

Implementation Rules for Provisional Regulations of the Administration of International Networking of Computer Information in the People's Republic

Full text

Article 1 In accordance with Provisional Regulations of the Administration of international networking of Computer Information in the People's Republic of China (hereinafter referred to as Provisional Regulations), these Rules are formulated for the purpose of strengthening the administration of the international networking of computer information and ensuring the healthy development of the exchange of international information through computers.

Article 2 These Rules shall apply to the connection of computer information networks within the territory of the People's Republic of China with international networks.

Article 3 Following are the definitions of terms used in these Rules:

(1) International networking refers to the connection of computer inter-connected networks, specialized computer information networks, corporate computer information networks and other computer information networks linked by special lines within the territory of People's Republic of China with foreign computer information networks.

(2) Access networks refer to computer information networks which are connected with international networks through interconnected networks. Access networks can be those connected at multi-levels.

(3) International inward and outward channels refer to physical information channels required for international networking.

(4) Subscribers refer to individuals, legal persons and other organizations which connect their computers or networks with international networks through access networks. Personal subscribers refer to individuals with account numbers for networking.

(5) Specialized computer information networks refer to those operated for the exclusive use of certain sectors.

(6) Corporate computer information networks refer to those operated within enterprises for internal use.

Article 4 The State shall develop an overall plan for the layout of international networking and the utilization of various resources. International networking shall adopt technical codes, safety standards and policies on service charges set by the State in a unified form so that the quality of the service can be improved. International networking shall subject itself to the administration by level, that is,

interconnected units, access units and subscribers are under the administration by level, and meanwhile international inward and outward channels are subject to the unified administration. The State encourages fair competition in a good order in services related to international networking and advocates resources sharing so as to promote the healthy development of international networking.

Article 5 The office of Leading Group for Information Technology Advancement under the State Council is responsible for organizing and coordinating relevant departments in the formulation of regulations and standards for safety, operations, charges and services related to international networking. The office shall check and supervise the enforcement of those regulations and standards.

Article 6 China Internet Information Center is responsible for the management of internet addresses, domain names and catalogues of network resources and shall provide relevant information services.

Article 7 Computer information networks within the territory of China, when connected with international networks, must use international inward and outward channels provided by the national public telecommunication network of the Ministry of Posts and Telecommunications.

No units and individuals are allowed to set up channels by themselves or use other channels for international networking.

Article 8 China Public Computer Interconnected Network, China Golden Bridge Information Network, China Education and Research Computer Network, China Science and Technology Network are under the administration of Ministry of Posts and Telecommunications, Ministry of Electronic Industry, State Education Commission and Chinese Academy of Sciences respectively. China Public Computer Interconnected Network and China Golden Bridge Information Network are profit-making networks, while China Education and Research Computer Network and China Science and Technology Network are non-profit-making ones.

Profit-making networks shall be given equal treatment on service rates and technical support.

Non-profit-making networks refer to those serving the public interest which are not operated for making profits.

Charges for the channel utilization of non-profit-making networks shall be collected at a preferential rate.

Article 9 With regard to the establishment of new interconnected networks, interconnected units must, after being approved by competent authorities at ministerial level, submit their applications and feasibility reports to Leading Group for Information Technology Advancement under the State Council. After examined by the Leading Group, applications and feasibility reports shall be submitted to the State Council for approval.

Feasibility reports on interconnected networks shall mainly include the nature and scope of networking services, technical programs of networking, economic analyses, management and safety measures, etc.

Article 10 Access networks must be connected with international networks through interconnected

networks. International networking conducted in other ways is prohibited.

Access units must meet the requirements stipulated in Article 9 of Provisional Regulations. Their applications and feasibility reports on access networks shall be submitted to competent authorities or units charged with the administration of interconnected units. The competent authorities or units shall inform applicants of their decision in a written form within 20 working days from the date they receive applications.

Feasibility reports on access networks shall mainly include the nature and scope of networking services, technical program of networking, economic analysis, management and safety measures, etc.

Article 11 Access units engaged in profit-making operations concerning international networking (hereinafter referred to as profit-making access units) shall be subject to the administration of the system of international networking business licenses (hereinafter referred to as business licenses). The pattern of business licenses shall be drawn up by Leading Group for Information Technology Advancement under the State Council in a unified form.

Business licenses shall be issued by competent authorities charged with the administration of profit-making interconnected units and shall be reported to Leading Group for Information Technology Advancement under the State Council for the record. Competent authorities charged with the administration of interconnected units shall carry out the annual examination of profit-making access units.

Access units engaged in trans-provincial (or regional, municipal) operations shall apply to competent authorities charged with the administration of profit-making interconnected units for international networking business licenses. Access units engaged in business operations within their own provinces (or regions, municipalities) shall apply to competent authorities charged with the administration of profit-making interconnected units or other competent authorities at the provincial level under their authorization for international networking business licenses.

With business licenses issued by competent authorities, profit-making access units shall perform registration procedures with the State administrative departments of industry and commerce and go through formalities with enterprises offering telecommunication services for the connection of telecommunication lines. Those enterprises shall begin to provide telecommunication lines and other related services to access units within 30 working days.

Article 12 Computers or computer information networks of individuals, legal persons and other institutional subscribers must be connected with international networks through access networks. International networking conducted in other ways is prohibited.

Article 13 When applying to access units for international networking, subscribers shall submit valid identification papers and other supporting documents and fill in subscribers' registration forms.

Access units shall send a written reply to subscribers within 5 working days from the date they receive applications.

Article 14 In accordance with Provisional Regulations and these Rules, Ministry of Posts and Telecommunications shall formulate rules on the administration of international networking inward and outward channels which shall be reported to Leading Group for Information Technology Advancement under the State Council for the record.

In accordance with Provisional Regulations and these Rules, competent authorities or units charged with the administration of interconnected units shall formulate rules on the administration of interconnected networks which shall be reported to Leading Group for Information Technology Advancement under the State Council for the record.

Article 15 The pattern of application forms and subscribers' registration forms shall be drawn up by competent authorities charged with the administration of interconnected units in accordance with these Rules.

Article 16 Suppliers of international inward and outward channels shall be responsible for offering international inward and outward channels as well as fair, excellent and safe services to interconnected units. They may collect charges for the use of channels at regular intervals.

Interconnected units shall go through relevant formalities with suppliers of international inward and outward channels for the connection or extension of international inward and outward channels which shall be reported to Leading Group for Information Technology Advancement under the State Council for the record. Suppliers of international inward and outward channels shall provide channels to interconnected units within 100 working days from the date they receive applications.

Suppliers of international inward and outward channels and interconnected units shall sign corresponding agreements and strictly perform their respective duties and commitments.

Article 17 Suppliers of international inward and outward channels, interconnected units and access units must set up network management centers, strengthen management systems and improve the safety management of network information.

Interconnected units shall sign agreements with access units so as to strengthen the management of their own networks and access networks; carry out technical training and management education concerning international networking for access units; provide access units with fair, excellent and safe services; and collect charges for networking from access units in accordance with relevant State regulations.

Access units shall subject themselves to the administration of interconnected units and access units at higher levels; sign agreements with access units at lower levels and make subscription regulations with subscribers so as to strengthen the administration of access units at lower levels and subscribers; carry out management education, technical consulting and training for access units at lower levels and subscribers; provide access units at lower levels and subscribers with fair, excellent and safe services; and collect charges from access units at lower level and subscribers in accordance with relevant State regulations.

Article 18 Subscribers shall subject themselves to the administration of access units and observe subscription regulations. They are forbidden from entering certain computer systems without permission and illegally changing others' information; distributing malicious information, giving out information in other people's names and violating others' privacy through networks; developing and spreading computer viruses and engaging in other activities in violation of legitimate rights and interests of networks and individuals.

Subscribers are entitled to receiving services of various kinds from access units and obligated to pay relevant charges.

Article 19 Suppliers of international inward and outward channels, interconnected units and access units shall store all the data related to their services. When the office of Leading Group for Information Technology Advancement under the State Council and other competent authorities carry out examinations, they shall forward relevant data in a timely manner.

In every February, suppliers of international inward and outward channels and interconnected units shall submit reports about their network operation, business development and organizational management in the previous year to the office of Leading Group for Information Technology Advancement under the State Council.

Article 20 Interconnected units, access units and subscribers shall abide by relevant State laws and regulations and strictly observe rules on safety and security. They are not allowed to engage in activities at the expense of State security and secrets and forbidden from producing, retrieving, duplicating and spreading information that may disrupt public order and contain obscene and pornographic contents. Harmful information, once detected, shall be reported immediately to relevant competent authorities and effective measures shall be taken to prevent it from being spread.

Article 21 Specialized computer information networks which are connected with international networks are not allowed to engage in the business operation of international networking. Corporate computer information networks and other networks which are connected with international networks through special lines shall be operated for internal use only. Units in charge of the operation of specialized computer information networks, corporate computer information networks and other networks which are connected with international networks through special lines shall set up network operation centers, strengthen management systems and improve the safety management of network information with reference to these Rules.

Article 22 Those who violate Article 7 and Item 1 of Article 10 of these Rules shall be ordered to terminate their networking activities by public security departments and may be imposed a fine less than RMB 15,000. Unlawful incomes, if made, shall be confiscated.

Those who violate Article 11 of these Rules and engage in the business operation of international networking without business licenses shall be given warning and required by public security departments to secure business licenses within a stated time. Those who do not secure business licenses within the stated time shall be ordered to terminate their networking activities. Unlawful incomes, if made, shall be

confiscated.

If acting in violation of Article 12 of these Rules, individuals shall be imposed a fine less than RMB 5,000 and legal persons as well as other institutional subscribers shall be given warning and imposed a fine less than RMB 15,000 by public security departments.

Those who violate Item 1 of Article 18 of these Rules shall be imposed punishment by public security departments in accordance with relevant laws and regulations.

Those who violate Item 1 of Article 21 of these Rules shall be given warning and may be imposed a fine less than RMB 15,000 by public security departments. Unlawful incomes, if made, shall be confiscated. Those who violate Item 2 of Article 21 of these Rules shall be given warning and may be imposed a fine less than RMB 15,000 by public security departments. Unlawful incomes, if made, shall be confiscated.

Article 23 Those who violate Provisional Regulations, these Rules and other relevant laws and regulations at the same time shall be imposed punishment in accordance with relevant laws and regulations. They shall be prosecuted for criminal liabilities according to the law for any crimes committed.

Article 24 These Rules shall also apply to computer networking with Hong Kong Special Administrative Region, Taiwan and Macao.

Article 25 These Rules shall go into effect as of the date of promulgation.