

海南自由贸易港社会信用条例

Regulations of Hainan Free Trade Port on Social Credit

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第一章 总 则

第一条 为了规范社会信用信息管理，维护信用主体合法权益，加快社会信用体系建设，优化营商环境，推进海南自由贸易港高质量发展，根据有关法律、行政法规，结合海南自由贸易港实际，制定本条例。

第二条 本条例所称社会信用，是指自然人、法人和非法人组织等信用主体在社会和经济活动中履行法定义务或者约定义务的行为和状态。

社会信用信息，是指可用以识别、分析、判断信用主体遵守法定义务或者履行约定义务状况的客观数据和资料。社会信用信息分为公共信用信息和市场信用信息。

公共信用信息是指国家机关以及法律、法规授权具有管理公共事务职能的组织等，在履行法定职责、提供公共服务过程中产生或者获取的社会信用信息。

Regulations of Hainan Free Trade Port on Social Credit

(Adopted at the 30th Session of the Standing Committee of the 6th Hainan Provincial People's Congress on September 29, 2021)

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Chapter I General Provisions

Article 1 These Regulations are enacted to govern social credit information administration, protect entity's legal interests, accelerate the establishment of the social credit system, optimize the business environment, and encourage high-quality development in the Hainan Free Trade Port pursuant to laws, administrative regulations, as well as realities of the Hainan Free Trade Port.

Article 2 Social credit as mentioned in these Regulations refers to the conduct and circumstances of entities including individuals, juristic persons, and unincorporated entities when performing their statutory or agreed obligations in social and economic activities.

Social credit information refers to the information and material that can be used to identify, analyze, and confirm compliance with statutory obligations or the performance of agreed obligations by the entities. Social credit information is classified as public credit information and business credit reports.

Public credit information refers to social credit information generated or obtained by state agencies authorized by laws and regulations to manage public affairs when performing statutory duties or offering public services.

市场信用信息是指行业协会商会、信用服务机构及其他企业事业单位等，在生产经营和社会服务活动中产生或者获取的社会信用信息。

第三条 信用信息的采集、归集、披露、共享、查询和应用等活动应当依法进行，不得危害国家安全、公共安全和公共利益，不得泄露国家秘密、商业秘密与个人隐私，确保信息安全。

第四条 县级以上人民政府应当将社会信用体系建设纳入国民经济和社会发展规划，建立健全社会信用体系建设的协调机制、目标责任制和考核制度，统筹推进本行政区域社会信用体系建设。

县级以上人民政府社会信用主管部门负责社会信用管理的综合协调、规划编制、政策制定及监督管理等工作，统筹建设、运营、管理本级信用信息共享平台。

县级以上人民政府自然资源和规划、旅游文化、生态环境、商务、教育、卫生健康、公安、住房和城乡建设、交通运输、市场监督管理等有关部门，监察委员会、人民法院、人民检察院等，应当按照职责分工做好相关社会信用工作。

第五条 国家机关以及法律、法规授权具有管理公共事务职能的组织应当加强信用应用，建立健全以信用为基础的监管机制，对监管对象进行分级分类监管。

第六条 社会信用体系建设应当注重发挥行业协会商会以及其他社会组织的作用，鼓励、引导社会力量参与信用管理、服务和监督。

第七条 鼓励发展信用服务业，支持信用服务机构通过征信、信用咨询、信用评级、信用保险、信用担保等，为社会提供信用产品和服务。

A business credit report refers to the social credit information generated or obtained by industry associations, chambers of commerce, credit service providers, and other enterprises and public institutions during business production, operation, and social service.

Article 3 The collection, classification, disclosure, sharing, inquiry, and use of social credit information shall be conducted pursuant to law, and shall not harm national security, public security, or the public interest, and shall not disclose state secrets, trade secrets, or personal privacy, and information security shall be ensured.

Article 4 The people's governments at or above the county level shall include the establishment of the social credit system into the national economic and social development plan, create and optimize coordination, goal-oriented accountability, and assessment systems for establishing the social credit system, and comprehensively encourage the establishment of the social credit system in their administrative areas.

The competent social credit agencies of the people's governments at or above the county level shall be responsible for social credit comprehensive coordination, plan preparation, policy creation, oversight, and administration, and shall conduct overall administration for the building, operation, and management of the credit information sharing platform at the same level.

The agencies of the people's governments at or above the county level, such as the natural resources and planning, tourism and culture, ecological environment, commerce, education, health, public security, housing and urban-rural construction, transportation, market regulation and administration agencies, as well as the oversight commissions, people's courts, and people's procuratorates, shall fully perform their social credit duties.

Article 5 State agencies authorized by laws and regulations to manage public affairs shall enhance the use of credit, create and optimize a credit-based oversight system, and conduct hierarchical and categorized oversight over those subject to credit oversight.

Article 6 The establishment of the social credit system shall focus on the role of trade associations, chambers of commerce, and other social organizations, and shall encourage and guide the private sector to participate in credit administration, service, and oversight.

Article 7 Credit service industry development shall be encouraged and the credit service providers are supported to provide credit products and services to the public through credit investigation, credit consultation, credit rating, credit insurance, and credit guarantees.

鼓励在市场交易、企业管理、行业自律、金融服务等活动中查询社会信用信息和使用信用报告等信用产品。

鼓励信用服务机构利用大数据、云计算、区块链、人工智能等现代技术开发具有自主知识产权的信用产品，拓展信用应用服务领域。

鼓励信用评级机构对接国际评级市场，积极参与国际竞争和制定国际标准，增强评级机构国际影响力。

第八条 海南自由贸易港建立健全社会信用体系，加强政务诚信、商务诚信、社会诚信和司法公信等重点领域诚信建设。

第九条 县级以上人民政府应当加强诚信文化建设，开展信用知识教育，提高公众守法诚信意识。

信用服务机构、其他企业事业单位应当加强自身信用管理，引导本单位增强诚信经营意识。

电视、广播、报刊、网络等媒体应当开展诚信文化宣传教育，营造诚信和谐的社会氛围。

社会公众应当守信自律，增强诚信意识，积极参与信用教育和信用监督活动。

第十条 县级以上人民政府及有关部门可以开展跨地区的信用体系建设合作，推进社会信用信息共享、信用产品互认、守信激励和失信惩戒合作。

Social credit information inquiries and the use of credit products such as credit reports in business transactions, business management, industry self-regulation, financial services, and other activities shall be encouraged.

Credit service providers are encouraged to use modern technologies such as big data, cloud computing, blockchain, and artificial intelligence to develop credit products with proprietary intellectual property rights and expand the credit application service industry.

Credit rating agencies are encouraged to benchmark the international rating market, actively participate in international competition and create international standards, and strengthen international influence.

Article 8 The Hainan Free Trade Port shall create and optimize a comprehensive social credit system and improve credit development in key areas including government administration, business operations, social credit reports, and judicial agency authority.

Article 9 The people's governments at or above the county level shall improve the development of the integrity culture, conduct credibility knowledge awareness, and improve public awareness of the rule of law and integrity.

Credit service providers, enterprises, and public institutions shall improve their credit administration and guide themselves to improve their awareness of compliant business operations.

Media, including television, radio, newspapers, and the internet, shall be used to advertise and encourage awareness of the culture of credibility and create a harmonious social atmosphere of creditworthiness.

Individual persons shall keep their promises and exercise self-regulation, improve their awareness of good faith, and actively participate in credit education and credit oversight activities.

Article 10 The people's government at or above the county level and its agencies may conduct interregional collaboration in credit system establishment, and advance social credit information sharing, mutual recognition of credit products, and collaboration in trustworthiness incentives and penalties.

第二章 社会信用信息管理

第十一条 公共信用信息实行目录制管理。海南自由贸易港执行全国公共信用信息基础目录。

省人民政府社会信用主管部门会同有关部门依法编制海南自由贸易港公共信用信息目录，报省人民政府批准后执行。

海南自由贸易港公共信用信息目录应当向社会公布，并适时更新。

第十二条 国家机关以及法律、法规授权具有管理公共事务职能的组织在办理登记注册、资质审核、日常监管、公共服务等过程中，应当按照公共信用信息目录以及相关标准规范要求记录、存储公共信用信息，并及时、准确、完整地将其归集到信用信息共享平台。

第十三条 县级以上人民政府及有关部门应当建立健全信用承诺制度。

鼓励市场主体主动向社会作出信用承诺，在政府门户网站或者其他渠道上自愿公示其登记注册、生产经营、合同履行、社会公益等信用信息，并对信息真实性公开作出信用承诺。真实、合法、完整的信用承诺信息，可以作为办理行政许可、进行事中事后监管、开展信用评价和生成信用报告等的重要依据。

第十四条 行业协会商会、信用服务机构、其他企业事业单位在生产经营和社会服务活动中，可以依法采集相关信用主体的市场信用信息。

采集市场信用信息，涉及自然人个人信息的，应当经信用主体同意，并告知信用主体采集内容、采集方式、信息用途以及信用主体所享有的权利和应当承担的义务。依照法律、行政法规规定应当公开的信息除外。

Chapter II Social Credit Information Administration

Article 11 Public credit information shall be administered as a list and the Hainan Free Trade Port shall be subject to the national credit report list.

The competent provincial people's government social credit agency shall, together with other appropriate agencies, formulate the Hainan Free Trade Port public credit information list pursuant to law, which shall not be done until it has been submitted to and approved by the provincial people's government.

The Hainan Free Trade Port public credit information shall be published and updated periodically.

Article 12 State agencies authorized by laws and regulations to manage public affairs shall record and store public credit information according to the public credit information list and applicable standards and specifications, and shall promptly collect and record accurate and complete public credit information to the credit information sharing platform when performing registration, eligibility review, daily oversight, and public services.

Article 13 The people's government at or above the county level and its agencies shall create and optimize the credit commitment system.

The market entities are encouraged to take initiative to make public credit commitments, voluntarily publish their credit information, including registration, production and operation, contract performance, and social public welfare on government portals or other channels, and commit to the authenticity of the credit information. The authentic, valid, and complete credit commitment information may be used as an important reference for matters such as administrative licensing, regulatory oversight conducted during and after the request, credit evaluation, and generating credit reports.

Article 14 Trade associations, chambers of commerce, credit service providers, and other enterprises and public institutions may collect business credit for entities involved in production, operation, and social service activities pursuant to law.

Entities' consent shall be acquired before collecting their business credit involving personal data belonging to natural persons, and the entity shall be informed of the description, method, purpose of the collection, and entity rights and obligations unless such information is required to be published pursuant to laws and administrative regulations.

采集市场信用信息，不得采集自然人的收入、存款、有价证券、商业保险、不动产信息和纳税数额信息。但是，明确告知可能产生的不利后果、取得信用主体书面同意并约定用途的除外。

采集市场信用信息，禁止采集自然人的宗教信仰、血型信息，疾病、病史信息，基因、指纹等生物识别信息以及法律、行政法规规定禁止采集的其他信息。

支持行业协会商会建立健全行业内信用承诺制度，鼓励会员以自主申报、自主承诺等形式提供自身社会信用信息。

第十五条 县级以上人民政府应当建立健全社会信用信息共享机制，促进公共信用信息和市场信用信息互动融合。省人民政府社会信用主管部门、司法机关、实行垂直管理单位等应当加强沟通与协作，推进海南自由贸易港信用信息共享平台与金融信用信息基础数据库等相关信用信息系统开发合作。

金融信用信息基础数据库和实行垂直管理单位的信用信息服务系统可以与信用信息共享平台实现信息共享与数据交换。

第十六条 公共信用信息通过公开公示、授权查询、政务共享等方式披露。

依法应当公开的公共信用信息，公共信用信息平台应当按照规定向社会公开公示。依法不能公开的公共信用信息，经信用主体自身实名认证或者书面授权可以查询，并按照约定的用途使用。

第十七条 县级以上人民政府及有关部门应当制定并公布服务规范，合理设置社会信用信息查询窗口，通过互联网等向社会提供便捷的查询服务。

Information on natural person income, deposit, securities, commercial insurance, real estate, and taxes paid shall not be collected when collecting business credit, provided that the entity has been expressly informed of potential adverse consequences in advance, agrees to such collection in writing, and the collection purpose was provided.

Information including the individual's religious beliefs, blood groups, diseases, medical histories, genetic and fingerprint biometric information, and other information prohibited to be collected by laws and administrative regulations shall not be collected when collecting business credit.

Trade associations and chambers of commerce are supported to create and optimize the credit commitment system, and their members are encouraged to independently provide their own social credit information and independent commitment.

Article 15 The people's government at or above the county level shall create and optimize a social credit information sharing system and encourage the integration of public credit information with business credit reports. The social credit agencies, judicial agencies, and government agencies under the direct administration of the provincial government shall improve communication and coordination to encourage development and collaboration between the Hainan Free Trade Port credit information sharing platform and basic financial credit information databases, or other relevant credit information systems.

Information sharing and data exchange may be conducted between basic databases of financial credit information, the credit information service system used by the government agencies under the direct administration of the provincial government, and the credit information sharing platform.

Article 16 Public credit information shall be disclosed through publications, authorized access, government sharing or in other means.

The public credit information platform shall publish any public credit information required to be published by law. Public credit information that cannot be disclosed pursuant to law may be accessed, provided that entity identity verification is completed or authorization is obtained and may be used in compliance with the agreed purpose.

Article 17 The people's government at or above the county level and its agencies shall formulate and publish service specifications, set up a reasonable social credit information inquiry portal, and provide convenient online services for the public.

第三章 守信激励与失信惩戒

第十八条 海南自由贸易港建立守信激励和失信惩戒制度，加强对守信行为的倡导和褒扬，依法对失信行为进行惩戒和约束。

县级以上人民政府及有关部门应当组织实施守信激励和失信惩戒。

第十九条 县级以上人民政府及有关部门应当建立守信激励机制，对信用状况良好的信用主体，可以在法定权限范围内实施下列激励措施：

（一）在行政管理和公共服务中，给予优先办理、简化程序等便利服务措施；

（二）在公共资源交易中，予以信用加分、提升信用等级；

（三）在日常监管中降低抽查比例，减少检查频次，更多适用非现场检查方式；

（四）在政府优惠政策实施中，同等条件下列为优先选择对象或者予以重点支持；

（五）在信用门户网站或者相关媒体上进行宣传推介；

（六）国家和海南自由贸易港规定的其他激励措施。

第二十条 海南自由贸易港结合建设实际需要，依照法律、法规和国家有关规定，确定严重失信主体名单领域范围。国家对设列严重失信主体名单领域范围有规定的执行国家规定。

第二十一条 严重失信主体名单的认定标准依照法律、法规和国家有关规定确定的标准执行。地方性法规规定严重失信主体名单制度，应当同时规定严重失信主体名单认定标准和惩戒措施。

Chapter III Trustworthiness Incentives and Penalties

Article 18 The Hainan Free Trade Port shall create a system for trustworthiness incentives and a penalty system, and shall improve the advocacy and praise of trustworthiness and the penalization and restriction of dishonest conduct pursuant to law.

The people's government at or above the county level and its agencies shall organize and perform work related to trustworthiness incentives and penalties.

Article 19 The people's government at or above the county level shall create a trustworthiness incentive system and perform the following incentive policies for good credit entities within their statutory authority:

- (a) provide service facilitations such as priority service and simplified administrative management and public service procedures;
- (b) increase credit points and upgrade credit levels in public resource transactions;
- (c) reduce the proportion of random inspections in daily oversight, reduce inspection frequency, and conduct more off-site inspections;
- (d) prioritize or offer additional support for government preferential policies compared to other entities when they meet all other requirements;
- (e) advertise and promote on credit portal websites or relevant media; and
- (f) implement other national and Hainan Free Trade Port incentive policies.

Article 20 The Hainan Free Trade Port determines the coverage of the list of entities committing material untrustworthy acts pursuant to law and development circumstances. If the coverage of the list of entities committing significant untrustworthy acts is provided by the national regulations, the national regulations shall apply.

Article 21 Standards for the list of entities committing material untrustworthy acts shall be implemented pursuant to the standards determined by applicable national laws and regulations. Where local regulations provide a system for the list of entities committing material untrustworthy acts, they shall also provide the appropriate standards and penalties for the list of entities committing material untrustworthy acts.

县级以上人民政府有关部门作出认定严重失信主体名单决定前，应当告知信用主体决定的事由、依据和依法享有的权利；信用主体提出异议的，应当予以核实，必要时可以组织听证。处理结果应当在规定时限内反馈。

将信用主体列入严重失信主体名单，应当出具并送达认定严重失信主体名单决定文书，决定文书应当载明事由、依据、失信惩戒措施提示、移出条件和程序以及救济途径等。

第二十二条 本省地方性法规可以规定下列失信惩戒措施：

- （一）在行政管理和公共服务中，不适用信用承诺制等便利措施；
- （二）在日常监管中，列为重点监管对象；
- （三）在公共资源交易中，予以信用减分、降低信用等级；
- （四）限制参与政府投资或者政府与社会资本合作的建设项目，或者予以提高保证金比例；
- （五）限制享受政府优惠政策支持，限制申请财政性资金项目；
- （六）限制参与表彰奖励，取消参加评先评优资格，撤销相关荣誉；
- （七）法律、法规规定的其他措施。

对失信主体采取惩戒措施应当与失信主体失信行为相关联，与其失信行为的性质、情节以及社会影响程度相适应，采取轻重适度的惩戒措施，确保过惩相当。

第二十三条 海南自由贸易港执行全国失信惩戒措施基础清单。

省、设区的市人民政府社会信用主管部门应当会同有关部门根据本省地方性法规编制海南自由贸易港失信惩戒措施清单，报本级人民政府审定后向社会公布。

Before the agencies of the people's governments at or above the county level make a decision on the entities committing material untrustworthy acts, they shall inform the entity of the reason and basis of the decision, as well as their legal rights. Any objections raised by the entity shall be verified, and a hearing may be held if necessary. The management results shall be notified within the required time limit.

If an entity is listed as an entity that has committed significant untrustworthy acts, a decision document shall be issued and sent. The decision document shall clarify the reasons, basis, reminders of penalties for untrustworthy acts, conditions, and procedures for removal from the list, and corrections.

Article 22 The provincial local regulations may impose the following penalties for untrustworthy acts:

- (a) exclusion from the credit commitment system in administrative management and public services;
- (b) listing as a major entity in routine oversight;
- (c) reduce credit points and downgrade credit levels in public resource transactions;
- (d) restrictions on participation in construction projects invested by the government or through public-private partnerships, or raising the deposit proportion;
- (e) restrictions on government preferential policy support and application for financial funding;
- (f) restrictions on participating in recommendations and rewards, participating in evaluations, and revoking eligibility for applicable awards; and
- (g) other actions provided by laws and regulations.

Penalties imposed against untrustworthy entities shall be proportional to the untrustworthy acts committed by the entity and in conformity with the nature, circumstance, and social impact of such act, and, appropriate penalties shall be imposed to ensure that there is a balance between the untrustworthy acts and penalties.

Article 23 The Hainan Free Trade Port shall be subject to the national basic list of penalties for untrustworthy acts.

The agency with jurisdiction over social credit of the people's governments in provinces and cities with districts shall, together with the appropriate agencies, prepare a list of penalties for untrustworthy acts pursuant to provincial regulations, submit it to the people's governments at the appropriate level for review and approval, and publish it.

海南自由贸易港失信惩戒措施清单应当动态更新。

第二十四条 县级以上人民政府有关部门认定失信行为，应当以下列具有法律效力的文书为依据：

（一）生效的司法裁判文书和仲裁文书；

（二）行政处罚、行政裁决等行政行为决定文书；

（三）法律、法规和国家有关规定中规定的可以作为失信行为认定依据的其他文书。

第二十五条 法人或者非法人组织被列入严重失信主体名单的，有关部门和单位在记录相关失信信息时，应当标明对相关失信行为负有责任的法定代表人、主要负责人、实际控制人和其他直接责任人的信息，并依照有关规定实施相应的惩戒措施。

第四章 信用主体权益保护

第二十六条 县级以上人民政府及有关部门和其他信用信息提供单位应当建立健全社会信用信息安全管理制，采取安全保密措施，保障社会信用信息采集、归集、披露、共享、查询和应用等过程的安全。

从事社会信用信息管理和服务的机构及人员，不得非法提供、披露和使用信用信息，不得篡改、虚构、泄露、窃取和非法买卖信用信息。

第二十七条 公共信用信息中的失信信息披露期限一般不超过五年。披露期限届满后不得再行披露。披露期限自失信行为认定之日起计算；失信行为处于持续状态的，披露期限自失信行为终止之日起计算。法律、法规另有规定的，从其规定。

The list of penalties for untrustworthy acts in the Hainan Free Trade Port shall be updated from time to time.

Article 24 The agencies of the people's governments at or above the county level shall determine untrustworthy acts based on the following binding documents:

(a) effective judicial judgments and arbitral awards;

(b) decisions issued by administrative agencies such as decisions on administrative penalties or administrative rulings; and

(c) other documents that may be used as the basis to determine untrustworthy acts provided by laws, regulations, and other state provisions.

Article 25 Where a legal entity or an unincorporated entity is included in the list of entities committing material untrustworthy acts, the appropriate agencies shall note the statutory representative, principal person in charge, actual controller, and other persons directly responsible when recording credit breach information and impose the appropriate penalty.

Chapter IV Credit Entity Protection

Article 26 The people's government at or above the county level, its agencies, and other organizations providing credit information shall create and optimize a social credit information security system and adopt confidentiality measures to ensure security during the collection, classification, disclosure, sharing, inquiry, and use of social credit information.

Institutions and employees for social credit information administration and services shall not illegally provide, disclose, or use credit information, and shall not tamper, fabricate, disclose, steal, or illegally buy and sell credit information.

Article 27 The untrustworthy act information in the public credit information disclosure period shall generally not exceed 5 years. No further disclosure shall be made after the expiration of this period. The disclosure period shall be calculated from the date on which the untrustworthy act is verified. The disclosure period shall be calculated from the date on which the untrustworthy act stops if the acts are continuous, except as otherwise provided by laws and regulations.

第二十八条 自然人有权每年从采集、归集其信用信息的机构免费获取本人的信用报告。

信用服务机构向信用主体提供相关服务的，不得将该服务与个人社会信用信息采集相捆绑，强迫或者变相强迫信用主体接受。

第二十九条 社会信用信息提供单位发现其提供的社会信用信息存在错误、遗漏的，应当及时更正，并将更正后的信息及时报送信用信息共享平台。

第三十条 信用主体认为其社会信用信息存在错误、遗漏或者侵犯其合法权益的，可以向县级以上人民政府社会信用主管部门、社会信用信息提供单位提出书面异议申请。县级以上人民政府社会信用主管部门、社会信用信息提供单位应当在收到异议材料之日起一个工作日内作出异议标注，并在七个工作日内将核查及处理结果反馈申请人。情况复杂的，异议处理机构可申请延期，经该机构负责人批准可延长核查期限，但整个异议处理期限累计不得超过十五个工作日。

对于核查确实有误的，应当予以更正或者删除，并告知申请人；作出不予变更决定的，应当说明理由。

第三十一条 信用主体的公共信用信息向信用信息共享平台归集后，其公共信用信息被原提供单位撤销或者据以认定其失信状态的行为被生效法律文书撤销的，撤销单位应当及时向县级以上人民政府社会信用主管部门报送变更信息。

Article 28 Natural persons are entitled to obtain their own credit reports free of charge from the institutions that collect and classify their social credit information annually.

Where a credit service provider provides a credit entity with services, it shall not relate such with the collection of personal social credit information, or explicitly or implicitly compel the entity to accept the collection of such credit information.

Article 29 A social credit information provider shall promptly make corrections and submit the corrected information to the credit information sharing platform if it discovers any error or omission in the social credit information it submits.

Article 30 If an entity believes that its social credit information includes mistakes, omissions, or infringes upon its legal rights, it may submit a written objection to the competent social credit agencies of the people's governments at or above the county level and to the social credit information provider. The competent social credit agencies of the people's governments at or above the county level and the social credit information provider shall take note of the objection within 1 business day from the date on which the objection is accepted, and shall report the verification and management results to the entity within 7 business days. The organization managing the objection may request an extension under complex circumstances, and the verification period may be extended with the approval of the person in charge of the organization, but the total objection management period shall not exceed 15 business days.

The government agency or the organization shall correct or remove the incorrect credit report and inform the requester of such a decision once the information is deemed incorrect. The government agency or the organization shall explain any decisions not to make changes to the credit report to the requester.

Article 31 Where entity's public credit information uploaded to the credit information sharing platform is removed, the organization responsible for removing the information shall promptly submit the change to the competent social credit agency under the people's government at or above the county level if the credit information was removed by its original provider or an effective court decision rules that the entity did not perform an untrustworthy act.

县级以上人民政府社会信用主管部门应当在收到变更信息之日起二个工作日内完成信息删除工作。

第三十二条 失信主体纠正失信行为、消除不良影响的，可以向县级以上人民政府社会信用主管部门或者作出失信行为认定的单位申请信用修复。

失信主体开展信用修复可以按照规定通过作出信用承诺、完成信用整改、接受专题培训、参加公益慈善等方式进行。

符合信用修复条件的，县级以上人民政府社会信用主管部门及有关部门应当按照有关规定将其移出严重失信主体名单，终止公开共享相关失信信息，依法对相关失信信息进行处理，并将修复情况告知信用主体。修复完成后，应当按照程序及时终止实施惩戒措施。国家对信用修复有规定的，依照其规定执行。

县级以上人民政府社会信用主管部门可以会同有关部门制定信用修复的具体办法，报本级人民政府批准后实施。

第三十三条 信用主体认为公共信用信息管理活动中的具体行政行为侵犯其合法权益的，可以依法申请行政复议或者提起行政诉讼。

第五章 法律责任

第三十四条 国家机关以及法律、法规授权具有管理公共事务职能的组织及其工作人员实施下列行为之一的，由法律、法规规定的相关主管部门或者纪检监察部门责令改正；情节严重的，依法给予处分；构成犯罪的，依法追究刑事责任。

The competent social credit agencies of the people's governments at or above the county level shall delete the information within 2 business days of receipt of the changed information.

Article 32 If an untrustworthy entity corrects its untrustworthy act and eliminates the adverse effects, it may request its credit to be repaired by the competent social credit agency of the people's governments at or above the county level or from the institution that verified the untrustworthy act.

An untrustworthy entity may repair its credit by making credit commitments, conducting credit rectification, taking part in special training, and participating in public welfare and charity activities.

If credit repair requirements are met, the competent social credit agencies of the people's governments at or above the county level and other agencies shall remove the entity from the list of entities committing material untrustworthy acts, end the publication of information on their untrustworthy act, manage the untrustworthy act information pursuant to law, and inform the credit entity of the repair. After the repair is complete, the penalty shall be terminated within the time required by law, except as otherwise provided by the national laws.

The competent social credit agencies under the people's governments at or above the county level, together with other agencies, may prepare specific rules for credit repair, which shall be implemented after being submitted to the people's government at the appropriate level for approval.

Article 33 If an entity believes that the specific administrative acts concerning public credit information administration infringe upon their legal rights, they may request administrative review or file an administrative lawsuit pursuant to law.

Chapter V Legal Liability

Article 34 Any state agency authorized by laws and regulations to manage public affairs or any of its employees commits any of the following acts, shall be corrected by the competent agency or discipline inspection and oversight agency designated by laws and regulations, imposed penalties pursuant to law if the circumstances are serious, and held criminally liable pursuant to law if a crime is committed:

(一) 未按规定采集、归集、披露、共享、查询和应用社会信用信息或者未按规定受理信用异议处理；

(二) 篡改、虚构、隐匿、违规删除社会信用信息；

(三) 泄露未经授权公开的社会信用信息；

(四) 泄露涉及国家秘密、商业秘密、个人隐私的社会信用信息；

(五) 违反国家规定获取或者向他人出售、提供社会信用信息；

(六) 违法实施信用激励和惩戒措施；

(七) 违反信用信息安全管理制度造成信息丢失；

(八) 法律法规禁止的其他行为。

第三十五条 行业协会商会、信用服务机构、其他企业事业单位及其工作人员违反本条例规定，有下列行为之一的，由县级以上人民政府社会信用主管部门或者相关监督管理部门按照管理权限责令限期改正、没收违法所得；情节严重的，对单位处五万元以上五十万元以下罚款，并对直接负责的主管人员和其他直接责任人员处一万元以上十万元以下罚款：

(一) 提供虚假信用产品；

(二) 采集禁止采集的社会信用信息或者未经同意违法采集自然人社会信用信息；

(三) 未履行保密义务或者超出法定、约定范围公开、使用社会信用信息；

(四) 篡改、虚构、窃取和非法买卖社会信用信息。

(a) collecting, classifying, disclosing, sharing, querying, and using social credit information in a way that does not comply with the requirements, or not accepting credit objections as required;

(b) tampering with, fabricating, concealing, or illegally deleting social credit information;

(c) divulging unauthorized public social credit information;

(d) divulging social credit information involving state secrets, trade secrets, and personal privacy;

(e) obtaining, selling, or providing social credit information in violation of national law;

(f) illegally implementing credit incentives or penalties;

(g) causing the loss of information in violation of the credit information security administration system; or

(h) committing other acts prohibited by laws and regulations.

Article 35 Any trade associations, chambers of commerce, credit service providers, or other enterprises or public institutions or any of their employees who violates these Regulations and commits one of the following acts shall be required by the competent social credit agency under the people's governments at or above the county level or the oversight and administrative agencies, exercising their administrative authority to make corrections within a specific time limit and any illegal gains shall be confiscated. A penalty of not less than 50,000 Yuan but not more than 500,000 Yuan may be imposed under serious circumstances, and a fine of not less than 10,000 Yuan but no more than 100,000 Yuan may be imposed on the persons directly in charge and other directly liable employees:

(a) providing falsified credit products;

(b) collecting prohibited social credit information or illegally collecting personal social credit information without consent;

(c) failing to perform confidentiality obligations, or disclosing or using social credit information beyond the scope of laws and agreements; or

(d) tampering with, fabricating, stealing, or illegally buying or selling social credit information.

第三十六条 在社会信用信息采集、归集、披露、共享、查询和应用等过程中，损害信用主体合法权益的，应当依法承担民事责任；构成犯罪的，依法追究刑事责任。

第六章 附 则

第三十七条 本条例自 2022 年 1 月 1 日起施行。

Article 36 Anyone who infringes upon an entity's legal rights when collecting, classifying, disclosing, sharing, inquiring, or using social credit information shall assume civil liability pursuant to law and shall be held criminally liable pursuant to law if a crime is committed.

Chapter VI Supplementary Provision

Article 37 These Regulations shall come into force as of January 1, 2022.

