



PRC Law On Protecting State Secrets

(Adopted at the Third Session of the Standing Committee of the Seventh National People's Congress on September 5, 1988)

Chapter I: General Provisions

Article 1: This Law is enacted for the purpose of guarding State secrets, safeguarding State security and national interests and ensuring smooth progress of reform, the opening-up drive and socialist construction.

Article 2: State secrets shall be matters that involve state security and national interests and, as specified by legislation, are entrusted to a limited number of people for a given period of time.

Article 3: All State organs, armed forces, political parties, social organizations, enterprises, institutions and citizens have the obligation to guard State secrets.

Article 4: The work of guarding State secrets shall be in line with the principle of actively preventing them from being leaked and stressing priorities so that State secrets are protected while work in all areas is facilitated.

Article 5: State secret departments shall be responsible for the nationwide guarding of State secrets, and the State secret departments at or above the county level shall, within the scope of their functions and powers, be responsible for guarding 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 guarding 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 involved with State secrets shall, in the light of their actual conditions, set up bodies or designate personnel to administer the day-to-day work of guarding State secrets within their own organs or units.

Article 7: Units or individuals that have rendered meritorious services in guarding and protecting State secrets and improving techniques and measures in this field of work shall be rewarded.

Chapter II: Scopes And Categories Of State Secrets

Article 8: State secrets shall include the following in accordance with the provisions of Article 2 of this Law:

1. Secrets concerning major policy decisions on State affairs;
2. Secrets in the strengthening of national defense and in the activities of the armed forces;
3. Secrets in diplomatic activities and in activities related to foreign countries as well as secrets to be maintained as commitments to foreign countries;
4. Secrets in national economic and social development;

5. Secrets concerning science and technology;
6. Secrets concerning activities for safeguarding national security and the investigation of criminal offenses;
7. Other matters classified as State secrets by State secret departments.

Matters that do not conform to the provisions of Article 2 of this Law shall not be State secrets.

Secrets of political parties that conform with the provisions of Article 2 of this Law shall be State secrets.

Article 9: State secrets shall fall into three categories: top secret, classified and confidential.

Top secret information refers to secrets for which divulgement will cause extreme harm to State security and national interests. Classified information refers to important State secrets, the divulgement of which will cause serious harm to State security and national interests. Confidential information refers to ordinary State secrets, the divulgement of which will cause harm to State security and national interests.

Article 10: The specific scope and categorization of State secrets shall be defined by the State secret department together with the ministries of Foreign Affairs, Public Security and State Security and other central organs concerned.

The specific scope and categorization of State secrets related to national defense shall be defined by the Central Military Commission.

Stipulations on the specific scope and categorization of State secrets shall be made known within relevant quarters.

Article 11: State organs and units at various levels shall, in accordance with the stipulations on the specific scope and categorization of State secrets, classify the State secrets arising in these organs and units.

When it is unclear whether or not a certain matter is a State secret or how it should be classified, the question shall be resolved by the State secret department; the secret-guarding department of a province, an autonomous region or a municipality directly under the central government; the secret-guarding department of a city that is the seat of a provincial government or the government of an autonomous region; the secret-guarding department of a large city approved by the State Council; or an organ approved by the State secret department. While classification is pending, the State organ or unit where the matter has arisen shall initially take security measures in conformity with the category proposed for its classification.

Article 12: The category of secrecy shall, in accordance with the provisions of articles 9, 10 and 11 of this Law, be marked on documents and other materials that are determined to be State secrets. Documents and other materials that are not determined to be State secrets shall not be marked as such.

Article 13: When dissent arises as to whether or not a matter is a State secret or how it should be classified, the question shall be determined by the State secret-guarding department or the secret-guarding department of a province, an autonomous region or a municipality directly under the central government.

Article 14: While classifying State secrets, State organs and units shall, in the light of each case, determine the length of time for which these secrets shall be guarded. Specific measures for determining the period shall be formulated by the State secret department.

Article 15: The category of State secrets and the period for guarding them shall be altered in the light of changing circumstances. Such alterations shall be decided upon by the State organs or units that determined the category of the secrets and the periods for guarding them, or by a superior department.

Article 16: A State secret shall be automatically declassified upon the expiration of the period for guarding it. In cases where it is necessary to extend the period, the matter shall be decided by the State organ or unit that determined the category of the secret and the period for guarding it, or by a superior department.

When it is found before the expiration of the period for guarding a State secret that it is no longer necessary to guard it as such, it shall be declassified without delay by the State organ or unit that determined its classification and defined the period for guarding it, or by a superior department.

Chapter III: System For Guarding State Secrets

Article 17: The State secret department shall formulate security measures regarding the making, receiving, dispatching, transmitting, using, copying, extracting, preserving and destroying of documents and other materials and objects that are State secrets.

Measures for storing, drawing, processing and transmitting State secrets by electronic information and other technical means shall be formulated by the State secret department together with the central organs concerned.

Article 18: Documents and other materials and objects that are classified as "top secret" must be guarded via the following security measures:

1. They shall not be copied or extracted without approval by the State organ or unit that determined their classification or by a superior department;
2. People shall be specially designated and necessary security measures taken for their dispatch, reception, delivery and transport;
3. They shall be kept in well-equipped safes.

Security measures shall be taken in accordance with the provisions of the preceding paragraphs for approved copies or extracts of documents and other materials and objects classified as "top secret".

Article 19: Security measures shall be formulated by the State secret department, together with the central organs concerned, for the development, production, transportation, use, preservation, maintenance and destruction of equipment or goods classified as State secrets.

Article 20: In the publication and distribution of newspapers, journals, books, maps, material with illustrations and captions, and audio and video 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 divulged.

Article 21: When State secrets have to be furnished in order to benefit from contact and cooperation with foreign countries, approval shall be obtained beforehand in line with the prescribed procedures.

Article 22: With regard to meetings and other activities that involve State secrets, the sponsor units shall take security measures, explain to the participants the need to guard secrets and set specific requirements for the purpose.

Article 23: Certain military zones and locations that are State secrets 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 approval obtained in accordance with relevant State regulations.

Article 24: No State secrets shall be divulged in private contacts or correspondence.

When carrying documents and other materials and objects classified as State secrets on official tours, no one shall violate the relevant security regulations.

No State secrets shall be discussed in public places.

Article 25: Transmission of State secrets through wire or wireless communications shall be protected by security measures.

No State secrets shall be transmitted by ordinary code or by a secret code that has not been examined and approved by the central organs concerned.

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

Article 26: No documents or any other materials or objects classified as State secrets shall be carried, transmitted, posted or transported out of the country's territory without the approval of competent departments.

Article 27: State secrets shall, depending on the circumstances, be accessible only to a certain number of people. Top secret information and materials shall be accessible only to people who have obtained approval.

Article 28: Personnel to be specially put in charge of State secrets shall be examined and approved in accordance with the provisions of the State secret department and the competent personnel department.

Exit from the country's territory by personnel in charge of State secrets shall be approved by the organ that approved their appointment. If the competent department under the State Council holds that the exit of any such personnel from the country's territory would endanger State security or cause serious damage to national interests, no approval shall be granted for his/her exit.

Article 29: State organs and units shall educate their personnel on the need to guard secrets and check up on secret-guarding work regularly.

Article 30: State functionaries and other citizens shall, upon discovering that State secrets have been divulged or are in danger of being divulged, take remedial measures immediately and promptly report the matter to the State organs and units concerned, which shall, upon receiving such reports, deal with the matter without delay.

Chapter IV: Legal Responsibility

Article 31: Those who, in violation of the provisions of this Law, divulge State secrets intentionally or through negligence, shall, if the consequences are serious, be investigated for criminal responsibility in accordance with the provisions of Article 186 of the Criminal Law.

Those who, in violation of the provisions of this Law, divulge State secrets, may, if the consequences are not serious enough for criminal punishment, receive disciplinary sanction in

the light of the specific circumstances of each case.

Article 32: Those who steal, spy on, buy or illegally provide State secrets for institutions, organizations and people outside the country shall be investigated for criminal responsibility in accordance with the law.

Chapter V: Supplementary Provisions

Article 33: The State secret department shall, in accordance with this Law, formulate measures for its implementation, which shall come into force after being submitted to and approved by the State Council.

Article 34: The Central Military Commission shall, in accordance with this Law, formulate the Regulations of the Chinese People's Liberation Army on the Guarding of State Secrets.

Article 35: This Law shall come into force as of May 1, 1989. The Provisional Regulations on Guarding State Secrets promulgated in June 1951 shall be annulled as of the same date.