

# Administration of Internet Information Services Procedures

## Full text

### Article 1

These Procedures have been formulated in order to regulate internet information service activities and promote the healthy and orderly development of internet information services.

### Article 2

Anyone that engages in internet information service activities in the People's Republic of China must abide by these Procedures.

For the purposes of these Procedures, the term "internet information services" means the service activity of providing information services through the internet to online subscribers.

### Article 3

Internet information services are divided into commercial and non-commercial services.

The term "commercial internet information services" means service activities such as compensated provision to online subscribers through the internet of information services or website production, etc.

The term "non-commercial internet information services" means the service activity of non-compensated provision to online subscribers through the internet of information that is in the public domain and openly accessible.

### Article 4

The State subjects commercial internet information services to a permit system and non-commercial internet information services to a record-filing system.

No one may engage in the provision of internet information services without having obtained permission or carried out record-filing procedures.

### Article 5

Where, according to laws, administrative regulations or relevant State regulations, engagement in the provision of internet information services in respect of news, publishing, education, medical treatment, health, pharmaceuticals or medical apparatus, etc. requires the examination and consent of the relevant competent authority, the consent of the relevant competent authority shall be obtained in accordance

with the law, before applying for an operating permit or carrying out record-filing procedures.

#### Article 6

In addition to meeting the requirements of the PRC, Telecommunications Regulations the following conditions shall be met in order to engage in the provision of commercial internet information services:

1. having a business development plan and a relevant technical plan;
2. having in place sound procedures to ensure network and information security, including procedures to ensure website security, a system to manage the security and confidentiality of information and a system to manage the security of subscriber information; and
3. if the services to be provided fall under the services covered in Article 5 hereof, having obtained the written consent of the relevant competent authority.

#### Article 7

Anyone wishing to engage in the provision of commercial internet information services shall apply to the telecommunications administration authority of the province, autonomous region or municipality directly under the central government or the State Council's department in charge of the information industry for an Internet Information Services Value-added Telecommunications Service Operating Permit (Operating Permit).

The telecommunications administration authority of the province, autonomous region or municipality directly under the central government or the State Council's department in charge of the information industry shall complete its examination and render its decision to approve or reject the application within 60 days of the date of the receipt thereof. If it grants its approval it shall issue an Operating Permit and if it refuses to grant its approval it shall notify the applicant in writing explaining its reasons for rejecting the application.

After the applicant has obtained its Operating Permit, it shall carry out registration procedures with the enterprise registration authority on the strength of such permit.

#### Article 8

Anyone wishing to engage in the provision of non-commercial internet information services shall carry out record-filing procedures with the telecommunications administration authority of the province, autonomous region or municipality directly under the central government or the State Council's department in charge of the information industry. When carrying out the record-filing procedures, the following materials shall be submitted:

1. basic information on the work unit providing the services and the persons responsible for the website;

2. the website's URL and the services to be provided; and
3. if the services to be provided fall under the services covered in Article 5 hereof, the document attesting to the consent of the relevant competent authority.

The telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall grant record-filing and assign a number to those that have submitted all the record-filing materials.

#### Article 9

Anyone wishing to engage in the provision of internet information services and intending to launch electronic bulletin board services shall submit a special application or carry out special record-filing procedures in accordance with the relevant State regulations when applying for permission to engage in the provision of commercial internet information services or when carrying out the procedures for record-filing of non-commercial internet information services.

#### Article 10

The telecommunications administration authorities of the provinces, autonomous regions and municipalities directly under the central government and the State Council's department in charge of the information industry shall publish lists of those internet information service providers that have obtained Operating Permits or completed record-filing procedures.

#### Article 11

Internet information service providers shall provide services in accordance with those items for which they have obtained permission or which they have placed on the record. They may not provide services outside the scope of those items for which they have obtained permission or which they have placed on the record.

Providers of non-commercial internet information services may not engage in the provision of compensated services.

When an internet information service provider changes such matters as the services that it provides or the URL(s) of its website(s), etc., it shall carry out amendment procedures with its original examination, approval and permit issuing authority or record-filing authority.

#### Article 12

Internet information service providers shall post their Operating Permit numbers or record-filing numbers in a prominent place on the home pages of their websites.

#### Article 13

Internet information service providers shall provide good service to online subscribers and ensure that the information that they provide is lawful.

#### Article 14

Internet information service providers that engage in the provision of such services as news, publishing or electronic bulletin board services, etc. shall keep a record of the information they provide, the times of dissemination and the URLs or domain names. Internet access service providers shall keep a record of such information as the times online subscribers are online, the subscribers' account numbers, the URLs or domain names, the callers' telephone numbers, etc.

Internet information service providers and internet access service providers shall keep copies of such records for 60 days and shall provide them to the relevant State authorities when the latter make inquiries in accordance with the law.

#### Article 15

Internet information service providers may not produce, reproduce, disseminate or broadcast information with content that:

1. opposes the fundamental principles determined in the Constitution;
2. compromises State security, divulges State secrets, subverts State power or damages national unity;
3. harms the dignity or interests of the State;
4. incites ethnic hatred or racial discrimination or damages inter-ethnic unity;
5. sabotages State religious policy or propagates heretical teachings or feudal superstitions;
6. disseminates rumours, disturbs social order or disrupts social stability;
7. propagates obscenity, pornography, gambling, violence, murder or fear or incites the commission of crimes;
8. insults or slanders a third party or infringes upon the lawful rights and interests of a third party; or
9. includes other content prohibited by laws or administrative regulations.

#### Article 16

If an internet information service provider discovers information transmitted through its website that clearly falls within the scope of content enumerated in Article 15 hereof, it shall immediately stop the transmission thereof, save the relevant records and make a report thereon to the relevant authority.

#### Article 17

If a commercial internet information service provider applies to be listed in China or abroad or to establish an equity or cooperative joint venture with a foreign investor, it shall first be examined by, and obtain the consent of, the State Council's department in charge of the information industry. The ratio of the foreign investment shall comply with relevant laws and administrative regulations.

#### Article 18

The State Council's department in charge of the information industry and the telecommunications administration authorities of the provinces, autonomous regions and municipalities directly under the central government shall supervise and administer internet information services in accordance with the law.

Such relevant competent authorities as the authorities in charge of the press, publications, education, public health, supervision and administration of pharmaceuticals, administration for industry and commerce, public security and State security shall supervise and administer the content of internet information within their respective scopes of duties in accordance with the law.

#### Article 19

If these Procedures are violated by engaging in the provision of commercial internet information services without having obtained an Operating Permit, or by providing services beyond the scope of the items for which the permit has been obtained, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order rectification within a limited period of time and, if there is illegal income, it shall confiscate such illegal income and impose a fine of not less than 3 times and not more than 5 times the illegal income; if there is no illegal income, or if the illegal income is less than Rmb 50,000, it shall impose a fine of not less than Rmb 100,000 and not more than Rmb 1,000,000. If the case is serious, it shall order the website to be shut down.

If these Procedures are violated by engaging in the provision of non-commercial internet information services without having carried out record-filing procedures, or by providing services beyond the scope of the items placed on the record with the authorities, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order rectification within a limited period of time. If the perpetrator refuses to rectify the matter, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order it to shut down the website.

#### Article 20

If information with content as enumerated in Article 15 hereof is produced, reproduced, disseminated or broadcast, and such act constitutes a criminal offence, the criminal liability of the perpetrator shall be pursued in accordance with the law. If such act is insufficient to constitute a criminal offence, the public security authority or the State security authority shall punish the perpetrator in accordance with such relevant laws and administrative regulations as the PRC, Administration of Public Security Penal

Regulations and the Administration of Security Protection of International Linkups of Computer Information Networks Procedures. If the perpetrator of such act is a commercial internet information service provider, its permit issuing authority shall also impose punishment, viz. an order to suspend operations and undergo rectification or revocation of its Operating Permit, and notify the perpetrator's enterprise registration authority. If the perpetrator of such act is a non-commercial internet information service provider, its record-filing authority shall also impose punishment, viz. an order to temporarily shut down its website or an order to shut down its website.

#### Article 21

In the event of failure to perform the obligations specified in Article 14 hereof, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order rectification. If the case is serious, it shall order the perpetrator to suspend operations and undergo rectification or to temporarily shut down its website.

#### Article 22

If an internet information service provider violates these Procedures by failing to post its Operating Permit number or record-filing number on the home page of its website, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order it to rectify the matter and fine it not less than Rmb 5,000 and not more than Rmb 50,000.

#### Article 23

If the obligations specified in Article 16 hereof are violated, the telecommunications administration authority of the province, autonomous region or municipality directly under the central government shall order rectification. If the case is serious and the perpetrator is a commercial internet information service provider, it shall additionally be subjected to revocation of its Operating Permit by its permit issuing authority. If the case is serious and the perpetrator is a non-commercial internet information service provider, it shall additionally be ordered to shut down its website by its record-filing authority.

#### Article 24

If an internet information service provider violates other laws or regulations in the course of its business activities, such relevant competent authority as the authority in charge of the press, publications, education, public health, supervision and administration of pharmaceuticals or administration for industry and commerce, etc. shall punish it in accordance with the relevant laws and regulations.

#### Article 25

If a telecommunications administration authority or other competent authority or an employee thereof is derelict in its/his duties, abuses its/his authority, practises graft or is negligent in its/his supervision or administration of internet information services, resulting in serious consequences, and such act constitutes a criminal offence, the criminal liability of such authority or employee shall be pursued in

accordance with the law. If such act is insufficient to constitute a criminal offence, the supervisors directly in charge and other personnel directly liable shall be subjected to the administrative sanction of demotion, removal from office or dismissal.

#### Article 26

Anyone that commenced to engage in the provision of internet information services before the promulgation hereof shall retrospectively carry out the relevant procedures in accordance herewith within 60 days of the date of promulgation hereof.

#### Article 27

These Procedures shall be implemented as of the date of promulgation.