守保密制度，共同做好新闻出版的保密工作。

Regulation on the Protection of State Secrets in News Publishing

Promulgation Date: June 13, 1992
Effective Date: October 1, 1992
National Administration for the Protection of State Secrets Document No. 34 (1992)

Chapter One: General Provisions

Article 1

In order to safeguard state secrets in news publishing work, this regulation has been formulated in accordance with Article 20 of the Law on the Protection of State Secrets of the People's Republic of China.

Article 2

This regulation shall apply to the publishing or issuing of newspapers and periodicals, news dispatches, books, maps, illustrated reference materials and audio-visual productions, and to the production and broadcasting of radio programs, television programs and films.

Article 3

The work of protecting state secrets in news publishing is a principle to be adhered to and implemented in order to safeguard state secrets and to aid in the normal functioning of news publishing work.

Article 4

News publishing units and their reporters or editors, as well as units that provide information and their relevant personnel, shall strengthen relations, improve cooperation, implement the

Purpose and promulgating authority

Scope of application

Principle of protecting state secrets in news publishing

Role of news publishing units, reporters, editors, relevant personnel

laws and regulations on protecting state secrets, comply with the system for protecting state secrets, and work together to protect state secrets in news publishing.

第二章 保密制度

Chapter Two: The System for Protecting State Secrets

System to check on protection of state secrets

第五条

新闻出版单位和提供信息的单位，应当根据国家保密法规，建立健全新闻出版保密审查制度。

Article 5

News publishing units and units that provide information shall establish and perfect a system to check on the protection of state secrets in news publishing in accordance with the laws and regulations on protecting state secrets.

Checking materials

第六条

新闻出版保密审查实行自审与送审相结合的制度。

Article 6

Checking on the protection of state secrets in news publishing shall be implemented through a combination of checking materials oneself and sending materials out to be checked.

Submission of unclear information to relevant department or higher authorities

第七条

新闻出版单位和提供信息的单位，对拟公开出版、报道的信息，应当按照有关的保密规定进行自审；对是否涉及国家秘密界限不清的信息，应当送交有关主管部门或其上级机关、单位审定。

Article 7

Information intended to be made public by news publishing units or by units that provide information shall be checked by those units in accordance with the relevant regulations on the protection of state secrets. Where it is unclear whether or not a piece of information involves state secrets, such information shall be submitted to the relevant department in charge or to higher authorities or units for examination and approval.

第八条

新闻出版单位及其采编人员需向有关部门反映或通报的涉及国家秘密的信息，应当通过内部途径进行，并对反映或通报的信息按照有关规定作出国家秘密的标志。

第九条

被采访单位、被采访人向新闻出版单位的采编人员提供有关信息时，对其中确因工作需要而又涉及国家秘密的事项，应当事先按照有关规定的程序批准，并采编人员申明；新闻出版单位及其采编人员对被采访单位、被采访人申明属于国家秘密的事项，不得公开报道、出版。

对涉及国家秘密但确需公开报道、出版的信息，新闻出版单位应当向有关主管部门建议解密或者采取删节、改编、隐去等保密措施，并经有关主管部门审定。

Article 8

If information involving state secrets must be reported or circulated to relevant departments by news publishing units and their reporters or editors, such actions shall be carried out through internal channels, and the reported or circulated information shall be marked as a state secret in accordance with the relevant regulations.

Article 9

When information is provided to reporters or editors of news publishing units by the units or persons being interviewed, and that interview material which is necessary to the work in hand involves state secrets, then such matters shall be approved in advance according to relevant legal procedures and shall be declared to the reporters or editors. Matters which have been declared to be state secrets by the units or persons being interviewed shall not be publicly reported or published by news publishing units, or by their reporters or editors.

Regarding information involving state secrets that must be publicly reported or published, the news publishing units concerned shall suggest to the relevant department in charge that the materials be declassified or that other measures be adopted to protect state secrets, such as abridging, editing or concealing such materials. The materials shall then be checked and approved by the relevant department in charge.

Internal circulation and marking as state secrets

Advance approval for interview materials provided to reporters/editors

Declassifying, abridging, editing, or concealing information that must be published

Covering meetings/other activities involving state secrets

第十条

新闻出版单位采访涉及国家秘密的会议或其他活动，应当经主办单位批准。主办单位应当验明采访人员的工作身份，指明哪些内容不得公开报道、出版，并对拟公开报道、出版的内容进行审定。

Article 10

News publishing units that cover meetings or other activities involving state secrets must first be given permission to do so by the host unit. The host unit shall check the work identity papers of the interviewers and indicate which items should not be publicly reported or published. Items that are intended to be publicly reported or published shall be checked and approved by the host unit.

Responsibility of state organs under central government, other relevant units

第十一条

为了防止泄露国家秘密又利于新闻出版工作的正常进行，中央国家机关各部门和其他有关单位，应当根据各自业务工作的性质，加强与新闻出版单位的联系，建立提供信息的正常渠道，健全新闻发布制度，适时通报宣传口径。

Article 11

In order to prevent state secrets from being disclosed and to ensure that routine news publishing work can be carried out, all departments belonging to state organs under the central government, as well as other relevant units, shall strengthen their relationship with news publishing units according to the nature of their work, establish regular channels for providing information, perfect their system for issuing news releases, and circulate propaganda guidelines in a timely manner.

Checking and approving manuscripts

第十二条

有关机关、单位应当指定有权代表本机关、单位的审稿机构和审稿人，负责对新闻出版单位送审的稿件是否涉及国家秘密进行审定。对是否涉及国家秘密界限不清的内容，应当报请上级机关、单位审定；涉及其他单位工作中国家秘密的，应当负责征求有关单位的意见。

Article 12

Relevant organs and units shall appoint a body or individual from another organ or unit with the authority to represent the former to check their manuscripts. That body or individual shall be responsible for checking and approving manuscripts submitted by news publishing units to determine whether or not the manuscripts involve state secrets. Where it is unclear whether or not the contents involve state secrets, the materials shall be submitted to higher authorities or units for examination and approval. If the materials are related to state secrets that involve the work of other units, an opinion shall be solicited from the relevant unit.

第十三条

有关机关、单位审定送审的稿件时，应当满足新闻出版单位提出的审定时限的要求，遇有特殊情况不能在所要求的时限内完成审定的，应当及时向送审稿件的新闻出版单位说明，并共同商量解决办法。

Article 13

When the relevant organs or units are checking manuscripts submitted for approval, they shall satisfy the time requirements of the news publishing unit, and if such work cannot be concluded within the required time limit due to special circumstances, this shall be explained to the relevant news publishing unit and they shall discuss a way to solve the problem.

Time requirements for checking manuscripts

第十四条

个人拟向新闻出版单位提供公开报道、出版的信息，凡涉及本系统、本单位业务工作的或对是否涉及国家秘密界限不清的，应当事先经本单位或其上级机关、单位审定。

Article 14

If an individual intends to provide information to news publishing units for public dissemination or publication and the information involves the work of affiliated organizations or units, or if it is unclear whether or not the information involves state secrets, such information shall be checked and approved in advance by that individual's unit or by higher authorities or units.

Prior approval for information involving work of affiliated organizations or units

第十五条

个人拟向境外新闻出版机构提供报道、出版涉及国家政治、经济、外交、科技、军事方面内容的，应当事先经过本单位或其上级机关、单位审定。向境外投寄稿件，应当按照国家有关规定办理。

Article 15

If an individual intends to provide reports or publications involving national politics, economics, foreign affairs, science and technology, or military affairs to foreign news publishing organizations, such materials shall be checked and approved in advance by that individual's unit, or by higher authorities or units. If manuscripts are mailed outside of the country, they shall be handled in accordance with relevant state regulations.

Providing reports/publications involving national politics, economics, foreign affairs, science and technology, or military affairs to foreign news publishing organizations

第三章 泄密的查处

Chapter Three: Investigating and Handling Occurrences of Disclosing State Secrets

Illegal reporting/publishing of state secrets

第十六条
国家工作人员或其他公民发现国家秘密被非法报道、出版时，应当及时报告有关机关、单位或保密工作部门。泄密事件所涉及的新闻出版单位和有关单位，应当主动联系，共同采取补救措施。

Article 16
If state personnel or other citizens discover that state secrets have been illegally reported or published, they shall immediately make a report to the relevant organ or unit, or to a state secrets bureau. If the disclosure of state secrets is related to news publishing units or other relevant units, those units shall initiate contact and jointly adopt measures to remedy the situation.

Disclosure during course of news publishing activities

第十七条
新闻出版活动中发生的泄密事件，由有关责任单位负责及时调查；责任暂时不清的，由有关保密工作部门决定自行调查或者指定有关单位调查。

Article 17
If state secrets are disclosed during the course of news publishing activities, a person from the relevant unit responsible shall immediately investigate. If it is uncertain who is responsible for the investigation, the relevant state secrets bureau shall make a decision to investigate the matter itself or appoint another unit to investigate.

Punishment for disclosure

第十八条
对泄露国家秘密的责任单位、责任人，应当按照有关法律和规定严肃处理。

Article 18
Any units or individuals that are responsible for disclosing state secrets shall be severely punished according to the relevant laws and regulations.

Handling closing down, takeover, or resulting economic losses

第十九条
新闻出版工作中因泄密问题需要对出版物停发、停办或者收缴以及由此造成的经济损失，应当按照有关主管部门的规定处理。

Article 19
If the disclosure of a state secret that occurs during the course of news publishing work requires that publication to cease publishing, close down, or be taken over, and if economic losses are incurred as a result of this, the relevant department in charge shall handle the situation according to its regulations.

新闻出版单位及其采编人员和提供信息的单位及其有关人员因泄露国家秘密所获得的非法收入，应当依法没收并上缴国家财政。

Illicit income obtained through the disclosure of state secret matters by news publishing units, their reporters or editors, or by units or persons that provide information, will be confiscated in accordance with the law and will be turned over to the state.

Confiscation of illegal income

第四章 附则

Chapter Four: Additional Provisions

第二十条

新闻出版工作中，各有关单位因有关信息是否属于国家秘密问题发生争执的，由保密工作部门会同有关主管部门依据保密法规确定。

Article 20

If, in the course of news publishing work, individual units disagree as to whether or not certain information is a state secret, the question shall be decided by a state secrets bureau together with the relevant department in charge, in accordance with the laws and regulations on the protection of state secrets.

When different units disagree

第二十一条

本规定所称的“信息”可以语言、文字、符号、图表、图像等形式表现。

Article 21

The term “information” as used in this regulation may refer to language, writing, symbols, charts, pictures, and other forms of expression.

"Information"

第二十二条

本规定由国家保密局负责解释。

Article 22

Explaining this regulation is the work of the National Administration for the Protection of State Secrets.

Responsibility for explaining regulation

第二十三条

本规定自1992年10月1日起施行。

Article 23

This regulation shall take effect as of October 1, 1992.

Effective date

E.

Selection of State Secrets Provisions Regulating Specific Activities

Editors' Note:

The table below is a compilation of some of the provisions contained in the body of regulations issued jointly by the National Administration for the Protection of State Secrets (NAPSS) and specific government and party organs, ranging from the Ministry of Labor and Social Security to the All-China Women's Federation.

These regulations indicate the far-reaching influence that the NAPSS has in preventing information on nearly all aspects of life from reaching the public domain. Social science research work, labor and social security, environmental protection, land management, civil affairs work, women's work, family planning, and ethnic and religious affairs all have a long list of matters that are classified as state secrets. For example:

- Information on labor petitions or strikes in state enterprises
- Nearly all information held by the ACFTU (All-China Federation of Trade Workers)
- Information on incidents of environmental contamination or pollution
- Information on infectious diseases and large-scale epidemics
- Plans for handling ethnic unrest, and the reactions of overseas ethnic minorities on ethnic problems within China, including certain writings or speeches of ethnic minorities in China
- Information on overseas religious organizations and their personnel
- Statistics on the number of abortions and incidents of infanticide and child abandonment

Each regulation divides information into the standard classification of top secret, highly secret and secret, with some also including the level of *neibu* (internal) classification for matters that are not technically state secrets but that must not be disclosed without approval of the relevant body.

Unless otherwise noted, the source for the following regulations is: 李志东 (主编), 《中华人民共和国保密法全书》, (本书仅供各级保密部门、组织、人员使用) (长春: 吉林人民出版社, 1999), [Li Zhidong, ed. *Compendium of Laws of the People's Republic of China on the Protection of State Secrets*, (Circulation limited to departments, organizations and personnel doing state secrets protection work), (Changchun: Jilin People's Press, 1999).

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Social Science Research Work

- Chinese Academy of Social Sciences, National Administration for the Protection of State Secrets

- April 21, 1995

社会科学研究工作中国家秘密及其密级具体范围的规定

- 中国科学院、国家保密局

- 1995年4月21日

Top secret:

- Materials related to the details or forms of research performed by research departments and individuals that are appointed by the Party or state to take part in major reforms of the country's economic and political systems, as well as information on major internal and foreign policy principles. (研究部门及个人被党和国家制定参加关于国家重大经济体制改革和政治体制改革问题及重大内政外交方针政策的研究情况和形成的有关材料。) (*Article 3.1.1*)

Highly secret:

- Planning and policy research reports and suggestions that involve China's foreign policy, state-to-state relations, or other serious matters concerning state security and interests. (涉及我国外交政策、国家关系以及严重关系国家安全和利益的预测性、政策性研究报告和建议。) (*Article 3.2.1*)
- Research reports, details of responses to reports, statistical data and audio-visual materials that concern socially sensitive domestic issues and are meant only for Party and state leaders or relevant departments. (只适于向党和国家领导及有关部门反映的国内社会敏感问题的调研究报告、情况反映、数据统计和音像资料。) (*Article 3.2.3*)

Secret:

- Documents and reports on the details or forms of research regarding policies and measures for the establishment and perfection of the socialist market economy that are still under consideration and have not yet been implemented. (参加关于建立和完善社会主义市场经济体制过程中尚未出台的政策、措施的研究情况和形成的文件、报告。) (*Article 3.3.1*)

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work

- Ministry of Labor and Social Security, National Administration for the Protection of State Secrets

• January 27, 2000

劳动和社会保障工作中国家秘密及其密级具体范围的规定

- 劳动和社会保障部、国家保密局

• 2000年1月27日

Highly secret:

- Undisclosed information and data on the handling of child labor cases nationwide. (尚未公布的全国童工案件查处情况及统计数据。) (*Article 3.1.1*)

Undisclosed opinions on amendments to important, socially sensitive government policies. (尚未公布的重大社会敏感政策的调整意见。) (*Article 3.1.2*)

Compiled information on major incidents involving workers in enterprises nationwide, such as collective petitioning or strikes. (全国企业职工集体上访和罢工等重大突发事件的综合情况。) (*Article 3.1.4*)

Policies and plans to revise wages in enterprises at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipality. (全国、国务院各部门及各省、自治区、直辖市的企业工资调整政策、调整方案。) (*Article 3.1.5*)

Information concerning major cases of embezzlement and the illegal use of social insurance funds, and information on the informants in such cases. (社会保险基金被挤占挪用和违规动用的重大案件及案件举报人的有关情况。) (*Article 3.1.6*)

Plans and strategies for participating in meetings of international labor organizations. (参加国际劳动组织会议的计划，对策。) (*Article 3.1.7*)

Secret:

- Undisclosed unemployment rates, revenue and expenditure forecasts for social insurance funds, and planning data regarding all mid- and long-term development programs and annual development plans for labor and social security projects. (劳动和社会保障事业中、长期发展规划和年度发展计划中尚未公布的失业率、社会保险基金收支预测和计划数据。) (*Article 3.2.1*)

- Investigative materials and statistical data which reflect the macroscopic situation of wage distribution in enterprises nationwide. (反映全国企业工资分配宏观状况的调查资料和统计数据。) (*Article 3.2.2*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Labor and Social Security Work, cont.**Internal (*neibu*):**

- Undisclosed key policy measures and revised plans regarding all mid- and long-term development programs and annual development plans for labor and social security projects. (劳动和社会保障事业中、长期发展规划和年度发展规划中尚未公布实施的重大政策措施及调整方案。) (*Article 4.1*)
- Statistical materials on labor protection at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipality. (全国及各省、自治区、直辖市和国务院各部门的劳动保障统计资料) (*Article 4.2*)
- The total number of laid-off workers in state-owned enterprises. (国有企业下岗职工总数。) (*Article 4.3*)
- Distribution plans concerning basic living guarantees and re-employment funds for laid-off workers in state-owned enterprises. (国有企业下岗职工基本生活保障和再就业资金分配方案。) (*Article 4.4*)
- Plans and measures for the reform of the labor protection system at the national level, in all State Council departments, and at the level of province, autonomous region, and directly-administered municipality. (全国及各省、自治区、直辖市和国务院各部门的劳动保障制度改革方案及办法。) (*Article 4.6*)

The source for this regulation is: Law Search (盼律网) Web site, <http://www.panlv.net/p128123705925312500.html>.

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work

- All-China Federation of Trade Unions (ACFTU), National Administration for the Protection of State Secrets

- May 27, 1996

工会工作中国家秘密及其密级具体范围的规定

- 全国总工会、国家保密局

- 1996年5月27日

Highly secret:

- Compiled information and statistics held by the ACFTU concerning collective petitioning, strikes, marches, demonstrations and other major incidents involving workers. (全国总工会掌握的职工集体上访、罢工、游行、示威等重大突发事件的综合情况和统计数字。) (*Article 3.1.1*)
- Information and investigative materials held by trade unions at the national level and in each province, autonomous region and directly-administered municipality concerning the activities of illegal labor organizations. (全国及各省、自治区、直辖市工会掌握的职工中的非法组织的活动情况以及对其查处材料。) (*Article 3.1.2*)
- The positions of, and strategies against, trade union organizations in Taiwan. (对台湾工会组织的表态口径和对策。) (*Article 3.1.3*)

Secret:

- Compiled information and statistical data held by trade unions in each province, autonomous region and directly-administered municipality regarding collective petitioning, strikes, marches, demonstrations and other major incidents involving workers. (各省、自治区、直辖市工会掌握的职工集体上访、罢工、游行、示威等重大突发事件的综合情况和统计数字。) (*Article 3.2.1*)
- Undisclosed compiled information and statistical data held by the ACFTU concerning major dangerous accidents and occupational illnesses. (未公开的全国总工会掌握的重大恶性事故、职业病综合统计数字。) (*Article 3.2.2*)
- Compiled information and statistics held by the ACFTU concerning worker unemployment and the financial hardships of workers. (全国总工会掌握的职工失业和生活困难的综合情况和统计数字。) (*Article 3.2.3*)
- Results of scientific research, technological materials, tricks of the trade and their sources that were acquired by trade unions and related organizations through secret channels. (工会及其有关组织通过秘密渠道取得的科研成果、科技资料、技术诀窍及其来源。) (*Article 3.2.4*)
- Work plans and strategies concerning participation in international labor organizations, and in bilateral and multilateral contacts with trade union organizations in individual nations. (参加国际工会组织和与各国工会组织进行双边、多边交往的工作方案和对策。) (*Article 3.2.5*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Trade Union Work, cont.**Secret, cont.:**

- The positions of, and strategies against, trade unions in Hong Kong and Macao. (对港、澳工会组织的表态口径和对策) (*Article 3.2.6*)

Internal (neibu):

- Undisclosed directives issued by central Party and state leaders concerning trade union work. (未公开的党中央及中央领导同志有关工会工作的指示。) (*Article 5.1*)
- Proposals sent to the Party's Central Committee, the State Council, and other relevant departments regarding questions of national economic development and the immediate concerns of workers. (给党中央、国务院及其有关部门关于国民经济发展和职工切身利益问题的建议。) (*Article 5.2*)
- Information and statistical data not yet made public on the situation of workers and trade union work. (尚未公布的职工队伍状况和工会工作的综合情况和统计数字。) (*Article 5.3*)
- Information and materials that are part of an ongoing investigation or research that could be detrimental to the stability of workers. (在调查研究中掌握的有关不利于职工队伍稳定的情况和材料。) (*Article 5.4*)
- Details of current investigations concerning worker casualties. (正在调查的职工伤亡案情。) (*Article 5.5*)
- Information concerning internal discussions of assessments, promotions, appointments, awards or punishments of cadres, and information concerning appraisals and votes taken during job performance reviews in specialized fields. (干部考核、晋升、聘任、奖励、处分事项的内部讨论情况和专业职务聘任工作中的评议表决情况。) (*Article 5.6*)
- Plans and arrangements for activities involving foreign affairs. (外事活动的计划安排。) (*Article 5.7*)
- Self-published internal publications and other materials published by trade union organizations. (工会组织自行编印的内部刊物、资料。) (*Article 5.8*)

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on the Specific Scope of State Secrets in Environmental Protection Work

- State Environmental Protection Administration, National Administration for the Protection of State Secrets

- December 28, 2004

环境保护工作国家秘密范围的规定

- 国家环境保护部总、国家保密局
- 2004年12月28日

Highly secret:

- Information on environmental pollution that would, if disclosed, seriously affect social stability. (泄露会严重影响社会稳定的环境污染信息。) (*Article 2.1.1*)
- Information that would, if disclosed, constitute a serious threat to military installations. (泄露会对军事设施构成严重威胁的信息。) (*Article 2.1.2*)

Secret:

- Information on environmental pollution that would, if disclosed, affect social stability. (泄露会影响社会稳定的环境污染信息。) (*Article 2.2.1*)
- Information that would, if disclosed, create an unfavorable impression in our country's foreign affairs work. (泄露会给我外交工作造成不利影响的信息。) (*Article 2.2.2*)

The source for this regulation is: 《中国环境年鉴》 编辑委员会。《中国环境年鉴》。(北京: 中国环境科学出版社, 2005) [China Environment Yearbook Editorial Committee. *China Environment Yearbook*. (Beijing: China Environmental Sciences Press, 2005)].

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Managing Land and Resources Work

- Ministry of Land and Resources, National Administration for the Protection of State Secrets
- May 14, 2003

国土资源管理工作国家秘密范围的规定

- 国土资源部、国家保密局
- 2003年5月14日

Top secret:

- Statistics on state land and resources that would, if made public or disclosed, seriously harm the nation's image and social stability. (公开或泄露后会严重损害国家形象和社会安定的国土资源数据。) (*Article 2.1.1*)
- Information on surveying work to serve military aims and for national construction, as well as surveys of mineral resources, that would, if made public or disclosed, bring about serious disputes with foreign countries or border conflicts. (公开或泄露后会引发严重外交纠纷、边界争端的矿产资源调查和为国防建设和军事目的服务的探测工作情况。) (*Article 2.1.2*)

Highly secret:

- Information on land that would, if made public or disclosed, constitute a serious threat to the safety of Party or state leaders. (公开或泄露后会对党和国家领导人安全构成严重威胁的土地资料。) (*Article 2.2.1*)
- Information on geological surveying work that would, if made public or disclosed, bring about border disputes or that would be disadvantageous to the resolution of border questions. (公开或泄露后会引发边界争议或不利于边界问题解决的地质调查工作情况。) (*Article 2.2.2*)

Secret:

- Information on mapping regional state land and resources that would, if made public or disclosed, weaken military defense capabilities. (公开或泄露后会削弱军事防御能力的区域性国土资源测绘资料。) (*Article 2.3*)

The source for this regulation is: The Ministry of Land and Resources Web site, http://www.mlr.gov.cn/pub/mlr/documents/t20041125_75029.htm.

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work

- State Family Planning Commission (now State Population and Family Planning Commission), National Administration for the Protection of State Secrets
- May 16, 1995

计划生育工作中国家秘密及其密级具体范围的规定

- 国家计划生育委员会（国家人口与计划生育委员会）、国家保密局
- 1995年5月16日

Highly secret:

- Preliminary discussions by the State Council and other relevant departments on national sex education and family planning policies and programs. (国务院及其有关部门正在酝酿的全国性生育政策方案。) (*Article 3.1.1*)
- Statistics from family planning departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city on the number of deaths resulting from problems with surgical birth control procedures or family planning. (全国及省、自治区、直辖市、计划单列市计划生育部门统计的节育手术死亡数和因计划生育问题造成死亡的数据。) (*Article 3.1.2*)

- Statistics from family planning departments at the national level and at the level of province, autonomous region, directly-administered municipality or planned city regarding the number of induced abortions. (全国及省、自治区、直辖市、计划单列市计划生育部门统计的引产数。) (*Article 3.1.3*)

Secret:

- Statistics from family planning departments at the prefectural level on the number of deaths resulting from problems with surgical birth control procedures or family planning. (地级计划生育部门统计的节育手术死亡数和因计划生育问题造成死亡的数据。) (*Article 3.2.1*)
- Statistics from family planning departments at the prefectural level on the number of induced abortions. (地级计划生育部门统计的引产数。) (*Article 3.2.2*)
- Statistics on infanticide and child abandonment at the county level and higher during specific periods of investigation by relevant departments. (有关单位专项调查期间统计的县级以上的溺弃婴数。) (*Article 3.2.3*)
- Statistics from family planning departments at the national, provincial, prefectural and county level on fees collected for unplanned births [births not allowed under family planning policy]. (全国及省、地、县级计划生育部门统计的计划外生育费汇总数。) (*Article 3.2.4*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Family Planning Work, cont.**Internal (*neibu*):**

- Statistics from family planning departments at the county level on the number of deaths resulting from problems with surgical birth control procedures or family planning. (县级计划生育部门统计的节育手术死亡数和因计划生育问题造成死亡的数据。) (*Article 5.1*)
- Statistics from family planning departments at the county level on the number of induced abortions. (县级计划生育部门统计的引产数。) (*Article 5.2*)
- Statistics on infanticide and child abandonment at the township level during specific periods of investigation by relevant units. (有关单位专项调查期间统计的乡级的溺弃婴数。) (*Article 5.3*)
- Statistics from family planning departments at the county level and higher on the gender and sex ratio of second and third-born children. (县级以上计划生育部门统计的第二、三胎出生婴儿性别数和性别比。) (*Article 5.4*)
- Cases of deaths or disabilities resulting from problems with surgical birth control procedures or family planning. (因节育手术和计划生育问题造成残废或死亡的案列。) (*Article 5.5*)
- Collective disturbances or incidents that occurred as a result of using overly crude or brutal methods in family planning work. (简单粗暴的工作方法及因此而引发的群体闹事事件。) (*Article 5.6*)
- Incidents of cruel treatment of family planning officers that occurred while they were fulfilling their family planning duties according to law, or incidents of cruel treatment to their families or serious damage to their property or belongings. (残害依法执行计划生育公务人员及其家属和严重损坏其财产的事件。) (*Article 5.7*)

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Cultural Work

- Ministry of Culture, National Administration for the Protection of State Secrets

- July 21, 1995

文化工作中国家秘密及其密级具体范围的规定

- 文化部、国家保密局

- 1995年7月21日

Top secret:

- Tactics, strategies and measures adopted in handling major incidents in foreign relations and cultural activities with foreign nations that involve our country's national reputation. (对外文化活动方面涉及国家声誉和对外关系的重大事件所采取的策略、对策和措施。) (*Article 3.1*)

Highly secret:

- Relevant details of, and measures adopted to handle, cultural work or cultural activities with foreign nations that might have an international influence. (在文化工作或对外文化活动方面涉及国际影响的有关情况和所采取的措施。) (*Article 3.2.1*)
- Propaganda guidelines, strategies and measures used in cultural propaganda work with sensitive foreign nations or regions. (在对外文化宣工作中对敏感国家或地区的宣传口径、策略和措施。) (*Article 3.2.2*)
- Details on the approval process for major cultural exchange projects with other countries that involve sensitive issues. (涉及敏感问题的重大中外文化合作项目的审批情况。) (*Article 3.2.4*)
- Collections of old books and maps that contain information on borders between China and neighboring countries that have not yet been determined, or information on borders with neighboring countries that are still under dispute. (馆藏古旧图书、地图中涉及我国与邻国未定边界或已定边界中有争议的有关内容。) (*Article 3.2.8*)

Secret:

- The annual work reports or proposals of cultural organizations stationed abroad on the situation in those countries, and the strategies approved and adopted by this ministry to deal with such situations. (驻外文化机构对有关驻在国形势的年度工作总结、建议及我部批复和采取的对策。) (*Article 3.3.2*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Civil Affairs Work

- Ministry of Civil Affairs, National Administration for the Protection of State Secrets

- February 29, 2000

民政工作中国家秘密及其密级具体范围的规定

- 民政部、国家保密局

- 2000年2月29日

Highly secret:

- Basic information on illegal organizations or unlawful civil organizations held by civil affairs departments in the course of performing their work of administering civil affairs. (民间组织管理工作中民政部门掌握的非法组织或违法民间组织的基本情况。) (*Article 3.2.1*)

Secret:

- Recommendations and plans for boundary delimitations issued by relevant departments of the central government or a province (or autonomous region or directly-administered municipality) on border disputes that have not yet been resolved. (中央、省(自治区、直辖市)有关部门对边界争议事件未解决之前的处理意见及划界方案。) (*Article 3.3.1*)
- Statistics and other related information on individuals who flee from famine, beg for food or die as a result of natural disasters at the national, provincial, autonomous region or directly-administered municipal level. (全国及省、自治区、直辖市因自然灾害导致的逃荒、要饭、死亡人员总数及相关资料。) (*Article 3.3.4*) [Ed. note: This article was removed by Document 116, Notice Regarding the Declassification of Statistics on Casualties Caused by Natural Disasters and Related Information, issued by the Ministry of Civil Affairs and the NAPSS on August 8, 2005.]
- Archived records containing place names located on border areas that are marked with the exact latitude and longitude. (边境地区标有准确经纬度的地名档案) (*Article 3.3.5*)
- Policies on handling problems with refugees from abroad in China. (处理在华国际难民问题的决策。) (*Article 3.3.6*)

The source for this regulation is: Law Search (盼律网) Web site, <http://www.panlv.net/p17087.html>.

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Public Health Work

- Ministry of Health, National Administration for the Protection of State Secrets

- January 23, 1996

卫生工作中国家秘密及其密级具体范围的规定

- 卫生部、国家保密局
- 1996年1月23日

Top secret:

- Records on the health situation, plans for medical treatment, and medical history of Party and important state leaders, and of foreign state dignitaries and heads of government that are visiting China. (党和国家主要领导人及来访的外国国家元首、政府首脑的健康情况、医疗方案、病历记录。) (*Article 3.1*)

Highly secret:

- Undisclosed medium-, long-term or annual plans for medical or scientific research. (未公开的医学科学研究中长期规划、年度计划。) (*Article 3.2.1*)
- Information on the number of cases of Class A infectious diseases, as well as information on large-scale epidemic outbreaks (at the prefectural, municipal and autonomous region level or higher) of viral hepatitis and other hemorrhagic diseases, that has not yet been authorized for public disclosure by the Ministry of Health or other organizations authorized by the Ministry of Health. (未经卫生部和卫生部授权机构公布的甲类传染病疫情及较大范围(地州市以上)爆发流行的病毒性肝炎、流行性出血热等病例数。) (*Article 3.2.9*)
- Statistics, methods and numbers of cases from all levels of health departments on induced abortions during the second trimester of pregnancy (pregnancies at 14 weeks or more). (各级卫生部门统计的中期妊娠(妊娠14周以上)引产的数字、方法、病例。) (*Article 3.2.10*)

Secret:

- Nationwide figures not yet authorized for disclosure by the Ministry of Health or other organizations authorized by the Ministry of Health on the incidence of people who contract any kind of occupational illness; and compiled statistical figures on infected persons in each province, autonomous region, directly-administered municipality and planned city. (未经卫生部和卫生部授权机构公布的全国各类职业病发病人数; 各省、自治区、直辖市及计划单列市的发病人数的综合统计数字。) (*Article 3.3.2*)
- The biological effects of all previous nuclear test site areas. (我国历次核试验期间场区的生物效应。) (*Article 3.3.4*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Women's Work

- All-China Women's Federation, National Administration for the Protection of State Secrets

- April 24, 1991

妇女工作中国家秘密及其密级具体范围的规定

- 中华全国妇女联合会、国家保密局

- 1991年4月24日

Highly secret:

- Plans and strategies for handling major issues in women's work that involve important and sensitive countries or regions. (妇女工作涉及重要和敏感国家、地区的重要问题的方案、对策。) (*Article 3.1*)

Secret:

- Compiled data regarding major cases that involve the killing of women and children. (有关残害妇女、儿童犯罪活动重大案件综合性数据。) (*Article 3.2.3*)

- Compiled data at the provincial level and higher regarding the trafficking of women and children. (有关拐卖妇女、儿童的省以上综合性数据。) (*Article 3.2.4*)

NAME OF REGULATION

ISSUING BODIES AND DATE OF ISSUE

RELEVANT PROVISIONS

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work

- State Ethnic Affairs Commission, National Administration for the Protection of State Secrets

- March 17, 1995

民族工作中国家秘密及其密级具体范围的规定

- 国家民族事务委员会、国家保密局

- 1995年3月17日

Top secret:

- Analyses of important developments and information on anything that could seriously harm ethnic relations, or that for other ethnic reasons could endanger national unity or affect social stability. (对可能严重损害民族关系和由于民族方面的因素而危害国家统一、影响社会稳定的重要动态和情况分析。) (*Article 3.1.1*)

- Strategies and measures for dealing with the occurrence of major ethnic-related public order emergencies. (对民族方面发生的重大紧急治安事件的处置对策和措施。) (*Article 3.1.2*)

- Strategies and measures used in handling ethnic separatist activities. (对民族分裂活动采取的对策和措施。) (*Article 3.1.3*)

Highly secret:

- Important guiding principles, policies and measures currently being discussed or formulated regarding ethnic work. (正在酝酿制定中的有关民族工作的重要方针、政策和措施。) (*Article 3.2.1*)

- Plans and measures for handling ethnic disputes (处理民族纠纷的方案、措施。) (*Article 3.2.2*)

- Reactions from individuals in Taiwan, Hong Kong and Macau, or from ethnic minorities living abroad, on important questions involving issues, policies and work related to ethnic minorities in China. (台湾、香港、澳门及旅居海外的少数民族人士所反映的有关民族问题、民族政策、民族工作中的重要问题。) (*Article 3.2.3*)

Secret:

- Reactions to important issues regarding the implementation of ethnic policies. (贯彻有关民族政策中反映的重要问题。) (*Article 3.3.1*)

- Information and measures under consideration that must be held internally on the work of ethnic identification and the establishment of ethnic autonomous areas. (民族识别和建立民族自治地方工作中需要内部掌握的情况及拟采取的办法。) (*Article 3.3.2*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Ethnic Work, cont.**Secret, cont.:**

- Internally-held guidelines on ethnic propaganda work in foreign relations and ethnic foreign affairs work. (民族对外宣传工作和民族涉外工作内部掌握的口径。) (Article 3.3.3)
- Analyses of important trends in speeches or writings by ethnic minorities. (对民族语言文字的重要动态分析。) (Article 3.3.4)

Internal (neibu):

- The contents of meetings of professional government bodies that should not be announced to the public. (机关业务会议中不宜公开的内容。) (Article 4.1)
- Work plans, summaries, written instructions, reports and relevant materials on the internal work of government organs. (机关内部的工作计划、总结、请示、报告及有关材料。) (Article 4.2)
- Statistical materials and formulations of guiding principles and policies used in the work of governmental organs that should not be announced to the public within a specified time frame. (在一定时间和范围内不宜公开的机关工作中统计资料和制定的方针、政策。) (Article 4.3)
- Documents, data, publications and bulletins used as internal reference materials. (机关内部参阅的文件、资料、刊物和简报。) (Article 4.4)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Religious Work

- Ministry of Religious Affairs, National Administration for the Protection of State Secrets
- October 12, 1995

宗教工作中国家秘密及其密级具体范围的规定

- 宗教事务局、国家保密局
- 1995年10月12日

Top secret:

- Strategies and measures for handling major public order emergencies involving religious matters. (对宗教方面的重大紧急治安事件的处置对策和措施。) (*Article 3.1.1*)
- Strategies under consideration for handling criminal activities involving the use of religion to carry out political infiltration or to engage in serious violations of the law. (对利用宗教进行政治渗透和从事严重违法犯罪活动拟采取的对策。) (*Article 3.1.2*)
- Guiding principles and strategies under consideration for handling major religious issues that involve foreign relations. (对宗教方面涉外事宜中重大问题拟采取的方针、对策。) (*Article 3.1.3*)

Highly secret:

- Analyses of religious developments and situations, as well as important guiding principles and strategies under consideration for dealing with them. (对宗教形势、动态的分析和拟采取的重大方针、政策。) (*Article 3.2.1*)
- Specific guiding principles and tactics for making contact with religious organizations overseas and in Hong Kong, Macau and Taiwan. (与国外及港澳台宗教组织交往的具体方针和策略。) (*Article 3.2.2*)

Secret:

- Reactions to important issues concerning the implementation of religious policies. (贯彻有关宗教政策中反映的重要问题。) (*Article 3.3.1*)
- Internally-held guidelines for handling foreign affairs propaganda work (在对外宣传工作中内部掌握的口径。) (*Article 3.3.2*)

NAME OF REGULATION**ISSUING BODIES AND DATE OF ISSUE****RELEVANT PROVISIONS**

Regulation on State Secrets and the Specific Scope of Each Level of Secrets in Religious Work, cont.**Internal (*neibu*):**

- Information on, and suggestions drawn up regarding the arrangements for, important representatives of religious groups. (宗教界重要代表人士的情况及其拟议中的安排意见。) (*Article 4.1*)
- Analyses and reactions to information on religious individuals that have an important influence in Hong Kong, Macau, Taiwan, China and abroad. (国内外、港澳台有重要影响的宗教人士的情况分析和反映。) (*Article 4.2*)
- Reactions to information on, and records of talks given during, receptions for representatives of religious groups. (接待宗教界代表人士的情况反映、谈话记录。) (*Article 4.3*)
- The reactions, opinions and recommendations of representatives of religious groups regarding guiding principles, policies and important decisions contained in proposals on religious matters. (宗教界代表人士对我宗教方面拟议中的方针、政策和重要决策的反映、意见和建议。) (*Article 4.4*)
- Analyses of information on the trends of overseas religious organizations and their personnel. (境外宗教组织、人员情况的动态分析。) (*Article 4.5*)
- Information and statistical data that should not be disclosed to the public regarding religious organizations, religious institutes and religious activities. (有关宗教组织、宗教院校、宗教活动不宜公开的情况及统计数字。) (*Article 4.6*)
- Information relating to Party members and cadres in religious groups and in grassroots Party organizations. (宗教团体中党员干部、党的基层组织的有关情况。) (*Article 4.7*)
- Drafts of laws and regulations on religion. (拟定中的宗教法规。) (*Article 4.8*)
- The contents of meetings held by government organs that should not be disclosed to the public. (机关会议中不宜公开的内容。) (*Article 4.9*)

