

中华人民共和国档案法 (英文版)

(Adopted at the 22nd Meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987, and revised in accordance with the Decision on the Revision of 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)

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Chapter I General Provisions

Article 1 This Law is enacted with a view to strengthening the management, collection and arrangement of archives and effectively protecting and using archives in the service of socialist modernization.

Article 2 For the purpose of this Law, "archives" means historical records in various forms, including writings in different languages, pictures, diagrams, audio-visual, etc., whose preservation is of value to the State and society and which have been or are being directly formed by State organs, public organizations and individuals in their political, military, economic, scientific, technological, cultural, religious and other activities.

Article 3 Every State organ, unit of the armed forces, political party, public organization, enterprise and institution and every citizen shall have the obligation to protect archives.

Article 4 The people's governments at various levels shall strengthen their leadership in archival work and incorporate the development of undertakings of archives into the program of the national economic and social development.

Article 5 In archival work, the principle of unified leadership and administration at different levels shall be practiced in order to

ensure the integrity and safety of archives and facilitate their use by people of various quarters of society.

Chapter II Archives Institutions and Their Responsibilities

Article 6 The national archives administration department shall be responsible for archival work throughout the country. It shall make an overall plan, coordinate the organizations, unify the systems, and exercise supervision and provide guidance with regard to the undertakings of archives in the whole country.

The archives administration departments of the People's governments at or above the county level shall be responsible for the undertakings of archives within their respective administrative areas. They shall supervise and direct the archival work of the State organs, public organizations, enterprises, institutions and other organizations under their jurisdiction.

The people's governments of townships, nationality townships and towns shall designate personnel to take charge of preserving the archives of their own offices and to supervise and direct the archival work of their subordinate units.

Article 7 The archives institutions or archivists of State organs, public organizations, enterprises, institutions and other organizations shall be responsible for preserving the archives of

their own units and supervise and direct the archival work of their subordinate units.

Article 8 The national archives repositories and local archives repositories of various types at or above the county level shall be cultural institutions for the centralized administration of archives. They shall be responsible for receiving, collecting, arranging and keeping archives within their respective jurisdiction and making them available to users.

Article 9 Archivists shall be devoted to their duty, observe discipline and possess professional knowledge.

Units and individuals that have made outstanding achievements in the collection, arrangement and protection of archives and in making them available to users shall be rewarded by the People's governments at the relevant levels.

Chapter III Administration of Archives

Article 10 Materials of a unit that should be filed and kept as archives pursuant to State regulations must, in accordance with the relevant regulations, be regularly handed over to the archives division or archivists of the unit for centralized administration. Nobody may keep such materials as his personal property.

Materials that should not be kept as archives pursuant to State regulations shall not be kept as archives without due authorization.

Article 11 State organs, public organizations, enterprises, institutions and other organizations must, in accordance with State regulations, regularly hand over archives to the archives repositories concerned.

Article 12 The cultural relics, books and reference materials which are kept in museums, libraries and memorial halls and are concurrently archives may be administered by the above-mentioned units in accordance with the provisions of laws and administrative rules and regulations.

Archives repositories shall cooperate with the above-mentioned units in the use of archives.

Article 13 Archives repositories of all types and at all levels and archives divisions of State organs, public organizations, enterprises, institutions and other organizations shall establish a system of scientific administration to facilitate the use of archives. They shall be equipped with necessary facilities to ensure the safety of the archives. They shall adopt advanced technology to modernize the administration of archives.

Article 14 The administration and use of confidential archives, changes in their security classification, and the declassification of

such archives must be effected according to the provisions of the laws and administrative rules and regulations of the State regarding secrecy.

Article 15 The principles by which the value of archives for preservation is appraised, the standards for determining the periods of preservation, and the procedures and methods for destroying archives shall be formulated by the national archives administration department. Unauthorized destruction of archives shall be prohibited.

Article 16 Collectively-owned or individually-owned archives whose preservation is of value to the State and society or which should be kept confidential shall be properly taken care of by the owners. If the archives are considered liable to serious damage or unsafe because of the adverse conditions under which they are kept or because of any other reason, the national archives administration department shall have the right to take such measures as may ensure the integrity and safety of the archives, such as by keeping the archives on the owner's behalf or, when necessary, by purchasing such archives or requisitioning them by purchase.

With respect to the archives mentioned in the preceding paragraph, owners may deposit them with or sell them to State archives repositories; selling of such archives to any units or

individuals other than State archives repositories shall, according to relevant State regulations, be subject to approval of the archives administration departments of the people's governments at or above the county level. It shall be strictly forbidden to sell such archives for profit, or to sell them or give them to foreigners.

Whoever donates archives to the State shall be rewarded by the archives repositories concerned.

Article 17 The sale of archives owned by the State shall be prohibited.

Specific measures for the simultaneous transfer of records regarding the assets to be transferred by State-owned enterprises or institutions shall be formulated by the national archives administration department.

The exchange, transfer and sale of duplicates of archives shall be handled according to State regulations.

Article 18 State-owned archives and the archives specified in Article 16 of this Law as well as duplicates of such archives shall not be carried or transported out of the country without authorization.

Chapter IV Use and Publication of Archives

Article 19 Archives kept by State archives repositories shall in general be open to the public upon the expiration of 30 years from

the date of their formation. Archives in economic, scientific, technological and cultural fields may be open to the public in less than 30 years; archives involving the security or vital interests of the State and other archives which remain unsuitable for accessibility to the public upon the expiration of 30 years may be open to the public after more than 30 years. The specific time limits shall be defined by the national archives administration department and submitted to the State Council for approval before they become effective.

Archives repositories shall regularly publish catalogues of records that are open to the public, create conditions and simplify procedures for the convenient use of archives.

Citizens and organizations of the People's Republic of China possessing lawful identifications may use archives which are open to the public.

Article 20 State organs, public organizations, enterprises, institutions, other organizations and citizens may, according to needs in economic construction, national defense construction, education, scientific research and other work, and pursuant to the relevant regulations, use the archives which are not yet open to the public and the archives which are preserved by relevant State

organs, public organizations, enterprises, institutions or other organizations.

Measures for using the archives that are not yet open to the public shall be laid down by the national archives administration department and competent authorities.

Article 21 Units or individuals that have transferred or donated archives to archives repositories or deposited archives with them shall have priority in the use of such archives and may propose restrictions on the use of parts of the archives that are not suitable for accessibility to the public, and the archives repositories shall protect the lawful rights and interests of such units or individuals.

Article 22 State-owned archives shall be made public by archives repositories or State organs authorized by the State; no organization or individual shall have the right to make public such archives without permission from such archives repositories or State organs.

With respect to collectively-owned or individually-owned archives, the owners shall have the right to make them public but they must abide by the relevant State regulations, and may not endanger the security and interests of the State or encroach upon the lawful rights and interests of others.

Article 23 Archives repositories of all types and at all levels shall have research personnel to improve research in arrangement of archives, and compile and publish archives in a planned way for distribution within various circles.

Chapter V Legal Responsibility

Article 24 If any of the following acts is committed, the archives administration department of the people's government at or above the county level, or the competent authorities concerned shall, in accordance with law, impose administrative sanctions on persons directly in charge or other persons directly responsible for the case; and if the case constitutes a crime, criminal responsibility shall be investigated according to law:

- (1) damaging or losing State-owned archives;
- (2) providing, transcribing, publicizing, or destroying State-owned archives without authorization;
- (3) altering or forging archives;
- (4) selling or transferring archives without authorization in violation of Article 16 or Article 17 of this Law;
- (5) selling archives for profit or selling or giving archives to foreigners;

(6) failing to file records in accordance with regulations or failing to transfer archives as scheduled, in violation of the provisions of Article 10 or Article 11 of this Law;

(7) failing to adopt any measures for the archives being preserved, with knowledge that they are in danger, thus causing damage to the archives; or

(8) causing losses to archives as a result of neglect of duty on the part of archivists.

"Whoever commits an illegal act as specified in sub-paragraph (1), (2) or (3) of the preceding paragraph in the course of using records of an archives repository, the archives administration department of the people's government at or above the county level shall give him a warning and may also impose a penalty; those who have caused losses shall be ordered to compensate the losses.

If an enterprise, institution or individual commits an illegal act as specified in sub-paragraph (4) or (5) of the first paragraph, the archives administration department of the people's government at or above the county level shall issue a warning, and may also impose a penalty; the illegal income, if there is any, shall be confiscated; and the archives that have been sold or given away may be requisitioned by purchase according to the provisions of Article 16 of the Law.

Article 25 If anyone carries or transports archives or duplicates thereof, the exit of which from the country is forbidden, out of the territory of China, such archives or duplicates thereof shall be confiscated by the Customs, a penalty may also be imposed; and the confiscated archives or duplicates thereof shall be transferred to the archives administration department; if the case constitutes a crime, criminal responsibility shall be investigated according to law.

Chapter VI Supplementary Provisions

Article 26 Measures for the implementation of this Law shall be formulated by the national archives administration department and shall enter into force after being submitted to and approved by the State Council.

Article 27 This Law shall come into force as of January 1, 1988.