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# 中华人民共和国国家情报法（2018修正）

# National Intelligence Law of the People’s Republic of China (2018 Revision)

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（2017年6月27日第十二届全国人民代表大会常务委员会第二十八次会议通过　根据2018年4月27日第十三届全国人民代表大会常务委员会第二次会议《关于修改〈中华人民共和国国境卫生检疫法〉等六部法律的决定》修正）

(Adopted at the 28th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on June 27, 2017, and revised according to the Decision on Revising Six Laws including the Frontier Health and Quarantine Law of the People's Republic of China adopted at the Second Session of the Standing Committee of the 13th National People's Congress on April 27, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了加强和保障国家情报工作，维护国家安全和利益，根据宪法，制定本法。

Article 1 The National Intelligence Law (the "Law") is formulated in accordance with the Constitution to strengthen and guarantee the State intelligence work, safeguard the national security and protect national interests.

第二条   国家情报工作坚持总体国家安全观，为国家重大决策提供情报参考，为防范和化解危害国家安全的风险提供情报支持，维护国家政权、主权、统一和领土完整、人民福祉、经济社会可持续发展和国家其他重大利益。

Article 2 The State intelligence work adheres to the overall concept of national security, provide reference intelligence information for the State to make major decisions, provide intelligence support to prevent and dispel risks that endanger national security, and uphold the country's regime, sovereignty, unity and territorial integrity, well-being of the people, sustainable economic and social development, and other important interests of the State.

第三条   国家建立健全集中统一、分工协作、科学高效的国家情报体制。

Article 3 The State establishes and improves a national intelligence mechanism that is centralized, unified, scientific and efficient and requires division of responsibilities and collaboration.

中央国家安全领导机构对国家情报工作实行统一领导，制定国家情报工作方针政策，规划国家情报工作整体发展，建立健全国家情报工作协调机制，统筹协调各领域国家情报工作，研究决定国家情报工作中的重大事项。

The central leadership organ of state security shall exercise leadership over the State intelligence work, formulate guidelines and policies for the State intelligence work, plan the overall development of the State intelligence work, establish and improve the coordination mechanism for the State intelligence work, make overall plans for and coordinate the State intelligence work in all fields, and make decisions on major matters regarding the State intelligence work after studies.

中央军事委员会统一领导和组织军队情报工作。

The Central Military Commission shall exercise leadership over and organize the military intelligence work in a unified manner.

第四条   国家情报工作坚持公开工作与秘密工作相结合、专门工作与群众路线相结合、分工负责与协作配合相结合的原则。

Article 4 The State intelligence work shall be based on principles of combining the open work and secret work, integrating the specific affairs with the mass line, and adopting both division of responsibilities and collaboration.

第五条   国家安全机关和公安机关情报机构、军队情报机构（以下统称国家情报工作机构）按照职责分工，相互配合，做好情报工作、开展情报行动。

Article 5 Intelligence agencies under state security organs and public security organs, and military intelligence agencies (hereinafter referred to as the "agencies for State intelligence work") shall cooperate with each other according to the division of their responsibilities in order to do well in performing intelligence work and conducting intelligence operations.

各有关国家机关应当根据各自职能和任务分工，与国家情报工作机构密切配合。

All relevant national organs shall, depending on their own functions and responsibilities, work closely with agencies for State intelligence work.

第六条   国家情报工作机构及其工作人员应当忠于国家和人民，遵守宪法和法律，忠于职守，纪律严明，清正廉洁，无私奉献，坚决维护国家安全和利益。

Article 6 Agencies for State intelligence work and their functionaries shall be loyal to the State and the people, observe the Constitution and laws, be loyal to their duties, be disciplined, honest and selfless to resolutely safeguard national security and interests.

第七条   任何组织和公民都应当依法支持、协助和配合国家情报工作，保守所知悉的国家情报工作秘密。

Article 7 All organizations and citizens shall, in accordance with the law, provide support and assistance to and cooperate with the State intelligence work, and keep secret the State intelligence work that they know.

国家对支持、协助和配合国家情报工作的个人和组织给予保护。

The State protects individuals and organizations that provide support and assistance to and cooperate with the State intelligence work.

第八条   国家情报工作应当依法进行，尊重和保障人权，维护个人和组织的合法权益。

Article 8 The State intelligence work shall be conducted according to the law, ensuring respect for and assurance of human rights and efforts to safeguard the legitimate rights and interests of individuals and organizations.

第九条   国家对在国家情报工作中作出重大贡献的个人和组织给予表彰和奖励。

Article 9 The State commends and rewards individuals and organizations that have made great contributions to the State intelligence work.

第二章 国家情报工作机构职权

Chapter 2 Functions and Powers of Agencies for State Intelligence Work

第十条   国家情报工作机构根据工作需要，依法使用必要的方式、手段和渠道，在境内外开展情报工作。

Article 10 Agencies for State intelligence work may make use of necessary methods, approaches and channels according to the law to carry out intelligence work overseas, depending on their operational needs.

第十一条   国家情报工作机构应当依法搜集和处理境外机构、组织、个人实施或者指使、资助他人实施的，或者境内外机构、组织、个人相勾结实施的危害中华人民共和国国家安全和利益行为的相关情报，为防范、制止和惩治上述行为提供情报依据或者参考。

Article 11 Agencies for State intelligence work shall legally collect and process the relevant information about activities jeopardizing the national security and interests of the People's Republic of China that are conducted by any overseas agency, organization or individual itself, or by any other party under the instruction or assistance of such overseas agency, organization or individual, or by any domestic or overseas agency, organization or individual in collusion with each other, in order to provide intelligence basis or reference for preventing, curbing and punishing such activities.

第十二条   国家情报工作机构可以按照国家有关规定，与有关个人和组织建立合作关系，委托开展相关工作。

Article 12 Agencies for State intelligence work may, according to relevant provisions of the State, build up bonds of cooperation with relevant individuals and organizations, and entrust them to perform relevant work.

第十三条   国家情报工作机构可以按照国家有关规定，开展对外交流与合作。

Article 13 Agencies for State intelligence work may engage in foreign exchange and cooperation in accordance with relevant provisions of the State.

第十四条   国家情报工作机构依法开展情报工作，可以要求有关机关、组织和公民提供必要的支持、协助和配合。

Article 14 Agencies for State intelligence work may, when conducting the intelligence work according to the law, require related organs, organizations and citizens to provide necessary support, assistance and cooperation.

第十五条   国家情报工作机构根据工作需要，按照国家有关规定，经过严格的批准手续，可以采取技术侦察措施和身份保护措施。

Article 15 Agencies for State intelligence work may, in light of their operational needs, adopt technical measures for investigation purpose and identity protection measures after they have gone through strict approval procedures in accordance with relevant provisions of the State.

第十六条   国家情报工作机构工作人员依法执行任务时，按照国家有关规定，经过批准，出示相应证件，可以进入限制进入的有关区域、场所，可以向有关机关、组织和个人了解、询问有关情况，可以查阅或者调取有关的档案、资料、物品。

Article 16 While performing a task, functionaries of an agency for State intelligence work are allowed to enter into relevant controlled areas or places, or to inquire about relevant particulars from related organs, organizations and individuals, or to look up or access to relevant files, documents and articles upon approval by presenting corresponding credentials in accordance with applicable provisions of the State.

第十七条   国家情报工作机构工作人员因执行紧急任务需要，经出示相应证件，可以享受通行便利。

Article 17 In order to perform an urgent task, functionaries of an agency for State intelligence work are entitled to ease of movement facilitation by presenting corresponding credentials.

国家情报工作机构工作人员根据工作需要，按照国家有关规定，可以优先使用或者依法征用有关机关、组织和个人的交通工具、通信工具、场地和建筑物，必要时，可以设置相关工作场所和设备、设施，任务完成后应当及时归还或者恢复原状，并依照规定支付相应费用；造成损失的，应当补偿。

In light of their operational needs, functionaries of an agency for State intelligence work, may be given priority in use of or legally commandeer the vehicles, communication tools, venues and buildings of organs, organizations and individuals concerned, and are allowed to equip relevant operational sites with certain devices and facilities when necessary. However, they shall immediately return the above-said stuff or restore the sites to the original conditions after their missions have been completed, and pay relevant fees in accordance with provisions; and they shall make compensation in case of any damage caused.

第十八条   国家情报工作机构根据工作需要，按照国家有关规定，可以提请海关、出入境边防检查等机关提供免检等便利。

Article 18 In light of their operational needs, agencies for State intelligence work may request the customs departments, exit-entry border inspection authorities and other organs to facilitate their work such as inspection exemptions.

第十九条   国家情报工作机构及其工作人员应当严格依法办事，不得超越职权、滥用职权，不得侵犯公民和组织的合法权益，不得利用职务便利为自己或者他人谋取私利，不得泄露国家秘密、商业秘密和个人信息。

Article 19 Agencies for State intelligence work as well as their functionaries shall act in strict accordance with the law, and shall not overstep or misuse their authority, or infringe the legitimate rights and interests of any citizen or organization, or seek personal gains for themselves or others by taking advantage of their positions, or divulge the State secrets, trade secrets or personal information.

第三章 国家情报工作保障

Chapter III Guarantee for State Intelligence Work

第二十条   国家情报工作机构及其工作人员依法开展情报工作，受法律保护。

Article 20 Agencies for State intelligence work as well as their functionaries' performance of their intelligence work according to the law shall be protected by law.

第二十一条   国家加强国家情报工作机构建设，对其机构设置、人员、编制、经费、资产实行特殊管理，给予特殊保障。

Article 21 The State steps up its efforts to build agencies for State intelligence work, exercises special administration of the organizational structure, functionaries, establishment, funds and assets, and provides special guarantee for them.

国家建立适应情报工作需要的人员录用、选调、考核、培训、待遇、退出等管理制度。

The State establishes appropriate management systems for the employment, selection, assessment, training, treatment and withdrawal of functionaries that meet the needs of intelligence work.

第二十二条   国家情报工作机构应当适应情报工作需要，提高开展情报工作的能力。

Article 22 Agencies for State intelligence work shall improve their own capability of performing intelligence work to meet the needs of the intelligence work.

国家情报工作机构应当运用科学技术手段，提高对情报信息的鉴别、筛选、综合和研判分析水平。

Agencies for State intelligence work shall apply scientific and technological means to improve the level of identification, screening, synthesis and analysis of intelligence information.

第二十三条   国家情报工作机构工作人员因执行任务，或者与国家情报工作机构建立合作关系的人员因协助国家情报工作，其本人或者近亲属人身安全受到威胁时，国家有关部门应当采取必要措施，予以保护、营救。

Article 23 For functionaries of an agency for State intelligence work and the persons who have established cooperative relationship with agencies for State intelligence work, relevant departments of the State shall take necessary measures to give protection or go to the rescue, should the personal safety of these functionaries and persons or of their close relatives be under threaten as a result of such functionaries' performance of tasks or such personnel's assistance in State intelligence work.

第二十四条   对为国家情报工作作出贡献并需要安置的人员，国家给予妥善安置。

Article 24 For individuals who have made contributions to the State intelligence work and need to be resettled, the State shall resettle such individuals in an appropriate manner.

公安、民政、财政、卫生、教育、人力资源社会保障、退役军人事务、医疗保障等有关部门以及国有企业事业单位应当协助国家情报工作机构做好安置工作。

Such related departments as the public security organs, departments of civil affairs, departments of finance, departments of health, departments of education, departments of human resources and social security, ex-serviceman affairs and medical security, etc. as well as state-owned enterprises and public institutions shall assist agencies for State intelligence work in resettling such individuals in an appropriate manner.

第二十五条   对因开展国家情报工作或者支持、协助和配合国家情报工作导致伤残或者牺牲、死亡的人员，按照国家有关规定给予相应的抚恤优待。

Article 25 Any individual who suffers disability or sacrifices himself/herself or dies from conducting the State intelligence work or providing support, assistance or cooperation to the State intelligence work shall be given corresponding compensation and preferential treatment in accordance with relevant provisions of the State.

个人和组织因支持、协助和配合国家情报工作导致财产损失的，按照国家有关规定给予补偿。

Any individual or organization that suffers losses of property as a result of providing support, assistance or cooperation to the State intelligence work shall be given corresponding compensation in accordance with relevant provisions of the State.

第二十六条   国家情报工作机构应当建立健全严格的监督和安全审查制度，对其工作人员遵守法律和纪律等情况进行监督，并依法采取必要措施，定期或者不定期进行安全审查。

Article 26 Agencies for State intelligence work shall establish and improve strict oversight and safety review systems, supervise their functionaries' observation of laws and disciplines, and take necessary measures according to the law to perform safety reviews on a regular or irregular basis.

第二十七条   任何个人和组织对国家情报工作机构及其工作人员超越职权、滥用职权和其他违法违纪行为，有权检举、控告。受理检举、控告的有关机关应当及时查处，并将查处结果告知检举人、控告人。

Article 27 In case of any practices of agencies for State intelligence work as well as their functionaries to overstep or misuse their authority, or otherwise, any individual or organization has the right to inform or accuse such practices. Such organs that accept the accusation or complaint shall initiate an investigation immediately and impose punishment accordingly, and notify the informant or the accuser of the investigation and punishment outcomes.

对依法检举、控告国家情报工作机构及其工作人员的个人和组织，任何个人和组织不得压制和打击报复。

Any individual or organization shall not oppress or retaliate against the individual or organization that informs or complains against the agencies for State intelligence work as well as their functionaries according to the law.

国家情报工作机构应当为个人和组织检举、控告、反映情况提供便利渠道，并为检举人、控告人保密。

Agencies for State intelligence work shall provide individuals and organizations with convenient channels for informing, complaining against or reporting relevant situation, and keep such informers and complainants confidential.

第四章 法 律 责 任

Chapter 4 Legal Liability

第二十八条   违反本法规定，阻碍国家情报工作机构及其工作人员依法开展情报工作的，由国家情报工作机构建议相关单位给予处分或者由国家安全机关、公安机关处警告或者十五日以下拘留；构成犯罪的，依法追究刑事责任。

Article 28 Where anyone violates provisions herein by obstructing an agency for State intelligence work as well as its functionaries to work on intelligence according to the law, punishment will be imposed by relevant entity as suggested by the agency for State intelligence work or the state security organ or public security organ will give him a warning or impose a detention of less than 15 days on him; where a crime is constituted, the criminal liability shall be pursued according to the law.

第二十九条   泄露与国家情报工作有关的国家秘密的，由国家情报工作机构建议相关单位给予处分或者由国家安全机关、公安机关处警告或者十五日以下拘留；构成犯罪的，依法追究刑事责任。

Article 29 Where anyone gives away any state secret relating to the State intelligence work, punishment will be imposed by relevant entity as suggested by the agency for State intelligence work or the state security organ or public security organ will give him a warning or impose a detention of less than 15 days on him; where a crime is constituted, the criminal liability shall be pursued according to the law.

第三十条   冒充国家情报工作机构工作人员或者其他相关人员实施招摇撞骗、诈骗、敲诈勒索等行为的，依照《中华人民共和国治安管理处罚法》的规定处罚；构成犯罪的，依法追究刑事责任。

Article 30 Anyone who performs such acts as cheating and bluffing, fraud, extortion by pretending to be functionaries of agencies for State intelligence work or other related personnel shall be penalized in accordance with relevant provisions of the Law of the People's Republic of China on Penalties for the Violation of Public Security Administration; where a crime is constituted, the criminal liability shall be pursued according to the law.

第三十一条   国家情报工作机构及其工作人员有超越职权、滥用职权，侵犯公民和组织的合法权益，利用职务便利为自己或者他人谋取私利，泄露国家秘密、商业秘密和个人信息等违法违纪行为的，依法给予处分；构成犯罪的，依法追究刑事责任。

Article 31 Any agency for State intelligence work or any of its functionaries oversteps or misuses his or her authority, or infringes the legitimate rights and interests of citizens and organizations, or seeks personal gains for himself/herself or others by taking advantage of his or her positions, or leaks any state secret, trade secret or personal information, shall be punished according to the law; where a crime is constituted, the criminal liability shall be pursued according to the law.

第五章 附 则

Chapter 5 Supplementary Provisions

第三十二条   本法自2017年6月28日起施行。

Article 32 The Law shall come into force as of June 28, 2017.