

Regulation

CHINA

Provisions on the Governance of the Online Information Content Ecosystem

Order of the Cyberspace Administration of China (No. 5)



2 AUTHORS

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The Provisions on Ecological Governance of Network Information Content, as deliberated and adopted at the executive meeting of the Cyberspace Administration of China, are hereby issued and shall come into force on March 1, 2020.

Director: Zhuang Rongwen

December 15, 2019



accordance with the State Security Law of the People's Republic of China, the Cybersecurity Law of the People's Republic of China, the Measures for the Administration of Internet Information Services and other laws and administrative regulations for the purposes of creating a good network ecology, protecting the legitimate rights and interests of citizens, legal persons and other organizations, and safeguarding national security and public interests.

Article 2 These Provisions shall apply to the ecological governance activities of network information and content within the territory of the People's Republic of China.

For the purposes of these Provisions, "ecological governance of network information content" means any activity of promoting positive energy and disposing of illegal and harmful information conducted by the government, enterprises, society, Internet users, and other parties based on cultivating and practicing core socialist values and targeted at network information content with the purpose of establishing and improving a comprehensive network governance system, creating a clean cyberspace, and building a sound network ecosystem.

Article 3 The state cyberspace authority shall be responsible for overall planning and coordination of the ecological governance of network information content and the related supervision and administration and all relevant competent departments shall effectively conduct ecological governance of network information content according to their respective duties.

Local cyberspace authorities shall be responsible for coordinating the ecological governance of network information content and the related supervision and administration within their respective administrative regions, and local competent departments shall, in

Chapter II Network information content producers

Article 4 A network information content producer shall abide by laws and regulations and follow public order and good customs, and shall not prejudice the interests of the state or the public or the legitimate rights and interests of other persons.

Article 5 A network information content producer shall be encouraged to produce, copy and publish information containing the following:

1. Publicizing the Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and interpreting the path, theory, system and culture of socialism with Chinese characteristics in a comprehensive, accurate and vivid way;
2. Publicizing the Party's principles and policies, as well as the major decisions and arrangements of the Central Committee;
3. Showcasing the highlights of economic and social development and reflecting the great struggle and enthusiastic life of the people;
4. Carrying forward the core socialist values, disseminating the fine moral culture and the spirit of the times, and fully displaying the uplifting spirit of the Chinese nation;
5. Responding effectively to social concerns, dispelling doubts and confusion, clarifying facts and helping the general public to reach consensus;
6. Contributing to enhancing the international influence of Chinese culture and presenting a true, three-dimensional and comprehensive China to the world; and

beauty, and that promote unity and stability.

Article 6 A network information content producer shall not make, copy or publish any illegal information containing the following:

1. Violating the fundamental principles set forth in the Constitution;
2. Jeopardizing national security, divulging state secrets, subverting the state power, or undermining the national unity;
3. Damaging the reputation or interests of the state;
4. Distorting, defaming, desecrating, or denying the deeds and spirit of heroes and martyrs, and insulting, defaming, or otherwise infringing upon the name, portrait, reputation, or honor of a hero or a martyr;
5. Advocating terrorism or extremism, or instigating any terrorist or extremist activity;
6. Inciting ethnic hatred or discrimination to undermine ethnic solidarity;
7. Detrimental to state religious policies, propagating heretical or superstitious ideas;
8. Spreading rumors to disturb economic and social order;
9. Disseminating obscenity, pornography, force, brutality and terror or crime-abetting;
10. Humiliating or defaming others or infringing upon their reputation, privacy and other legitimate rights and interests; and
11. Other contents prohibited by laws and administrative regulations.

Article 7 A network information content producer shall take measures to prevent and resist the production, reproduction and publication of undesirable information containing the following:

1. Using exaggerated titles that are seriously inconsistent with the contents;
2. Hyping gossips, scandals, bad deeds, and so forth;
3. Making improper comments on natural disasters, major accidents or other disasters;
4. Containing sexual innuendo, sexual provocations, and other information that easily leads to sexual fantasy;
5. Showing bloodiness, horror, cruelty, and other scenes that causes physical and mental discomfort;
6. Inciting discrimination among communities or regions;
7. Promoting indecency, vulgarity, and kitsch;
8. Contents that may induce minors to imitate unsafe behaviors, violate social morality, or induce minors to indulge in unhealthy habits; and
9. Other contents that adversely affect network ecology.

Chapter III Network Information Content Service Platform

Article 8 A network information content platform shall fulfill the primary responsibility for managing information content, strengthen the ecological governance of the network information content on the platform, and promote the formation of positive cyberculture towards kindness.

Article 9 A network information content platform shall set up the mechanism of ecological governance of network information content, develop the detailed rules for ecological governance of the network information content on the platform, and improve the systems for user registration, account management, information release

management, real-time inspection, emergency disposal
and cyberbullying, black market information and
misinformation disposal.

The platform shall set up the person in charge of the
ecological governance of network information content,
and equip itself with the professional personnel
commensurate with the business scope and service scale,
strengthen training and examination, and improve the
quality of practitioners.

Article 10 A network information content platform shall not
disseminate the information provided in Article 6 of these
Provisions, and shall prevent and resist the dissemination
of the information provided in Article 7 of these Provisions.

The platform shall strengthen the management of
information content, and if the information specified in
Articles 6 and 7 of these Provisions is discovered, the
platform shall, according to law, immediately take
measures to dispose of it, keep relevant records and report
to the relevant competent authorities.

Article 11 Encourage the network information content
service platform to adhere to the mainstream values,
optimize the information recommendation mechanism,
strengthen the ecological management of layout/main
pages, and actively present the information specified in
Article 5 of this policy in the following key areas (including
service types, location sections, etc.):

- (1) Home screen, pop-up window, and important news
information content page of the Internet news information
service;
- (2) Curation and popular search of Internet users' public
account information/profile;

information services based on geo-locations;

(4) Buzz search words, popular search maps, and default search services;

(5) The first screen, list, pop-up, etc. of the homepage of Internet forum community services;

(6) Home screen, discovery, selection, list, pop-up window, etc. of the Internet audio and video service pages;

(7) Internet homepage navigation service, browser service, input method service homepage main screen, list type, skin, association words, pop-up windows, etc.

(8) Digital reading, online games, online animation service homepage front page selection, list selection, pop-up window, etc.

(9) Home service, top page of knowledge service platform, top recommendation, pop-up window, etc.

(10) The front screen of the homepage of the e-commerce platform, recommendation layout, etc.

(11) Mobile app store, mobile smart terminal preset application software, built-in information content service front page, recommendation area, etc. ;

(12) Columns, special areas and products of network information that are specifically targeted at minors;

(13) Other key areas that are in a conspicuous position of the products or services and are likely to attract the attention of the platform users.

The network information content service platform shall not present the information specified in Article 7 of these regulations in the above key links.

Article 12 Where a network information content service platform uses personalized algorithm recommendation technology to push information, it shall set up a

improve mechanisms for manual intervention and user-independent selection.

Article 13 Encourage online information content service platforms to develop products suitable for minors and facilitate minors' access to information that is appropriate for their physical and mental health.

Article 14 The network information content service platform shall strengthen the inspection of the advertising space on the platform, and advertisers who release illegal advertisements shall be regulated accordingly.

Article 15 The network information content service platform shall formulate and disclose policies and self-regulation codes, improve the user agreements, clarify user-related rights and obligations, and perform corresponding supervision duties in accordance with law and contract.

The network information content service platform shall establish an account credibility management system and provide corresponding services.

Article 16 The network information content service platform shall set up a convenient complaint reporting process, promptly accept and handle public complaints.

Article 17 The network information content service platform shall compile an annual report on the ecological governance of network information content. The annual report shall include the work of ecological governance of network information content, governance performance and social evaluation.

Chapter IV Users of Network Information Content Services

shall use the Internet in a civilized and healthy manner and shall fulfill their corresponding obligations in accordance with the requirements of laws and regulations and user agreements. While participating in online network activities in the form of postings, replies, messages, and running commentaries over live content, Reasonable and courteous expression is encouraged, and users shall not publish the information specified in Article 6 & 7 of this regulation.

Article 19 The creators and managers of network groups and forum community sections shall maintain the groups with management responsibilities, and regulate the release of information in groups and sections in accordance with the laws and regulations, user agreements, and platform policies.

Article 20 Encourage users of network information content services to actively participate in the ecological governance of network information content, regulate illegal and harmful information on the Internet through complaints and reports, and jointly maintain a healthy network ecosystem.

Article 21 Network information content service users, network information content providers, and network information content service platforms shall not use the Internet and related information technologies to enable defamatory expressions or personal threats, spread rumors/misinformation, infringe others' privacy rights, etc.

Article 22 Network information content service users, network information content producers, and network information content service platforms shall not infringe upon others' legitimate rights or interests or seek illegal interests by publishing or deleting certain information or interfering with information and its communication.

Article 23 Network information content service users, network information content producers, and network information content service platforms shall not engage in

Article 24. Network information content service users, network information content producers, and network information content service platforms shall not artificially or technically conduct traffic fraud, traffic hijacking, fraudulent account registrations, illegal trading accounts, manipulation of user accounts, etc. to disrupt the online ecosystem.

Article 25. Network information content service users, network information content producers, and network information content service platforms shall not use party flags, party emblems, national flags, national emblems, national anthems and other signs or content that represent the party and national image, or borrow major national events or major commemorative days and the names of state agencies and their staff, etc. to engage in online commercial marketing in violation of laws and regulations.

Chapter 5: Network Industry Organization

Article 26 Encourage industry organizations to play the role of service front runners, guiding members to increase their sense of social responsibility, promote the main themes, encourage positive energy, oppose illegal information, and regulate harmful information.

Article 27 Encourage industry organizations to establish and improve industry self-regulation mechanisms, formulating industry codes and conventions for the ecological governance of network information content, establishing content review standards, and guiding members to establish and improve service features, providing content services in accordance with the law, and accepting public supervision.

Article 28 Industry organizations are encouraged to carry out educational training and publicity and guidance on the ecological governance of network information content,



the ecological governance of network information content.

Article 29 Encourage industry organizations to promote the construction of industry credit evaluation systems, establish evaluation rewards & punishment mechanisms, motivate members and strengthen members' trustworthiness.

Chapter 6: Supervision and Management

Article 30 Network information departments at all levels, in conjunction with relevant authorities, establish and improve working mechanisms such as information sharing, consultation notices, joint law enforcement, case supervision and information disclosure.

Article 31 The network information departments at all levels shall carry out supervision and inspection on the fulfillment of the responsibilities of the information content management component of the network information content service platform, and conduct special inspections on the platforms as needed.

The network information content service platform shall cooperate with the supervision and inspection efforts carried out by the network information department and relevant authorities in accordance with the law.

Article 32 The network information departments at all levels shall establish network account management systems to deter illegal activities of network information content service platforms.

Article 33 The online information departments at all levels shall establish a monitoring and evaluation mechanism jointly participated by the government, enterprises, society, and internet users, and regularly evaluate the ecological governance of online information content service platforms in their administrative departments.

Chapter VII: Legal Liability

Article 34 If a producer of network information content violates Article 6 of these regulations, the network information content service platform shall take measures such as warning rectification, restriction of functions, suspension of updates, and termination of accounts in accordance with the law, in order to eliminate the illegal information content in a timely manner. Documentation and reporting to relevant authorities are also required.

Article 35 If a network information content service platform violates the provisions of Article 10, Article 31, Paragraph 2 of this Regulation, the relevant authorities such as the Cyberspace Office shall, in accordance with the Internet Security Law of the People 's Republic of China and the Internet Information "Service Management Measures" and other laws and administrative regulations, to regulate the infringing platform.

Article 36 If the network information content service platform violates the provisions of Article 11 (2) of the present Regulations, the district-level municipality shall conduct an interview with the Cyberspace office, give a warning, and order prompt correction; refusing to correct or in extreme circumstances, the platform's information operations shall be suspended accordingly.

Article 37. Where a network information content service platform violates the provisions of Articles 9, 12, 15, 16, 16 and 17 of these regulations, the district-level municipality shall conduct an interview with the Cyberspace office, give a warning, and order prompt correction; refusing to correct or in extreme circumstances, the platform's information operations shall be suspended accordingly.

Article 38 Violates Article 14, Article 18, Article 19, Article 21, Article 22, Article 23, Article 24, and Article 20 of these Provisions Article 5 shall be dealt with by the relevant

regulations.

Article 39 According to the laws, administrative regulations and relevant national regulations, the Cyberspace Administration shall, in conjunction with the relevant departments, establish and improve a joint departmental mechanism for serious breaches of trust in network information content services. Platforms, producers, and users shall comply with disciplinary measures such as certain restrictions on engaging in network information services, restrictions on online behavior, and industry bans.

Article 40 Anyone who violates these regulations and causes damage to others shall bear civil liability according to the law; if a crime is committed, criminal liabilities shall be investigated and prosecuted according to the law; if it does not constitute a crime, the relevant departments shall be questioned in accordance with relevant laws and administrative regulations.

Chapter VIII Supplementary Provisions

Article 41 The producers of network information content mentioned in these regulations refer to organizations or individuals who produce, copy, and publish network information content.

The network information content service platform referred to in these regulations refers to the network information service provider that provides network information content dissemination services.

The users of network information content services mentioned in these regulations refer to organizations or individuals who use the network information content services.

Article 42 These Provisions shall become effective on March 1, 2020.



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