

Archives Law of the People's Republic of China

(Adopted at the 22nd Meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987; amended for the first time in accordance with the *Decision on Amending the Archives Law of the People's Republic of China* adopted at the 20th Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1996; amended for the second time in accordance with the *Decision on Amending Twelve Laws including the Foreign Trade Law of the People's Republic of China* adopted at the 24th Meeting of the Standing Committee of the Twelfth National People's Congress on November 7, 2016; revised at the 19th Meeting of the Standing Committee of the Thirteenth National People's Congress on June 20, 2020)

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Chapter I

General Provisions

Article 1 This Law is enacted in order to enhance archives administration, regulate the collection and arrangement of archives, effectively preserve and use archives, enhance informatization of archives, and promote modernization of the national system and capacity for governance in the service of the cause of socialism with Chinese characteristics.

Article 2 This Law shall apply to the activities of collection, arrangement, preservation, and use of archives, and supervision of the aforesaid activities.

For the purpose of this Law, the term "archives" means historical records, the preservation of which is of value to the state and society, in the forms and formats such as writings, pictures, diagrams, audios, and videos directly created by state organs, groups, enterprises, public institutions, other organizations or individuals in former or contemporary activities related to economy, politics, culture, society, ecology, military, foreign affairs, and science and technology.

Article 3 The archival work shall adhere to the leadership of the Communist Party of China. The people's governments at all levels shall enhance the archival work, incorporate the cause of archives into national economic and social development plans, finance the cause of archives with government budgets, and ensure that the development of the cause of archives is compatible with the development of national economy and society.

Article 4 The principle shall be applied under which archival work is carried out at administrative levels under unified leadership. The integrity and safety of archives shall be maintained, and access by the society shall be facilitated.

Article 5 All state organs, armed forces, political parties, groups, enterprises, public institutions, and citizens have the obligation to protect archives and the right to access to archives in accordance with the law.

Article 6 The state encourages and supports archives-related scientific research and technological innovation, promotes the transfer and application of scientific and technological achievements in the collection, arrangement, preservation, and use of archives, and advances archives-related scientific and technological progress.

The state shall take measures to enhance publicity and education with regard to archives so as to increase public awareness in this regard.

The state encourages and supports international communication and cooperation in the field of archives.

Article 7 The state encourages various sectors of the society to engage in and render support for the development of the cause of archives.

Entities and individuals who have made outstanding contributions to the collection, arrangement, preservation, and use of archives shall be commended and rewarded pursuant to relevant regulations of the state.

Chapter II

Archive Institutions and Their Responsibilities

Article 8 The national archives administration shall be in charge of the archival work nationwide and responsible for the overall planning, organizing, and coordinating of the national archival work. It shall establish a unified system and exercise supervision and guidance.

Local archives administrations at or above the county level shall be in charge of the archival work within their administrative regions and exercise supervision and guidance over the archival work of state organs, groups, enterprises, public institutions, and other organizations within the said regions.

The people's governments of townships and towns shall designate personnel to manage their archives and to supervise and guide the archival work of the affiliated entities, community-level self-governance organizations, and other institutions subject to their administration.

Article 9 A state organ, group, enterprise, public institution, or any other organization shall designate a division or personnel to manage its archives, and to supervise and guide the archival work of its affiliated entities.

A central state organ shall, within its duties, guide the archival work in its system according to the need for archives management.

Article 10 The national archival repositories and local archival repositories at or above the county level are the cultural institutions for centralized management of archives and shall be responsible for collecting, arranging, preserving, and providing access to archives within the scope of their respective duties.

Article 11 The state enhances talent training and team building for the archival work so as to improve the professionalism of archivists.

Archivists shall be devoted to their duties, observe the law and discipline, and possess professional knowledge and skills. Archival professionals may be assessed for professional technical titles pursuant to relevant regulations of the state.

Chapter III

Management of Archives

Article 12 State organs, groups, enterprises, public institutions, and other organizations that are required to create archives in accordance with the regulations of the state shall establish an accountability system for archival work and improve their archives management system in accordance with the law.

Article 13 The following records that are directly created and whose preservation is of value to the state and society shall be filed as archives:

- (1) Records that reflect the history and main functional activities of state organs, groups;
- (2) Records that reflect the major research and development, construction, production, operation, and service activities of state-owned enterprises and public institutions, and records protecting the rights and interests of the said enterprises and institutions as well as their employees;
- (3) Records that reflect the governance and service activities of self-governance organizations at the primary level in urban and rural communities;
- (4) Records that reflect government activities, economic, scientific and technological developments, features of the society and history, cultural practices and customs, as well as ecological environment in various historical periods; and
- (5) Records that shall be kept as archives pursuant to laws or administrative regulations.

Records of entities such as non-state-owned enterprises and social services that fall under the scope of Subparagraph (2) shall be kept by the entities themselves.

Article 14 Records of an entity that should be kept as archives shall, in accordance with the relevant regulations of the state, be regularly transferred to the archives division or

archivist of the said entity for centralized management. No individual may refuse to hand over such records or keep such records as his own.

Records that are prohibited from being filed as archives pursuant to the regulations of the state shall not be filed as archives without due authorization.

Article 15 State organs, groups, enterprises, public institutions, and other organizations shall regularly transfer their archives to the archival repositories in accordance with relevant regulations of the state, and the archival repositories may not refuse to receive.

For archival records transferred in advance with the consent of archival repositories, the disclosure of government information contained therein shall be handled by the entity that produced or kept such information if the stipulated transfer period has not expired. After the expiration of the transfer period, archival records involving government information for disclosure shall be handled pursuant to the regulations on the use of archives.

Article 16 Organs, groups, enterprises, public institutions, and other organizations shall, in accordance with relevant regulations, transfer archival records to the relevant entities or archival repositories in case of organizational changes, revocations, or mergers.

Article 17 In addition to receiving transferred archival records in accordance with relevant regulations of the state, the archival repositories may collect archival records through purchases, deposits, accepting donations, etc.

Article 18 Archival records that are cultural relics or documents kept by entities such as museums, libraries, and memorial halls shall be managed by the said entities pursuant to relevant laws and administrative regulations.

The archival repositories shall cooperate with the entities as prescribed in the preceding paragraph in the use of archives through exchanging extra copies, duplicates, or catalogs, holding joint exhibitions, and jointly studying, compiling, and publishing relevant historical materials.

Article 19 The archival repositories and archives divisions of organs, groups, enterprises, public institutions, and other organizations shall establish a scientific management system to facilitate the use of archives, equipping themselves with storage suitable for keeping archives as well as necessary facilities and equipment in accordance with relevant regulations of the state to ensure the safety of archives, and adopting advanced technology to modernize the management of archives.

The archival repositories, state organs, groups, enterprises, public institutions, and other organizations shall establish a comprehensive working mechanism for archives safety, enhance risk management, and improve their capabilities of responding to emergencies.

Article 20 For archives that involve state secrets, the management, use, modification in classification, and declassification of such archives shall be handled in accordance with the provisions of laws and administrative regulations on guarding state secrets.

Article 21 The national archives administration shall be responsible for formulating the principles by which the value of archives for preservation is appraised, the standards for determining the retention periods, and the procedures and methods for disposal of archives.

Tampering with, damaging, forging archives, and destructing archives without authorization are prohibited.

Article 22 Archival records created by entities such as non-state-owned enterprises and social services or by individuals, the preservation of which are of great value to the state and society or which shall be kept confidential, shall be properly kept by their owners. If the said archival records might be seriously damaged or subject to risk due to the owners' inability to meet preservation requirements or any other reason, the archives administration at or above the provincial level may render help, or take measures to ensure the integrity and safety of the archival records including designating a specific archival repository to keep the said archival records on the owner's behalf after negotiation, and purchasing or requisitioning the said archival records pursuant to relevant laws when necessary.

Owners of the archives mentioned in the preceding paragraph may deposit the archives with or sell the archives to state archival repositories. It shall be strictly forbidden to sell or give such archives to foreign individuals or organizations.

Whoever donates important or valuable archives to the state shall be rewarded by the state archival repositories pursuant to relevant regulations of the state.

Article 23 The purchase and sale of archives owned by the state shall be prohibited.

The national archives administration shall formulate specific measures for transfer of the archives concerning the transferred assets of state-owned enterprises or public institutions.

The exchange and transfer of duplicates of archives shall be handled in accordance with relevant regulations of the state.

Article 24 When entrusting such archival services as the arrangement, deposit, development, and utilization as well as digitization of archival records, the archival repositories, state organs, groups, enterprises, public institutions, and other organizations shall sign an entrustment agreement with eligible archival service enterprises on the scope, quality, and technical standards of the services, and shall supervise the entrusted party.

The entrusted party shall establish a management system for archival services and follow relevant safety and confidentiality regulations to ensure the safety of archives.

Article 25 The archives owned by the state, the archives specified in Article 22 of this Law, and their duplicates shall not be transported, mailed, carried, or transmitted via the Internet out of China without authorization; where it is necessary to do so, approval shall be obtained pursuant to relevant regulations of the state.

Article 26 The national archives administration shall establish and improve a working mechanism for the collection, arrangement, protection, and use of archives related to emergency responses.

The archival repositories shall improve the study, arrangement, development, and use of archives related to emergency responses so as to provide documentary reference and decision support for handling emergencies.

Chapter IV

Use and Publication of Archives

Article 27 Archival records kept by the state archival repositories at or above the county level shall be open to the public upon the expiration of 25 years from the date of their creation. Archival records in such fields as economy, education, science and technology, and culture may be disclosed to the public at a time earlier than 25 years. Archival records involving the security or vital interests of the state or unsuitable for disclosure upon expiration of the prescribed period may be kept from the public for more than 25 years. The state encourages and supports other archival repositories to make their archival records accessible to the public. The specific measures for the public access of archives shall be formulated by the national archives administration and submitted to the State Council for approval.

Article 28 The archival repositories shall regularly publish catalogues of open archival records on their website or by other means, continuously improve the rules for the use of

archives, provide new types of services, enhance their service functions, improve their services, actively promote the use of archives, and simplify relevant procedures so as to provide convenience for users.

Entities and individuals with legal certificates may use the archives that are open to the public. If a state archival repository fails to provide open access as prescribed by regulations, entities and individuals may file a complaint to the archives administration, and the archives administration shall promptly investigate and handle the complaint and inform the complainant of the result.

Where the use of archives affects intellectual property rights or personal information, the provisions of relevant laws and administrative regulations shall be complied with.

Article 29 State organs, groups, enterprises, public institutions, other organizations, and citizens may, according to the need for economic development, building of national defense, education, scientific research, and other work, access to restricted archives of archival repositories and archives in the custody of organs, groups, enterprises, public institutions, and other organizations pursuant to relevant regulations of the state.

Article 30 Archival repositories shall be responsible for the review and approval of disclosure of the archival records in their custody, jointly with the entities by which the said records were created or transferred. For archival records that have not been transferred to an archival repository, the entities that have created them or keep them shall be responsible for the review and approval of their disclosure and shall give their suggestion on the matter at the time of transfer.

Article 31 Entities and individuals that have transferred, donated, or deposited archival records to archival repositories may enjoy priority in the use of said archival records and may propose restrictions of use as to the parts that are not suitable for public access. The archival repositories shall render support and facilitation accordingly.

Article 32 State-owned archival records may only be released by the archival repositories or relevant institutions authorized by the state; no entity or individual shall have the right to release such archives without permission of the archival repositories or relevant institutions. The owners of the archival records created by entities including non-state-owned enterprises and social service agencies, as well as individuals, shall have the right to release said records.

The release of archives shall be in compliance with relevant laws and administrative regulations, and shall not undermine national security and interests or infringe upon the legitimate rights and interests of others.

Article 33 The archival repositories shall, based on their own situations, support and facilitate state organs in formulating laws, regulations, and policies, as well as in conducting research on relevant issues.

The archival repositories shall have researchers to enhance the study and arrangement of archival records, organize the compilation and publication of archival records in a planned way, and distribute the publications within a certain scopes.

Archival researchers shall follow the rules of archival management when studying and arranging the archives.

Article 34 The state encourages the archival repositories to make use of their archival records by theme exhibitions, public lectures, and publicity, to educate the people on patriotism, collectivism, and socialism with Chinese characteristics, carry on and develop the fine traditional Chinese culture, inherit the revolutionary culture, nurture advanced socialist culture, and to enhance cultural confidence as well as promote the core socialism values.

Chapter V

Informatization of Archives

Article 35 The people's governments at all levels shall formulate informatization plans covering the informatization of archives, and ensure secured preservation and effective use of digital archival resources such as electronic archives and digitized traditional archives.

Archival repositories, state organs, groups, enterprises, public institutions, and other organizations shall promote the informatization of archives and ensure the security of archived information.

Article 36 State organs, groups, enterprises, public institutions, and other organizations shall actively step up the development of their electronic archives management system and connect this system to the network of office automation systems, business systems, etc.

Article 37 Electronic archives shall be created from reliable sources through standardized procedures, and the elements contained therein shall be in compliance with relevant regulations.

Electronic archives shall have the same effect as traditional archives and can be used as credentials.

The measures for managing electronic archives shall be formulated by the national archives administration in conjunction with relevant departments.

Article 38 The state encourages and supports the archival repositories, state organs, groups, enterprises, public institutions, and other organizations in the digitization of traditional archives. The originals shall be properly preserved after digitization.

Article 39 Electronic archives shall be transferred to the archival repositories via a network or storage medium that meets the requirements for security management .

The archival repositories shall review incoming electronic archives to ensure their authenticity, integrity, accessibility, and security.

The archival repositories may keep off-site backups of critical digital archives.

Article 40 The archival repositories shall be responsible for collecting, preserving, and providing access to digital archival resources. The archival repositories shall set up establishments for digital archives where conditions permit.

Article 41 The state promotes the construction of a service platform for sharing digital archives, advancing the inter-regional and inter-departmental sharing and use of the digital archives resources.

Chapter VI

Supervision and Inspection

Article 42 The archives administrations may, in accordance with the laws and administrative regulations governing the management of archives, inspect the archival repositories, state organs, groups, enterprises, public institutions, and other organizations with respect to the following:

(1) The implementation of the accountability and administration systems for archival work;

(2) The allocation and maintenance of repositories, facilities, and equipment;

- (3) The management of archivists;
- (4) The collection, arrangement, preservation, and availability of archives;
- (5) The informatization of archives and the assurance of information safety; and
- (6) The supervision of and guidance for subordinate entities on archival work.

Article 43 When conducting an inspection based on the clues to violations of law, an archives administration may, provided that the requirements for security and confidentiality are met, inspect the relevant repositories, facilities, and equipment, consult the relevant materials, inquire the persons concerned, and record the relevant information. The entities and individuals concerned shall cooperate with the inspection.

Article 44 The archival repositories, state organs, groups, enterprises, public institutions, and other organizations shall, upon discovering safety threats to archives, promptly eliminate the said threats and take remedial measures. Damages of archives and leaks of archival information shall be reported to the archives administrations in a timely manner.

Article 45 The archives administrations shall, upon discovering safety threats to archives in the archival repositories, state organs, groups, enterprises, public institutions, and other organizations, order a rectification to eliminate the threats within a prescribed time period.

Article 46 Every entity and individual has the right to report violations of law concerning archives to the archives administrations and relevant authorities.

The archives administrations or relevant authorities that receive such reports shall deal with the report in time in accordance with the law.

Article 47 The archives administrations and their staff shall carry out supervision and inspection in accordance with their statutory duties and powers, as well as the statutory procedures, and ensure that supervision and inspection is done in a reasonable, impartial, strict, and efficient way. The archives administrations and their staff shall not use their powers for private gain, and shall not divulge any state secrets, business secrets or private information learned during their performance of duties.

Chapter VII

Legal Liabilities

Article 48 If an entity or individual commits any of the following acts, the archives administration or the relevant authorities at or above the county level shall, in accordance with the law, sanction the person in charge and other persons of the entity who are directly liable:

- (1) Losing archives owned by the state;
- (2) Providing, transcribing, copying, or releasing archives owned by the state without authorization;
- (3) Buying, selling, or otherwise unlawfully transferring archives owned by the state;
- (4) Tampering with, damaging, or forging archives, or destroying archives without authorization;
- (5) Selling or giving archives to foreign individuals or organizations;
- (6) Failing to file archival records in accordance with regulations or transfer archival records within a specified time period, and refusing to make rectifications when ordered to do so;
- (7) Failing to provide public access to archives in accordance with regulations;
- (8) Failing to take remedial measures in response to known safety threats, which results in the damage or loss of archives, or failing to make rectifications within a time limit when ordered to do so;
- (9) Failing to take remedial measures in response to a safety incident, covering up the incident, or refusing to cooperate with an investigation; and
- (10) Damaging or losing archives due to dereliction of duty by archivists.

Article 49 Where the use of archival records of an archival repository constitutes a violation prescribed in Subparagraph (1), (2) or (4) of Article 48 of this Law, the archives administration at or above the county level shall issue a warning, and impose a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan if the offender is an entity, or a fine of not less than RMB 500 yuan but not more than RMB 5,000 yuan in case of an individual.

Where an archival service enterprise, during service, commits any of the acts prescribed in Subparagraph (1), (2) or (4) of Article 48 of this Law, the archives administration at or above the county level shall issue a warning to the enterprise, and impose a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan.

Where an entity or individual commits any of the acts prescribed in Subparagraph (3) or (5) of Article 48 of this Law, the archives administration at or above the county level shall issue a warning, confiscate the illegal gains, and impose a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan if the offender is an entity, or a fine of not less than RMB 500 yuan but not more than RMB 5,000 yuan in case of an individual. In addition, the archives sold or given away may be requisitioned pursuant to Article 22 of this Law.

Article 50 Where archives or duplicates of archives are transported, mailed, carried, or transmitted through the Internet out of China in violation of this Law, the customs or the relevant departments shall seize said archives or duplicates, block the transmission, and impose a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan if the offender is an entity, or a fine of not less than RMB 500 yuan but not more than RMB 5,000 yuan in case of an individual. The archives or duplicates seized or intercepted shall be handed over to the relevant archives administrations.

Article 51 Where a violation of this Law constitutes a crime, the offender shall be criminally prosecuted. Where the violation causes property losses or other damages, the offender shall be subject to civil liability.

Chapter VIII

Supplementary Provisions

Article 52 The administrative measures for the archival work of the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be formulated by the Central Military Commission in accordance with this Law.

Article 53 This Law shall come into force as of January 1, 2021.