

State Council Measures for Formulating Public Enterprise and Institution Information Disclosure Provisions

Official Chinese text: 国务院办公厅关于印发《公共企事业单位信息公开规定制定办法》的通知, http://www.gov.cn/zhengce/content/2020-12/21/content_5571847.htm

Article 1. In order to establish and improve the information disclosure system of public enterprises and institutions, further promote the information disclosure of public enterprises and institutions, strengthen the supervision and management of public enterprises and institutions, improve the service level of public enterprises and institutions, better protect the vital interests of the people, and help optimize the business environment, these Measures are hereby formulated in accordance with the relevant stipulations of the Regulations of the People's Republic of China on Open Government Information.

Article 2. The relevant State Council departments in charge shall, in accordance with Article 55 of the Regulations of the People's Republic of China on Open Government Information and the requirements of these Measures, formulate or revise provisions on the disclosure of information by public enterprises and institutions in such fields as education, health, water supply, power supply, gas supply, heat supply, environmental protection and public transportation.

The national department in charge of open government information work¹ shall gradually expand the applicable scope of these Measures in accordance with economic and social development and actual work conditions.

Article 3. The formulation of information disclosure provisions for public enterprises and institutions shall be guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, adhere to the people-centered development philosophy, and adhere to the principles of compliance with laws and regulations, convenience for the people, and steady progress.

Article 4. Public enterprise and institution information disclosure provisions shall define the applicable subjects, which may apply universally to all public enterprises and institutions in such field, or only apply to some of the public enterprises and institutions in the field. If conditions are met, a list of applicable subjects may be made.

The applicable subjects of public enterprise and institution information disclosure provisions shall most importantly include: public enterprises and institutions that have a dominant market position, have a relatively strong public nature, and are directly related to the people's physical health and safety, or public enterprises and institutions that have prominent information asymmetries with service targets and require a focus on strengthened regulation.

Article 5. The method of information disclosure by public enterprises and institutions shall mainly be proactive disclosure and, in principle, disclosure on request shall not be adopted.

¹ This is the State Council General Office, per Article 3 of the OGI Regulations.

Where public enterprise and institution information disclosure provisions do provide for disclosure on request, such matters as the deadline for handling, processing methods, and supervision and relief channels shall be specified to ensure that the procedures for disclosure on request are operable.

Public enterprise and institution information disclosure provisions shall require public enterprises and institutions to set up open information consultation windows, establish and improve corresponding work mechanisms, strengthen communication and consultation, respond to concerns within a time limit, optimize consultation services, and satisfy the individualized information needs of service targets and the public. The open information consultation window setup shall mainly be by such means as opening hotlines or interactive website communication platforms and accepting on-site consultations, and emphasize integration with public enterprise and institution customer service hotlines, mobile clients, etc., to avoid inappropriately increasing the burden on public enterprises and institutions.

Article 6. Public enterprise and institution information disclosure provisions shall flexibly determine disclosure channels based on actual conditions, and put forward requirements for strengthening daily management and maintenance. When determining disclosure channels, the principles of being pragmatic and effective and adapting measures to local conditions to prevent "one size fits all" shall be upheld.

Article 7. Public enterprise and institution information disclosure provisions shall clearly list the disclosure contents and time limit requirements in list form, and dynamically adjust them according to actual conditions.

The determination of disclosure contents shall uphold the aim of doing one's best, and emphasize including the following information:

- (1) Service information closely related to the daily production and livelihood of the people;
- (2) Information that has a relatively great impact on the business environment;
- (3) Information directly related to the vital interests of service targets;
- (4) Information related to production safety and consumers' personal and property safety;
- (5) Information of high concern to public opinion and that reflects more issues;
- (6) Other important information that shall be disclosed.

In principle, the disclosure content shall mainly be disclosed for the long term. If it involves publicity and other periodic disclosure content, such content should be distinguished and subject to special stipulations.

Article 8. The method of supervising public enterprise and institution information disclosure shall be mainly through appeals to the departments in charge at all levels, and in principle shall not include applying for administrative reconsideration or filing administrative litigation. If laws and administrative regulations have different stipulations, those stipulations shall be followed.

The departments in charge at all levels shall establish a special work system, clarify handling deadlines, and promptly handle appeals concerning information disclosure by relevant public enterprises and institutions in accordance with law.

Article 9. Public enterprise and institution information disclosure provisions shall include special responsibility clauses, and implementing responsibility shall be strengthened by means of circulating notices of criticism, ordering correction of the situation, and administrative punishments. The administrative punishments set by public enterprise and institution information disclosure provisions shall be based on the administrative punishment authority granted by corresponding laws and administrative regulations to the relevant departments in charge.

Article 10. The formulation of public enterprise and institution information disclosure provisions shall adhere to scientific and democratic legislation, fully listen to the various opinions of service targets, public enterprises and institutions, industry associations, representatives of the people, and experts and scholars, etc., and actively adopt reasonable suggestions.

Article 11. Public enterprise and institution information disclosure provisions shall properly handle the relationship between information disclosure and other important interests such as state secrets, public security, industrial security, commercial secrets and personal information protection, and pay attention to distinguishing information disclosure from business inquiry services.

Article 12. Public enterprise and institution information disclosure provisions shall strengthen the connection with relevant systems such as information disclosure by listed companies and enterprise information publicity, and comprehensively consider the stipulations of laws, administrative regulations and rules on the disclosure of information by public enterprises and institutions in the relevant field.

Article 13. Public enterprise and institution information disclosure provisions shall be formulated in the form of rules. If the conditions for formulating rules are not yet mature, regulatory documents may be formulated first, with rules formulated as soon as conditions mature.

Article 14. f The national department in charge of open government information work shall be responsible for interpreting these Measures

Article 15: These Measures shall go into effect as of January 1, 2021.