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# 中华人民共和国档案法（2016修正）

# Archives Law of the People's Republic of China (2016 Revision)

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Archives Law of the People's Republic of China (2016 Revision)

（1987年9月5日第六届全国人民代表大会常务委员会第二十二次会议通过 根据1996年7月5日第八届全国人民代表大会常务委员会第二十次会议《关于修改〈中华人民共和国档案法〉的决定》第一次修正 根据2016年11月7日第十二届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国对外贸易法〉等十二部法律的决定》第二次修正）

(Adopted at the 22nd Meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987; amended for the first time according to the Decision on Revising the Archival Law of the People's Republic of China passed at the 20th Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1996; and amended for the second time according to the Decision on Revising Twelve Laws including the Foreign Trade Law of the People's Republic of China passed at the 24th Meeting of the Standing Committee of the 12th National People's Congress on November 7, 2016)

第一章 总 则

Chapter 1 General Provisions

第一条   为了加强对档案的管理和收集、整理工作，有效地保护和利用档案，为社会主义现代化建设服务，制定本法。

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.

第二条   本法所称的档案，是指过去和现在的国家机构、社会组织以及个人从事政治、军事、经济、科学、技术、文化、宗教等活动直接形成的对国家和社会有保存价值的各种文字、图表、声象等不同形式的历史记录。

Article 2 For the purpose of this Law, "archives" mean 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.

第三条   一切国家机关、武装力量、政党、社会团体、企业事业单位和公民都有保护档案的义务。

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

第四条   各级人民政府应当加强对档案工作的领导，把档案事业的建设列入国民经济和社会发展计划。

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.

第五条   档案工作实行统一领导、分级管理的原则，维护档案完整与安全，便于社会各方面的利用。

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.

第二章 档案机构及其职责

Chapter 2 Archives Institutions and Their Responsibilities

第六条   国家档案行政管理部门主管全国档案事业，对全国的档案事业实行统筹规划，组织协调，统一制度，监督和指导。

Article 6 The national archival 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.

县级以上地方各级人民政府的档案行政管理部门主管本行政区域内的档案事业，并对本行政区域内机关、团体、企业事业单位和其他组织的档案工作实行监督和指导。

The archival administrations 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.

乡、民族乡、镇人民政府应当指定人员负责保管本机关的档案，并对所属单位的档案工作实行监督和指导。

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.

第七条   机关、团体、企业事业单位和其他组织的档案机构或者档案工作人员，负责保管本单位的档案，并对所属机构的档案工作实行监督和指导。

Article 7 The archival 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.

第八条   中央和县级以上地方各级各类档案馆，是集中管理档案的文化事业机构，负责接收、收集、整理、保管和提供利用各分管范围内的档案。

Article 8 The national archival repositories and local archival 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.

第九条   档案工作人员应当忠于职守，遵守纪律，具备专业知识。

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

在档案的收集、整理、保护和提供利用等方面成绩显著的单位或者个人，由各级人民政府给予奖励。

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.

第三章 档案的管理

Chapter III Management of Archives

第十条   对国家规定的应当立卷归档的材料，必须按照规定，定期向本单位档案机构或者档案工作人员移交，集中管理，任何个人不得据为己有。

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 archival division or archivists of the unit for centralized administration. Nobody may keep such materials as his personal property.

国家规定不得归档的材料，禁止擅自归档。

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

第十一条   机关、团体、企业事业单位和其他组织必须按照国家规定，定期向档案馆移交档案。

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

第十二条   博物馆、图书馆、纪念馆等单位保存的文物、图书资料同时是档案的，可以按照法律和行政法规的规定，由上述单位自行管理。

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.

档案馆与上述单位应当在档案的利用方面互相协作。

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

第十三条   各级各类档案馆，机关、团体、企业事业单位和其他组织的档案机构，应当建立科学的管理制度，便于对档案的利用；配置必要的设施，确保档案的安全；采用先进技术，实现档案管理的现代化。

Article 13 Archival repositories of all types and at all levels and archival 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.

第十四条   保密档案的管理和利用，密级的变更和解密，必须按照国家有关保密的法律和行政法规的规定办理。

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.

第十五条   鉴定档案保存价值的原则、保管期限的标准以及销毁档案的程序和办法，由国家档案行政管理部门制定。禁止擅自销毁档案。

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 archival administration department. It shall be forbidden to destroy archives without authorization.

第十六条   集体所有的和个人所有的对国家和社会具有保存价值的或者应当保密的档案，档案所有者应当妥善保管。对于保管条件恶劣或者其他原因被认为可能导致档案严重损毁和不安全的，国家档案行政管理部门有权采取代为保管等确保档案完整和安全的措施；必要时，可以收购或者征购。

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 archival administration department shall have the power 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.

前款所列档案，档案所有者可以向国家档案馆寄存或者出卖。严禁卖给、赠送给外国人或者外国组织。

With respect to the archives mentioned in the preceding paragraph, owners may deposit them with or sell them to State archival repositories. It shall be strictly forbidden to sell them or give them to foreigners or foreign organizations.

向国家捐赠档案的，档案馆应当予以奖励。

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

第十七条   禁止出卖属于国家所有的档案。

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

国有企业事业单位资产转让时，转让有关档案的具体办法由国家档案行政管理部门制定。

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 archival administration department.

档案复制件的交换、转让和出卖，按照国家规定办理。

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

第十八条   属于国家所有的档案和本法第十六条规定的档案以及这些档案的复制件，禁止私自携运出境。

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.

第四章 档案的利用和公布

Chapter IV Use and Release of Archives

第十九条   国家档案馆保管的档案，一般应当自形成之日起满三十年向社会开放。经济、科学、技术、文化等类档案向社会开放的期限，可以少于三十年，涉及国家安全或者重大利益以及其他到期不宜开放的档案向社会开放的期限，可以多于三十年，具体期限由国家档案行政管理部门制订，报国务院批准施行。

Article 19 Archives kept by State archival 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 archival administration department and submitted to the State Council for approval before they become effective.

档案馆应当定期公布开放档案的目录，并为档案的利用创造条件，简化手续，提供方便。

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

中华人民共和国公民和组织持有合法证明，可以利用已经开放的档案。

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

第二十条   机关、团体、企业事业单位和其他组织以及公民根据经济建设、国防建设、教学科研和其他各项工作的需要，可以按照有关规定，利用档案馆未开放的档案以及有关机关、团体、企业事业单位和其他组织保存的档案。

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.

利用未开放档案的办法，由国家档案行政管理部门和有关主管部门规定。

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.

第二十一条   向档案馆移交、捐赠、寄存档案的单位和个人，对其档案享有优先利用权，并可对其档案中不宜向社会开放的部分提出限制利用的意见，档案馆应当维护他们的合法权益。

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.

第二十二条   属于国家所有的档案，由国家授权的档案馆或者有关机关公布；未经档案馆或者有关机关同意，任何组织和个人无权公布。

Article 22 State-owned archives shall be made public by archival 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 archival repositories or State organs.

集体所有的和个人所有的档案，档案的所有者有权公布，但必须遵守国家有关规定，不得损害国家安全和利益，不得侵犯他人的合法权益。

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.

第二十三条   各级各类档案馆应当配备研究人员，加强对档案的研究整理，有计划地组织编辑出版档案材料，在不同范围内发行。

Article 23 Archival 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.

第五章 法律责任

Chapter 5 Legal Liabilities

第二十四条   下列行为之一的，由县级以上人民政府档案行政管理部门、有关主管部门对直接负责的主管人员或者其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 24 If any of the following acts is committed, the archival administration 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:

（一）损毁、丢失属于国家所有的档案的；

1. damaging or losing State-owned archives;

（二）擅自提供、抄录、公布、销毁属于国家所有的档案的；

2. providing, transcribing, publicizing, or destroying State-owned archives without authorization;

（三）涂改、伪造档案的；

(III) altering or forging archives;

（四）违反本法第十七条规定，擅自出卖或者转让属于国家所有的档案的；

(IV) selling or transferring archives owned by the State without authorization in violation of Article 17 hereof;

（五）将档案卖给、赠送给外国人或者外国组织的；

(V) selling or giving the archives to foreigners or foreign organizations;

（六）违反本法第十条、第十一条规定，不按规定归档或者不按期移交档案的；

(VI) 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;

（七）明知所保存的档案面临危险而不采取措施，造成档案损失的；

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

（八）档案工作人员玩忽职守，造成档案损失的。

(VIII) causing losses to archives as a result of neglect of duty by archivists.

在利用档案馆的档案中，有前款第一项、第二项、第三项违法行为的，由县级以上人民政府档案行政管理部门给予警告，可以并处罚款；造成损失的，责令赔偿损失。

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 archival repository, the archival 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.

企业事业组织或者个人有第一款第四项、第五项违法行为的，由县级以上人民政府档案行政管理部门给予警告，可以并处罚款；有违法所得的，没收违法所得；并可以依照本法第十六条的规定征购所出卖或者赠送的档案。

If an enterprise, institution or individual commits an illegal act as specified in sub-paragraph (4) or (5) of the first paragraph, the archival administration department of the people's government at or above the county level shall issue a warning, and may also impose a fine; 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 this Law.

第二十五条   携运禁止出境的档案或者其复制件出境的，由海关予以没收，可以并处罚款；并将没收的档案或者其复制件移交档案行政管理部门；构成犯罪的，依法追究刑事责任。

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

第六章 附 则

Chapter 6 Supplementary Provisions

第二十六条   本法实施办法，由国家档案行政管理部门制定，报国务院批准后施行。

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

第二十七条   本法自1988年1月1日起施行。

Article 27 This Law shall go into effect as of January 1, 1988.