

INFORMATION GOVERNANCE IN CHINA: DATA, POWER, AND THE LAW

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ABSTRACT

Information is central to governance. In China, the State controls information, such as GDP data, to guide policy and shape political narratives. Given the importance of information, relevant parties, such as central and local governments, tend to monopolize its production and dissemination. This monopoly leads to the proliferation of misinformation, which not only undermines the governance but also affects public trust in the State. To address this problem, the first step is to understand the logic behind misinformation generation, followed by identifying potential solutions. This article traces the history of misinformation production through the lens of the principal-agent tension between central and local governments. It reveals that decentralization before the 2010s enabled the local governments to manipulate data. In response, the central government initiated a centralization process that significantly curtailed local misinformation, while inadvertently shifting the risk of data distortion to the central level. This systematic risk of misinformation calls for further solutions. Under current legal systems, existing solutions can be categorized as the Regulatory Solution (oversight through regulation) and the Rights Solution (endowing the public with a “right to know”). While both address certain aspects of misinformation, they remain inadequate in others due to institutional limitations. A third solution is therefore needed. The Structural Solution aims to divide information production authority among multiple entities, creating mutual checks and internal oversight among data producers. This solution supplements the existing two solutions’ loopholes and deserves further exploration.

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I. INTRODUCTION

Information plays a critical role in governance. In China, the State engages in a broad range of information-related activities, including the collection, processing, disclosure, and dissemination of data. According to the nature of collection, this data can be categorized into two groups. The first group is effectively monopolized by the State due to the authoritative and coercive nature of their collecting process. A salient example is the macroeconomic indicator, especially national GDP data, which private actors cannot reliably or lawfully produce given the legal and political constraints on independent collection. This State-monopolized information not only serves technical functions for policy making, but also supports the government's political narrative and reinforces regime legitimacy.¹ Consequently, information constitutes a primary instrument of political power, and the State is strongly incentivized to maintain central control over the production process.²

The second group of data is naturally generated by decentralized actors. For instance, information such as individual daily activities are possessed by the public and corporations that provide services. This data is highly dispersed and out of the State's direct control, yet it plays an essential role for regulatory governance and national oversight. Hence, the State develops strategies to obtain access for the raw data from these decentralized producers. These strategies encompass compelling data submission, controlling information flows, manipulating the producing process, etc.

As a result, the information asymmetry between the State and outside actors enlarges, becoming harder for the latter to generate the counter-narratives against the former. Statistical scandals and information frauds have thus proliferated sharply. Scholars and media

¹ See generally, JAMES SCOTT, *SEEING LIKE A STATE, HOW CERTAIN SCHEMES TO IMPROVE THE HUMAN CONDITION HAVE FAILED*, (Yale Univ. Press) (1999).

² See Bridget Fahey, Yuping Lin & Taisu Zhang, *The Law of Information States: Evidence from China and the United States*, 65 VA. J. INT'L L. 371, 379-81 (2025).

outlets frequently criticize the authenticity of official data, yet they continue to rely on the information due to the lack of credible alternatives.

What is more complex is that the State itself is struggling with internal principal-agent problems in central-local relations. Local governments, motivated by parochial interests and bureaucratic incentives, have developed methods to distort, withhold, or monopolize informational resources from the central authorities. As a response, the central government initiated a series of reforms to break the local monopoly and reclaim the information power. However, these reforms have largely failed to resolve the underlying structural issues and have instead triggered a contentious shift of power between the central and local governments. The whole Chinese Information Production System (IPS) and its supported political narratives are now facing a severe public trust crisis. Misinformation remains a persistent challenge for governance.

Understanding the political evolution of the IPS is critical to addressing the broader problems of information reliability and governmental accountability in China. The first argument of this article is that information production is fundamentally a political process, shaped by the persistent principal-agent dilemma between the central and local governments.³ As a constitutionally defined unitary State,⁴ China delegates extensive administrative and regulatory authority to its local governments.⁵ This delegation, while necessary for governing the expansive territory, also creates opportunities for local actors to manipulate information for self-interested objectives. Local officials, driven by regional protectionism and career incentives, have routinely

³ See generally, Sanford J. Grossman & Oliver D. Hart, *An Analysis of the Principal-Agent Problem*, 51 *ECONOMETRICA* 7 (1983).

⁴ The expression of “unitary State” is the opposite of “federalism.” Article 3 of the Chinese constitution says, “[t]he division of functions and powers between the central and local State institutions shall honor the principle of giving full play to the initiative and motivation of local authorities under the unified leadership of the central authorities.” See also Preamble of the Chinese Constitution “[T]he People’s Republic of China is a unified multiethnic State founded by the Chinese people of all ethnic groups...”

⁵ See generally, Chenggang Xu, *The Fundamental Institutions of China’s Reforms and Development*, 49 *J. OF ECON. LITERATURE* 1076, (2011)

distorted or monopolized information flows to influence perceptions of their performance and circumvent central scrutiny. Control over data has thus emerged as a key political resource in local governance, turning local information systems into sites of information distortion.⁶

Between the 1980s and the early 2000s, local data manipulation and political misinformation became widespread,⁷ severely undermining the effectiveness of national governance and contributing to fiscal instability. In response, the central authority launched a series of reforms intended to reassert its control over the IPS. These included regulatory efforts to dismantle local monopolies on data production⁸ and normative initiatives that framed transparency as a public right, embodied in discourses around the public's "right to know."⁹ Institutional changes also linked fiscal reform to informational transparency, encouraging more open access to economic data. Yet these efforts encountered significant resistance and fell short of addressing the root causes of local data manipulation. In many cases, reform setbacks were rooted in the central government's continued reliance on local bureaucracies for data collection, thereby perpetuating the principal-agent problem.

By the 2010s, the central government came to realize that its failure to assert informational control lay at the core of persistent data scandals. It responded by pursuing centralization through two primary strategies: the establishment of centrally administered data collection

⁶ National Bureau of Statistics, Quanguo Tongji Fazhi Gongzuo Dashi Ji (全国统计法治工作大事记) [Chronicle of Major Events in National Statistical Rule of Law Work], Dec. 8, 2023, https://www.stats.gov.cn/xw/tjxw/tjdt/202312/t20231208_1945370.html [perma.cc/6VE6-TYER] (China).

⁷ *See id.*

⁸ Fahey et al., *supra* note 2, at 386-88

⁹ Fahey et al., *supra* note 2, at 388-89.

teams,¹⁰ and the restructuring of local information systems to separate data production powers from local political control. These efforts led to notable improvements in data reliability. A landmark moment occurred when several provincial governments publicly confessed about inflating GDP figures and committed to reforming their data production practices.¹¹ Unlike previous efforts, these developments signaled a temporary victory for the central government in reclaiming informational authority.

Following these advances, the central government sought to consolidate this control and maximize the information asymmetry between itself and outside parties. It adopted three main mechanisms to achieve this goal. First, it restricted the public disclosure of raw data unless mandated by law, thereby limiting opportunities for independent verification. Second, it prioritized internal supervision over external accountability: under the Civil Servant Law, penalties for informational malpractice—such as warning or demerits—are neither publicized nor subject to judicial review. Third, it increased the cost of public oversight by imposing fees for information requests under the revised Government Information Disclosure Regulation. Collectively, these strategies effectively shielded State-generated data from public contestation while allowing the central authorities to manage the national informational narrative with minimal interference. Consequently, the reduction of independent oversight introduced a new vulnerability: the risk that systemic misinformation could originate within central authorities.

¹⁰ Guowuyuan Bangong Ting Guanyu Yinfa Guojia Tongjiju Zhishu Diao-chadui Guanli Tizhi Gaige Fangan De Tongzhi (国务院办公厅关于印发国家统计局直属调查队管理体制改革方案的通知) [Notice on Issuing the National Bureau of Statistics Notice on the Reform Plan for the Management System of the Directly Affiliated Investigation Team] (promulgated by State Council General Office, effective Mar. 16, 2005) https://www.gov.cn/zhengce/zhengceku/2005-04/16/content_1385.htm [perma.cc/HWW2-YGZZ] (China).

¹¹ Zhang Ping (张平), Liaoning Chengren GDP Zhushui, Yeyao Rang “Huyouzhe” Meiqiantu (辽宁承认GDP注水, 也要让“忽悠者”没前途) [Liaoning Admits GDP Padding and also Aims to Ensure that Those Who Deceive Have no Future], XINJING BAO (新京报)[BEIJING NEWS], Jan. 18, 2017, <https://www.bjnews.com.cn/detail/155151356814187.html> [perma.cc/48MY-XF2A] (China).

In sum, information constitutes a strategic asset in contemporary governance. The manipulation of information production is deeply rooted in the principal-agent dynamics between the central and local governments. Statistical scandals and political misinformation reflect broader political tensions over control of the IPS.

The subsequent sections of this article proceed with an analysis from diagnosing the political misinformation to evaluating the legal solutions. The Chinese administrative and judiciary institutions have provided two kinds of solutions to address the persistent challenge. The first is to directly regulate the behaviors of the information producers through formal legal mechanisms. This solution, referred to as “Regulatory Solution,”¹² seeks to regulate data collection, processing, and dissemination through codified rules. For example, Chinese statistical laws stringently regulate data collection, storage, and dissemination, and impose severe penalties for interference. The second approach, termed the “Rights Solution,”¹³ is grounded in legal empowerment of the public through access to information. By granting citizens the “right to know,” the State nominally allows individuals to petition government agencies for access to data and official records, thereby introducing a doctrinal avenue for external accountability. While both approaches have gained attention in legal and academic discourses, their real-world efficacy remains limited. As will be illustrated in the historical analysis of the IPS, both regulatory and rights-based mechanisms suffer from critical loopholes—legal, institutional, and procedural—that render them largely ineffective in curbing systemic information distortion.

This article introduces a third and under-examined institutional response, the “Structural Solution.”¹⁴ This approach entails the deliberate division and distribution of information-producing powers among different bureaucratic actors and levels of government. Its goal is to create institutional checks and internal competition, thereby mitigating the risks associated with monopolistic control over information. This third solution has, in practice, demonstrated considerable

¹² Fahey et al., *supra* note 2, at 386-88.

¹³ Fahey et al., *supra* note 2, at 388-89.

¹⁴ Fahey et al., *supra* note 2, at 389-92.

effectiveness—particularly at the local level—yet remains under-explored in both scholarly analyses and policy design.

The second major argument of this article thus focuses on analyzing the theoretical foundations, empirical support, and practical limitations of the Structural Solution. This approach operates along both horizontal and vertical dimensions. Horizontally, it allocates data production responsibilities among different agencies within the same administrative level, fostering mutual scrutiny and enabling external verification through the comparison of divergent datasets. Vertically, it redirects information authority from local entities to the central government, thereby limiting opportunities for local manipulation.

Though often overlooked, the “Structural Solution” has demonstrated notable effectiveness. As the response to the widespread statistical scandals in the early 2010s, central authorities adopted this strategy by expanding their own data collection and auditing capacities. A pivotal development occurred in 2017, when the NBS announced that it would begin *jointly* producing provincial GDP figures in collaboration with local statistical bureaus.¹⁵ Previously, the sum of provincial GDPs consistently exceeded the national total, a statistical impossibility that highlighted pervasive local inflation of economic figures. Following the reform, the national GDP figure surpassed the aggregated provincial totals for the first time, signaling a marked decline in local data manipulation.¹⁶ This vertical redistribution of authority thus significantly enhanced the central government’s ability to monitor and constrain local informational malpractice.

¹⁵ Diqu Shengchan Zongzhi Tongyi Hesuan Gaige Fangan (地区生产总值统一核算改革方案) [Reform Plan for the Unified Accounting of Gross Regional Product (GRP)] (promulgated by the NBS, issued and effective Jun. 26, 2017) (China).

¹⁶ See Wang Hongru (王红茹), Shengji GDP Youwang You Guojia Hesuan, Gedi GDP Zhihe Chao Quanguo Jiang Shoukong (省级GDP有望由国家核算, 各地GDP之和超全国怪象将受控) [Provincial GDP Is Expected to be Calculated by the State, and the Strange Phenomenon that the Sum of Local GDP Exceeds the National Level Will be Controlled], *Zhongguo Jingji Zhoukan* (中国经济周刊) [CHINA ECON. WKLY.], July 19, 2017, <http://jingji.cctv.com/2017/07/11/ARTISTKa3y8OjTXwC87zEQ50170711.shtml> [<https://perma.cc/6PQJ-XGS5>].

Nonetheless, this approach is not without its shortcomings. While it reinforces top-down oversight, it fails to establish mechanisms for bottom-up accountability. Local governments remain structurally incapable of challenging or verifying data produced by central authorities. As centralization deepens, the potential for reciprocal oversight diminishes, leaving central-level data increasingly insulated from scrutiny and amplifying the risk of misinformation at the national level.

Recent administrative trends have intensified these risks. Party leadership has further centralized control over national-level information producers, streamlining their command structures and deploying advanced digital technologies. New platforms allow individuals and enterprises to submit data directly to central authorities, bypassing local intermediaries. This centralized system is often justified under the pretext of “national security”, a doctrine that has been increasingly invoked to deny information requests, censor circulated information, and regulate the credentialing of data producers. These developments suggest a growing potential for central-level information manipulation, which is harder to detect and may pose greater risks to systemic credibility. A systematic reconfiguration of the Structural Solution is thus necessary, especially as the information asymmetry increases between the State and society.

This article develops its two central arguments through a four-part structure: Part II reconstructs the political history of China’s Information Production System, highlighting how persistent principal-agent dynamics between central and local governments have shaped the IPS since the 1980s. It argues that regional protectionism and bureaucratic incentives enabled widespread local manipulation of data, which not only distorted public trust but also hampered the central government’s capacity for policy oversight. The failure of successive central reform attempts, despite robust legal and institutional responses, exacerbated these challenges and produced what scholars have termed a *de facto* federalism¹⁷ crisis. This part concludes that the

¹⁷ See YONGNIAN ZHENG, *DE FACTO FEDERALISM IN CHINA: REFORMS AND DYNAMICS OF CENTRAL-LOCAL RELATIONS*, (World Scientific Publishing, Co. Pte Ltd, 2007).

erosion of central control over information production power lies at the heart of these reform setbacks.

Part III analyzes a strategic turn toward centralization around the year 2010. Confronted by domestic crises, such as the SARS epidemic, and international accountability pressures following China's WTO accession, the central government prioritized information control. Through investments in digital technologies, independent collection of raw data, and the rise of the National Security State, the central authority reasserted dominance over data collection and dissemination. While this centralization reduced local manipulation, it transferred the risk of misinformation to the central level.

Part IV critically evaluates prevailing legal responses—Regulatory and Rights-based Solutions—and identifies their structural limitations, including opaque oversight, institutional self-protection, and restricted public participation. These weaknesses have enabled the central State to internalize informational governance and escalate asymmetries between itself and other actors.

Part V presents the Structural Solution as a more robust—albeit under-utilized—framework for addressing the shortcomings of the first two approaches. Drawing on illustrative cases of both horizontal and vertical separations, this section demonstrates that the structural separation of information powers has proved effective in fostering mutual oversight between different information producers, reducing monopolistic control, and enhancing informational credibility. While recognizing its limitations such as high administrative cost and diminished effectiveness in restraining central-level manipulation, this article concludes that structural reform offers the best sustainable path toward balanced and transparent informational governance in China.

II. DE FACTO FEDERALISM: STATE-LOCAL COMPETITIONS FOR INFORMATION PRODUCTION POWERS

The evolution of information production power can be delineated into two distinct phases, marked by a shift in the State-local relations. The first phase, characterized by decentralization, prevailed from the 1980s until approximately 2010; the subsequent period marked a turn toward centralization.

During the earlier phase, the decentralization in the Chinese political system was often described as “de facto federalism.”¹⁸ In the informational context, the central State struggled with diminishing control over informational governance, while local governments exercised considerable discretion in controlling the production and dissemination of information. This autonomy led to a proliferation of statistical fraud. For example, a 1989 nationwide inspection conducted by the National Bureau of Statistics (NBS), the Legislative Affairs Office of the State Council, and the Ministry of Supervision uncovered over 51,000 violations of statistical regulations. Subsequent inspection revealed 70,000 violations in 1994, 60,000 in 1997, and 62,000 in 2001.¹⁹

These widespread violations primarily stemmed from the principal-agent problem embedded in central-local government relations. The Chinese Information System (CIS), particularly the Information Production System (IPS), became a central arena of contention. Local governments sought to expand information asymmetry and engaged in protectionist practices by concealing or manipulating data.

In response, the central government enforced two reform strategies. The first involved the continuous refinement of regulatory frameworks, such as revisions to the statistical and information disclosure systems, which emphasized independence, transparency, and professional integrity in data production. The second sought to enhance public participation, most notably by institutionalizing the “right to know” and facilitating citizen reporting and litigation.

Nevertheless, the reforms yielded limited success, and in some cases, even inadvertently exacerbated the crisis in which the State not only lost authoritative control over information flows but also struggled to maintain the basic functions of governance. This emergent form of decentralization further intensified local-level data manipulation and misinformation. By analyzing the shortcomings of these central policies, this part contends that the diminished central control over information production powers constitutes a fundamental cause of the policy failures and the escalation of central-local tensions.

¹⁸ *See id.*

¹⁹ *See* Quanguo Tongji Fazhi Gongzuo Dashi ji, *supra* note 6.

A. *Local Information Manipulation and the Central's Regulatory Reforms*

Since the early 1980s, the Chinese central government has responded to persistent information distortion and manipulation at the local level through successive cycles of institutional reform. These reform efforts, each prompted by breakdowns in data credibility and fiscal transparency, aimed to consolidate central control by refining regulatory frameworks, such as introducing laws, procedures, and enforcement mechanisms to standardize and depoliticize information production. Despite their formal ambition, each wave ultimately fell short of realigning local incentives. Local authorities continued to obfuscate the information production process and manipulate the data disclosed to the central government and the public. This section outlines the trajectory of these efforts across three distinct cycles.

1. *First Reform Cycle: Decentralization, Statistical Corruption, and the Birth of Legal Framework (1980-early 1990s)*

The first round of reform emerged in the aftermath of China's economic decentralization in the early 1980s.²⁰ Through a reform named Fiscal Lump Sum System (财政包干制, FLSS), provinces could retain the remaining tax revenue beyond a fixed quota submitted to the central government.²¹ Though the institutional design of the FLSS promoted the rapid economic growth in local areas, it also generated the risk for fiscal underreporting: local governments, keen to maximize retained revenue and limit remittances to the central

²⁰ See, e.g., Chenggang Xu, *supra* note 5.

²¹ Guowuyuan Guanyu Shixing Huafen Shouzhi Fenji Baogan Caizheng Guanli Tizhi de Tongzhi, Guofa [1980] 33 Hao (国务院关于实行“划分收支、分级包干”财政管理体制的通知, 国发[1980]33号) [Notice on the Implementation of the Fiscal Management System of “Dividing Revenue and Expenditure and Contracting at Different Levels”, State Council [1980] No.33] (promulgated by St. Council, effective Feb. 1, 1980) St. Council Gaz. (China). See also, Guanyu Difang Shixing Caizheng Baogan Banfa de Jueding, Guofa [1988] 50 Hao (关于地方实行财政包干办法的决定, 国发[1988]50号) [Decisions about Implementing the Fiscal Lump Sum System in Local Governments, [1988] No. 50] (promulgated by St. Council, effective Jul. 28, 1988) St. Council Gaz. (China).

government, came up with strategies to conceal their actual fiscal performance. The information system became a tool for local authorities to manipulate the key data.

The most salient cases happened in Shanghai and Beijing. In Shanghai, fiscal policy required a 10 billion Chinese yuan renminbi (“CNY”) remittance to the central government where local revenue exceeded 16.5 billion CNY. For five consecutive years, local officials consistently reported revenues just below that threshold, suggesting deliberate underreporting.²² Similarly, under central directives, the Beijing municipal government was required to remit any additional revenue if its annual growth rate exceeded 4%. Predictably, Beijing reported a revenue growth rate of exactly 4% for five consecutive years, raising questions about strategic reporting.²³ These cases illustrated how fiscal decentralization created space for informational opportunism.

The central government thus responded with legal intervention: the promulgation of Statistics Law.²⁴ This law emphasized principles of independence, transparency, and professional integrity in statistical work, granting legal authority to the NBS to inspect and correct violations.²⁵ This was accompanied by *1984 Decision on Strengthening Statistical Work*, a legal document passed by the State Council and

²² See Zhao Yining (赵忆宁), Fenshuizhi Juece Beijin Huifang (分税制决策背景回放) [Playback of the Background of Decision-making on Taxation Separation Reform], 37 Liaowang (瞭望) [OUTLOOK], 2003, at 20-29, <https://business.sohu.com/20080804/n366746524.shtml> [<https://perma.cc/9VMS-8STR>].

²³ See *id.*

²⁴ Zhonghua Renming Gongheguo Tongjifa (中华人民共和国统计法) [Statistics Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., effective Jan. 1, 1984, rev'd May 15, 1996, rev'd Jan. 1, 2010, rev'd Sept. 13, 2024) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. (China).

²⁵ See Du Xin(杜欣), Shunying Shidai Chaoliu, Huiying Gongzhong Husheng (顺应时代潮流, 回应公众呼声)[In Response to the Trend of the Times, To Address Public Demands], 6 Zhongguo Tongji (中国统计) [CHINA STATISTICS ANNUAL], Jun. 2022, at 31-33.

framing data credibility as central to governance capacity.²⁶ Subsequently, a series of implementing rules followed, establishing mechanisms such as punitive measures, the appointment of special inspectors, and other enforcement tools.²⁷ Despite these initiatives, the reform was not successful: In 1989, a national inspection revealed more than 51,000 cases of statistical fraud.²⁸ While the Statistics Law formalized standards, it lacked the institutional capacity to deter violations, which exposed the limits of current efforts.

2. *Second Reform Cycle: The Tax-Sharing System and Attempts at Recentralization (Mid-1990s)*

By the early 1990s, fiscal centralization had collapsed. The share of national revenue collected by local governments rose sharply from 59.5% to 78%, while their share of national expenditure increased from 47.5% to 71.7%.²⁹ Conversely, the central government's fiscal position declined sharply. The central government's share of total expenditure declined from 52.5% in 1980 to 28.3% in 1993,³⁰ while its revenue share dropped from 40.5% in 1984 to only 22.0% in

²⁶ Guowuyuan Guanyu Jiaqiang Tongji Gongzuo de Jueding, Guofa (国务院关于加强统计工作的决定, 国发[1984]7号) [Decisions on Strengthening Statistics Work, [1984] No.7] (promulgated by St. Council, effective Jan. 6, 1984) (China).

²⁷ See e.g., Tongjifa Shishi Xize (统计法实施细则) [Rules for the Implementation of the Statistics Law] (promulgated by Nat'l Bureau of Stat., effective Feb. 15, 1987; rev'd Jun. 15, 2000; rev'd Feb. 1, 2006); see also Tongji Jiancha Tepaiyuan Weipai Banfa (统计检查特派员委派办法) [Methods for Appointment of Special Commissioners for Statistical Inspection] (promulgated by Nat'l Bureau of Stat. effective Nov. 24, 1988); see also Tongji Weifa Anjian Tonggao Zhidu (统计违法案件通告制度) [System for Notification of Statistical Violations Cases] (promulgated by Nat'l Bureau of Stat., effective Nov. 24, 1988).

²⁸ See Quanguo Tongji Fazhi Gongzuo Dashi ji, *supra* note 6.

²⁹ See *Ratio of Local Government Revenue (%)*, under the indicator of "Finance," "Annual," "National Data", NAT'L BUREAU OF STAT., <https://data.stats.gov.cn/english/easyquery.htm?cn=C01> [https://perma.cc/MEJ8-YNQQ] (last visited Jun. 28, 2025).

³⁰ *Id.*

1993.³¹ In 1991, the Minister of Finance candidly admitted that the central government lacked sufficient revenue to meet its basic budgetary obligations and allocate emergency funding to assist local governments with natural disasters.³² Premier Minister Zhu Rongji warned that should the situation persist, “[i]t is not an exaggeration that the entire financial system will collapse before the year 2000.”³³

This triggered the second reform cycle: the 1994 Tax-Sharing System Reform.³⁴ Tax revenues were restructured into three categories: central, local, and central-local shared taxes. Several key tax items previously under local jurisdiction—most notably the Value-Added Tax (VAT)—were reclassified.³⁵ For instance, the value-added tax, which used to be a primary source of local revenue, underwent significant changes. Under the new system, 75% of the value-added tax revenue was allocated to the central government, with only the remaining 25% left to the local government.³⁶ As a result, the central government’s financial capacity was significantly strengthened, and local government income was significantly reduced. The reallocation of financial revenue also signified a reallocation of authority and power between central and local governments.

This provoked strong resistance from local governments, which compensated for fiscal shortfalls by raising agricultural taxes and employing tactics of concealment and data distortion to obscure these practices from the central government.³⁷ The growing burden was shifted to the farmers. Between 1990 and 2000, taxes levied on farmers increased markedly, from 46.9 billion CNY to 135.9 billion

³¹ *Id.*

³² Zhao Yining, *supra* note 22.

³³ *Id.*

³⁴ Guowuyuan Guanyu Shixing Fenshui zhi Caizheng Guanli Tizhi de Jueding (国务院关于实行分税制财政管理体制的决定) [Decision on Implementing a Fiscal Management System Based on Separation Taxation [1993] No. 85] (promulgated by St. Council, issued Dec. 15, 1993, effective Jan. 1, 1994) (China).

³⁵ *Id.*

³⁶ *Id.*

³⁷ See generally THOMAS P. BERNSTEIN & XIAOBO LÜ, TAXATION WITHOUT REPRESENTATION IN CONTEMPORARY RURAL CHINA, (Cambridge Univ. Press 2003); see also An Chen, *The 1994 Tax Reform and Its Impact on China’s Rural Fiscal Structure*, 34 MODERN CHINA 303 (2008).

CNY.³⁸ Officials then falsified the income data to cover the situation. For example, in Guangxi, reported per capital rural income was 2,500 CNY, while the actual figure was only 1,170 CNY.³⁹

The intensification of statistical manipulation and the imposition of excessive fiscal demands on rural populations gave rise to the so-called “San Nong Problems” (三农问题)—a term encompassing the intersecting crises facing agriculture, rural areas, and farmers. This phenomenon came to public prominence in 2000, when Li Changping, then Party Secretary of Qipan Township in Jianli County, Hubei Province, penned a letter to Premier Zhu Rongji, stating with concern, “[f]armers are truly suffering, rural areas are genuinely poor, and agriculture is genuinely in danger.”⁴⁰

Moreover, a 1997 inspection uncovered 60,000 violations of statistical law. Detailed analysis revealed that 56.7% involved falsification or tampering, 43.3% involved refusal to report, and 24.9%

³⁸ See Guo Xing (郭兴), Zouzai Dalu Shang Xijie Bujiao Gongliang Shi Na Difang Zuixian Kaishi de (走在大路上·细节 不交“公粮，”是哪地方最先开始的)[Walking on the Big Road: Details - Which Region Stopped Handing Over "Public Grain" First?], Zhongyang Jiwei Guojian Jianwei Wangzhan (中央纪委国家监委网站)[WEBSITE OF THE CENTRAL COMMISSION FOR DISCIPLINE INSPECTION AND THE NATIONAL SUPERVISORY COMMISSION], Oct. 4th, 2019, <https://china.nmg-news.com.cn/system/2019/09/23/012780043.shtml> [https://perma.cc/2D93-QDMN] (China)

³⁹ Guowuyuan Bangongting Zhuanfa Nonyebu Jianchabu Caizhengbu Guojia Jiwei Fazhiban Guanyu 1998 Nian Nongmin Fudan Zhifa Jiancha Qingkuang Baogao de Tongzhi (国务院办公厅转发农业部、监察部、财政部、国家计委、法制办关于1998年农民负担执法检查情况报告的通知, 国办发[1999]26号) [Report on the Enforcement Inspection of the Burden on Farmers in 1998] (promulgated by St. Council Gen. Off., effective Mar. 22, 1999) (China) https://www.gov.cn/xxgk/pub/govpublic/mrlm/201012/t20101229_63416.html [https://perma.cc/89UN-7E8K]

⁴⁰ Letter from Li Changping (李昌平), to Premier Zhu (Dec. 3, 2002), <https://news.sohu.com/45/42/news204704245.shtml> [https://perma.cc/7WWP-GWX8.]

included obstruction of inspectors.⁴¹ Despite the tax-sharing reform's macro-level impact, micro-level incentives remained unchanged. This underscored the persistence of local protectionism and exposed the limitations of this reform cycle.

3. *Third Reform Cycle: Legal Reforms and Transparency Requirements (Late 1990s-early 2000s)*

The third reform wave, unfolding from the late-1990s onward, focused on refining the existing legal system and promoting transparency, particularly at the grassroots level. In rural areas, the *Village Affairs Information Disclosure* (VAID) initiative was introduced to collect key data such as demographics, agricultural output, and rural income.⁴² In urban and industrial settings, *Factory Affairs Information Disclosure* (FAID) was employed to monitor enterprise-level fiscal behavior and curb collusion between factories and local officials.⁴³ Concurrently, the central authority mandated a nationwide

⁴¹ Zhang Mougui (张谋贵), Cong Xujia Tongji Shuzi Tan Woguo Tongji Guanli Tizhi de Gaige (从虚假统计数字谈我国统计管理体制的改革) [Reforming China's Statistical Management System from False Statistical Figures], *Tongji yu Yuce* (统计与预测) [STATISTICS AND PREDICTING], Mar. 2003.

⁴² Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Guanyu Jianquan he Wanshan Cunwu Gongkai he Minzhu Guanli Zhidu de Yijian, Zhongbanfa [2004] 17 Hao (中共中央办公厅、国务院办公厅关于健全和完善村务公开和民主管理制度的意见, 中办发[2004] 17号) [Perfecting and Improving the System of Openness and Democratic Administration of Village Affairs] (promulgated by the General Offices of CCP and St. Council, effective Jun. 22, 2004) ST. COUNCIL GAZ. (China)

⁴³ Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Guanyu Jianquan he Wanshan Changwu Gongkai he Minzhu Guanli Zhidu de Yijian, Zhongbanfa (中共中央办公厅、国务院办公厅关于健全和完善厂务公开和民主管理制度的意见) [Perfecting and Improving the System of Openness and Democratic Administration of Factory Affairs] (promulgated by the General Offices of CCP and St. Council, effective June.3, 2002) ST. COUNCIL GAZ. (China)

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information disclosure across local governments, seeking to reduce opportunities for data manipulation.⁴⁴

Furthermore, the regulatory framework continued to evolve. In 1994, the Financial and Economic Committee of the National People's Congress initiated inspections in six provinces to strengthen enforcement of the Statistical Law,⁴⁵ signaling efforts to better align legal norms with institutional implementation. The 1996 revision of the law introduced stronger penalties, protections for statisticians, and principles ensuring non-interference. This reform cycle was reinforced by political rhetoric: in 1995, *People's Daily*, one of the Party's leading newspapers, emphasized data credibility with the headline, "The Life of Statistics is Credibility," highlighting its political importance.⁴⁶

Despite these efforts, violations remained widespread. A 2001 inspection campaign uncovered over 62,000 statistical infractions, with over 19,000 cases subject to official investigation and enforcement actions.⁴⁷ While the apparatus of legal and administrative control had expanded, it still lacked the institutional independence to overcome entrenched local interests.

In sum, across two decades and three major reform cycles, the central government sought to institutionalize control over information production through an evolving regulatory framework. Each cycle responded to systemic dysfunction—whether fiscal evasion, data fabrication, or the shifting of burdens onto vulnerable populations—by introducing more sophisticated laws, enforcement mechanisms, and

⁴⁴ Zhonggong Zhongyang Bangongting Guowuyuan Bangongting Guanyu Zai Quanguo Xiangzhen Zhengquan Jiguan Quanmian Tuixing Zhengwu Gongkai Zhidu de Tongzhi (中共中央办公厅、国务院办公厅关于在全国乡镇政权机关全面推行政务公开制度的通知) [Notice regarding the Comprehensive Promotion of Administrative Affairs Information Disclosure in Township Political Power Organs Nationwide] (promulgated by the General Offices of CCP Comm. and St. Council, effective Dec. 6, 2000) ST. COUNCIL GAZ. (China)

⁴⁵ See Quanguo Tongji Fazhi Gongzuo Dashi ji (全国统计法治工作大事记), *supra* note 6.

⁴⁶ *Tongji de Shengming Zaiyu Zhenshi* (统计的生命在于真实) [*The Life of Statistics is Credibility*], Remin Ribao (人民日报) [PEOPLE'S DAILY], Apr. 22, 1995.

⁴⁷ See Quanguo Tongji Fazhi Gongzuo Dashi ji, *supra* note 6.

transparency tools. Yet, none of these cycles resolved the core dilemma: the incentives of local officials remained tightly linked to performance metrics, resource retention, and political insulation. As a result, local governments continued to shape, withhold, or falsify information in ways that undermined central regulatory goals.

B. Persistence of Local Information Problems and the Central Government's Establishment of the "Right to Know" System

Facing the setbacks of regulatory reforms from the 1980s to early 2000s, the central government reoriented its strategy to enhance public participation through the institutionalization of information disclosure, culminating in the establishment of the "right to know" framework. This shift was catalyzed by two concurrent developments: the accession to the World Trade Organization (WTO) and the outbreak of the SARS epidemic in 2003—exposing structural weaknesses in China's decentralized information system and compelling central authorities to prioritize transparency as a core principle of governance. While the establishment of the "right to know" system mitigated some information manipulation by local authorities, it ultimately failed to eradicate entrenched patterns of opacity.

1. Catalysts and Institutional Foundations of Information Disclosure Reform

The first catalyst was China's accession to WTO, which promoted statistical modernization and information transparency. Since the 1990s, Premier Minister Zhu Rongji had viewed WTO membership as a transformative moment for the modernization of China's legal, administrative, and economic institutions.⁴⁸ Transparency and credible statistical practices became central to this vision. To align with global norms, the NBS initiated several efforts to enhance information accessibility and credibility. These included the establishment of information service centers, the introduction of a formal press conference system, and the publication of various statistical reports.

⁴⁸ See generally Penelope B. Prime, *China Joins the WTO: How, Why and What Now?*, 37 *BUSINESS ECON.* 26, 26-30 (2002).

Simultaneously, the NBS advanced technical reforms by transitioning from the Material Product Balance (MPS) to the United Nations-recommended System of National Accounts (SNA), thereby integrating GDP as a central statistical indicator and promoting greater transparency. With support from international advisors—most notably Carol S. Carson, former Director of the IMF’s Statistics Department—China adopted the Special Data Dissemination Standard and the General Data Dissemination System in 2002, emphasizing transparency, reliability, and timely disclosure.⁴⁹ Adoption of these standards symbolized a broader commitment to credible data practices and statistical openness.⁵⁰

The second catalyst was the 2003 SARS outbreak, which exposed the risks of localized information suppression. Local governments, fearing political consequences, withheld critical epidemiological data from the central government and the public, delaying an effective national response. This concealment drew widespread condemnation from top leadership, including President Hu Jintao and Premier Wen Jiabao, who stressed the necessity of accurate reporting during public emergencies.⁵¹ In response, the central government dismissed several senior officials, including Minister of Health Zhang

⁴⁹ Carol S. Carson, *Guanfang Tongji de Fazhan Qushi (官方统计的发展趋势)* [Development Trends of Official Statistics], 9 *Zhongguo Tongji (中国统计)* [CHINA STATISTICS], 42-44 (2000).

⁵⁰ See Wang Guohua (王国华), *Gaosu Shijie Yige Touming de Zhongguo, (GDDS: 告诉世界一个透明的中国)* [GDDS: Presenting to the World A Transparent China], 34 *Zhongguo Jingji Kuanxun (中国经济快讯)* [CHINA ECONOMIC NEWS BULLETIN], 14-17 (2002).

⁵¹ See “Feidian” *Shinian Tekan: Liuyan Daobi Xinxi Gongkai (“非典”十年特刊: 流言倒逼信息公开)*, *Xin Jingbao (新京报)*, <https://health.sina.com.cn/2013-03-25/095277145.shtml> [<https://perma.cc/6A7F-8VHU>].

Wenkang, to show its commitment to realigning bureaucratic incentives toward transparency.⁵²

Additionally, a legislative initiative emerged to codify information disclosure obligations. Between 2004 and 2005, over 300 local government agencies issued transparency-related regulations.⁵³ In 2007, State Council promulgated the *Government Information Disclosure Regulation* (“Regulation”),⁵⁴ which marked a turning point in the legal codification of public access to official information.

2. Institutionalization of the “Right to Know” System

The Regulation introduced a dual mechanism: *Initiative Disclosure* (主动公开) and *Disclosure Upon Application* (依申请公开), commonly referred as *Active Disclosure* and *Passive Disclosure* respectively. Under Article 9, Active Disclosure requires governments to proactively release key information, particularly data related to public interests, governance structures, emergency responses, and fiscal operations.⁵⁵ Articles 10 to 12 further specify these categories, with a

⁵² See Mark Oliver, *China Sacks Minister over SARS*, THE GUARDIAN (Apr. 20, 2003), <https://www.theguardian.com/world/2003/apr/20/sars.markoliver> [<https://perma.cc/RH7P-J9DZ>]; see also Sun Kai (孙凯), Zhang Wenkang Meng Xuenong Zoushang Xin Gangwei (张文康、孟学农走上新岗位) [Zhang Wenkang & Meng Xuenong Take up New Positions], Liaowang Dongfang Zhoukan (瞭望东方周刊) [ORIENTAL OUTLOOK], Nov. 18, 2003, <https://news.sina.com.cn/c/2003-11-18/14581141272s.shtml> [<https://perma.cc/W2UM-VQF3>]

⁵³ See Jamie P. Horsley, *China Adopts First Nationwide Open Government Information Regulations*, YALE LAW SCHOOL WEBSITE (2007), https://law.yale.edu/sites/default/files/documents/pdf/Intellectual_Life/Ch_China_Adopts_1st_OGI_Regulations.pdf [<https://perma.cc/AW8Z-J4PV>]; See also Qihua Gao, Yasheng Huang, Yuze Sui, Yanchong Zheng, *The Chinese Communist Party and Regulatory Transparency in China’s Food Industry*, 2 PANS NEXUS 1, (2023).

⁵⁴ Zhonghua Renming Gongheguo Zhengfu Xinxi Gongkai Tiaoli (2019 Xiuding) (中华人民共和国政府信息公开条例(2019 修订)) [Government Information Disclosure Regulation of the People’s Republic of China] (promulgated by St. Council, effective May 1, 2008, rev’d May 15, 2019) ST. COUNCIL GAZETTE (China). Some scholars also call it “Open Government Information Regulation, OGIR.”

⁵⁵ See *id.* 2007 Version, art. 9.

particular emphasis on grassroots level transparency, where data manipulation and corruption are most severe.⁵⁶

Administrative agencies are now required to establish official websites with dedicated sections for information disclosure. These portals must provide clear procedural guidance and publish annual disclosure reports, which receive significant public and institutional attention. These reports detail the volume of proactively disclosed information, the number of public requests submitted, and the outcomes of litigation or administrative review proceedings.

However, active disclosure faces inherent legal constraints as courts typically regard it as an “abstract administrative behavior” that does not confer individual rights and lies beyond judicial review.⁵⁷ Individuals generally lack standing to challenge insufficient disclosure without first submitting a formal request which has been denied. This institutional design compels the applicants to rely on passive disclosure channels: under Article 13, individuals and organizations have the right to request specific information for personal, professional, or research purposes, with denials subject to administrative review and litigation. Since the Regulation’s enactment, information disclosure litigation has become one of the most active areas of Chinese administrative laws, indicating growing public engagement with transparency mechanisms.

The regulation fundamentally reformed the information regime in two respects. It institutionalized judicial oversight over administrative opacity, extending courts’ authority beyond the limited misconduct cases previously covered by the Statistics Law, such as data fabrication or unauthorized disclosure of classified materials.⁵⁸ After 2007, courts were permitted to adjudicate access refusals and

⁵⁶ See *id.* 2007 Version, art. 10, 11, 12.

⁵⁷ See Jiang Bixin (江必新) & Li Guangyu (李广宇), Zhengfu Xinxigongkai Xingzheng Susong Ruogan Wenti Tantaoyao (政府信息公开行政诉讼若干问题探讨) [*Discussion on Several Issues in Administrative Litigation Over Government Information Disclosure*], Beida Falü Xinxigongkai Wang (北大法律信息网) [PEKING UNIV. LEGAL INFO. WEBSITE] (Nov. 12, 2012) <https://www.pku-law.com/qikan/7988ef224cf485b8028039fcf82f1c3abdfb.html?isFromV5=1> [<https://perma.cc/MR5M-EYD6>].

⁵⁸ See Zhonghua Renming Gongheguo Tongjifafa, *supra* note 24, 1984 Version, art. 25-26.

evaluate governmental justifications. It also extended disclosure obligations to public institutions and State-owned enterprises, which historically enjoyed limited scrutiny despite their public service roles.⁵⁹ This extension aimed to curb collusion and corruption between bureaucracies and enterprise managers.

Nevertheless, significant challenges remain. Article 16 provides broad exemptions for the public to access the raw data. Information such as internal deliberations, law enforcement records, and procedural materials is not allowed to be disclosed.⁶⁰ Moreover, many local governments exploit procedural ambiguities to delay and deny requests. Thus, the institutionalization of the “right to know” has yet to fully resolve transparency issues.

In sum, the historical evolution of China’s information production system reveals a persistent tension between the central government’s pursuit of informational transparency and local governments’ entrenched practices of data manipulation. Despite successive reform waves, the central government has consistently struggled to assert effective control over official data production and disclosure. These efforts were constrained by structural factors, including the limited justiciability of abstract administrative acts, broad discretionary exemptions from disclosure, and deeply rooted local interests within public entities. Such barriers not only restricted public access to reliable information but also reflected a weakening of central authority over localized data flows. Confronting the inadequacies of regulatory and rights-based approaches, the central State has gradually shifted toward a centralized model of information governance. The next section examines this transition, focusing on its institutional architecture, political motivations, and implications for governance capacity and data integrity.

⁵⁹ Zhonghua Renming Gongheguo Tongjifa (中华人民共和国统计法) [Statistics Law of the People’s Republic of China] (promulgated by the Standing Comm. Nat’l People’s Cong., effective Jan. 1, 1984, rev’d May 15, 1996, rev’d Jan. 1, 2010, rev’d Sept. 13, 2024), art. 37, STANDING COMM. NAT’L PEOPLE’S CONG. GAZ. (China).

⁶⁰ *Supra* note 54, art. 16.

III. RECENTRALIZING INFORMATION POWER: THE INSTITUTIONALIZATION OF CENTRAL CONTROL

The central government's deliberate shift toward recentralizing information power unfolded through three key mechanisms: First, it reclaimed authority over critical data by forcing the local governments to share the informational powers with the central authority, such as dispatching survey teams to collect information and jointly producing GDP indicators. Second, it strengthened the local accountability in statistical misconduct, raising the cost of bureaucratic malfeasance. Third, the State expanded its control over narrative formation and suppressed unauthorized data dissemination through an integrated oversight apparatus, exemplified by the consolidation of the National Security State.

This recentralization significantly curtailed local data manipulation. Provincial governments have publicly acknowledged their prior misdeeds and promised to improve the data standardization and credibility. This shift marks a major transformation in China's informational governance, reshaping both authority and the political logic surrounding data within the administrative State.

A. Centralizing the Power of Information Production

China's efforts to centralize the information production power rests on three institutional mechanisms aimed at bypassing local governments and restricting the discretionary authority over information processing. First, the establishment of a comprehensive system of statistical inspections enabled the central government to directly monitor and audit information practices at the local level.⁶¹ Second, the development of independent data collection mechanisms allowed the

⁶¹ See the Inspection System described *infra* Part III.A.1.

central State to gather raw data without relying on local authorities.⁶² Third, the reinforcement of the national audit system empowered the State Council to conduct targeted oversight of local bureaucracies, thereby reclaiming control over critical aspects of information production.⁶³

1. Establishment of the Information Inspection System

To address chronic issues of data falsification, the Chinese central government institutionalized a national inspection system targeting statistical violations. In 2004, the Standing Committee of the National People's Congress (NPCSC)—one of China's highest legislative authorities—convened its first plenary session to examine compliance with the Statistics Law.⁶⁴ This event marked the formal commencement of the NPCSC's direct oversight of the national statistical system, representing a significant elevation of legislative scrutiny over data governance. While the NBS had conducted inspections before, the NPCSC's involvement introduced a heightened level of political oversight.

⁶² See Hebei Provincial Statistical Agency, *Tongji Sida Gongcheng Jianjie* (统计四大工程简介) [*Brief Introductions to the Four Statistical Projects*] (Sept. 19, 2012), <http://tjj.hebei.gov.cn/hetj/zxbd/ztdt/session3/101374626654270.html> [<https://perma.cc/9S77-KFYH>](China) (last visited June 28, 2025). See also National Bureau of Statistics (NBS), *Shenme Shi Tongji Sida Gongcheng* (什么是统计“四大工程”) [*What is the Four Statistical Projects*] (April 27, 2025), https://www.stats.gov.cn/zs/tjws/tjdc/202301/t20230101_1903765.html [<https://perma.cc/8UW5-R23A>] (last visited June 28, 2025).

⁶³ See *Zhonghua Renmin Gongheguo Shenjifa* (中华人民共和国审计法) [*Audit Law of the People's Republic of China (2021 Amendment)*] (promulgated by Standing Comm. Nat'l People's Cong., effective January 1, 1995, rev'd Jun. 1, 2006; rev'd Jan. 1, 2022) STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. (China).

⁶⁴ Quanguo Renda Changweihui Tongji Zhifa Jianchazu Juxing Diyici Huiyi Quanti Huiyi (全国人大常委会统计法执法检查组举行第一次会议全体会议) [*Standing Committee of the National People's Congress Host the First Plenary Session to Examine Compliance with the Statistics Law*], *Zhongguo Renda Wang* (中国人大网) [WEBSITE OF CHINESE NAT'L PEOPLE'S CONG.] (Oct. 29, 2004), http://www.npc.gov.cn/zgrdw/huiyi/lfzt/tjfxd/2004-10/29/content_1462841.htm [<https://perma.cc/FY48-E9E2>] (China).

Following this development, the NPCSC organized and dispatched four inspection teams to regions known for egregious data manipulation—Inner Mongolia, Liaoning, Zhejiang, and Chongqing.⁶⁵ It also delegated oversight authority to provincial People's Congress Standing Committees in Tianjin, Shandong, Hubei, Yunan, and Xinjiang.⁶⁶ The 2020 round of inspections alone uncovered 14,428 statistical violations nationwide, highlighting the prevalence of data corruption and the efficacy of top-down enforcement.⁶⁷

Additionally, the State launched the National Economic Census, conducted every five years, to enhance oversight of local statistical practices.⁶⁸ The inaugural census in 2004 lasted for more than one year and finally uncovered 5,377 instances of disciplinary and legal violations within the statistical system.⁶⁹ In 2008, the State Council initiated the second National Economic Census, announcing the

⁶⁵ 蒋正华 [Jiang Zhenghua], *Quanguo Renda Changweihui Zhifa Jianchazu Guanyu Jiancha Zhonghua Renming Gongheguo Tongji Fa Shishi Qingkuang de Baogao* (全国人大常委会执法检查组关于检查《中华人民共和国统计法》实施情况的报告) [Standing Committee of National People's Congress on Investigating the Enforcement Report of the Statistics Law], *Zhongguo Renda Wang* (中国人大网) [Website of Chinese Nat'l People's Cong.] (July 1, 2005), http://www.npc.gov.cn/zgrdw/huiyi/lfzt/tjfxd/200507/01/content_1462842.htm [<https://perma.cc/H55C-GMVU>].

⁶⁶ 蒋正华 [Jiang Zhenghua], *Quanguo Renda Changweihui Zhifa Jianchazu Guanyu Jiancha Zhonghua Renming Gongheguo Tongji Fa Shishi Qingkuang de Baogao* (全国人大常委会执法检查组关于检查《中华人民共和国统计法》实施情况的报) [Standing Committee of National People's Congress on Investigating the Enforchhttp://www.npc.gov.cn/zgrdw/huiyi/lfzt/tjfxd/2005-07/01/content_1462842.htm [nese Nat'l People's Cong.] (July, 1, 2005), http://www.npc.gov.cn/zgrdw/huiyi/lfzt/tjfxd/2005-07/01/content_1462842.htm [<https://perma.cc/V3BT-LAZM>].

⁶⁷ See *Quanguo Tongji Fazhi Gongzuo Dashi Ji*, *supra* note 6.

⁶⁸ 英山县统计局 [Yingshan County Statistics Bureau], *国家统计局调查制度* [National Statistical Investigation System] (May 13, 2025) (China).

⁶⁹ *Id.*

hotline and providing an email address for reporting illegal activities from all sectors of society.⁷⁰

By the fourth census in 2018, the operation had evolved into a powerful corrective mechanism.⁷¹ It revealed significant discrepancies in GDP reporting: the Shandong Province initially reported a GDP of 7.6469 trillion CNY, which was revised to 6.6648 trillion CNY after the new economic census, accounting to a downward by 12.8%.⁷² Tianjin reported a GDP of 1.8809 trillion CNY before the census, but this was revised downward to 1.3362 trillion CNY, representing a reduction of 29%.⁷³ These revelations underscored the scale of local data manipulation and demonstrated the capacity of centralized inspections to restore informational integrity.

⁷⁰ Guowuyuan Dierci Quanguo Jingji Pucha Lingdao Xiaozu Bangongshi (国务院第二次全国经济普查领导小组办公室) [*Office of the Leading Group of the Second National Economic Census*], (Oct. 2008), https://www.stats.gov.cn/zt_18555/zdtjgz/zgjpc/dec-qgjpc_19354/lxfs2/ [<https://perma.cc/CV4T-KN6G>].

⁷¹ Guowuyuan Guanyu Kaizhan Disici Quanguo Jingji Pucha de Tongzhi, Guofa [2017] No. 53 (国务院关于开展第四次全国经济普查的通知, 国发[2017] 53号) [*Notice on the Fourth National Economic Census*], *Xinhua Wang* (新华网) [XINHUA NET] (Dec. 8, 2017), http://www.xinhuanet.com/politics/2017-12/08/c_1122081983.htm [<https://perma.cc/JD34-WD8H>] (China).

⁷² See Shandong Gongbu "Sijingpu" Jieguo 2018Nian Diqu Shengchan Zongzhi Xiatiao 12.8%(山东公布“四经普”结果 2018年地区生产总值下调12.8%) [*Shandong Province Released the Results of the "Four Comprehensive Surveys," with the Regional Gross Domestic Product (GDP) for 2018 Revised Downward by 12.8%*], *Xinhua She* (新华社) [XINHUA NEWS AGENCY], (Jan. 21, 2018), <https://www.imsilkroad.com/news/p/399071.html> [<https://perma.cc/UWU6-3DSZ>].

⁷³ See Cheng Siwei (程思炜), *Disici Jinji Pucha Xiaxiu 14 Shengfen 2018 Nian GDP Jinjiheilu Xiaxiu Fudu Da* (第四次经济普查下修14省份2018年GDP 津吉黑鲁下修幅度大) [*The Fourth Economic Census Revised Down the GDP of 14 Provinces in 2018, with Tianjin, Jilin, Heilongjiang, Shandong Showing Significant Downward Revisions*], *Caixin Wang* (财新网) [CAIXIN] (Jan. 22, 2020), <https://economy.caixin.com/2020-01-22/101507267.html> [<https://perma.cc/M87L-QGZR>].

The information inspection system has since become an essential mechanism for verifying the accuracy of key economic indicators, especially for GDP. It also reinforces the authority of central institutions to intervene directly in local data production, thereby narrowing the scope of local informational autonomy.

2. *Development of the Raw Data Collection System*

Recognizing local governments' monopoly and manipulation over raw data, the NBS began enhancing its capacity to collect information independently. Firstly, starting from March 16, 2005, NBS set affiliated survey teams, sent them to local governments, and increasingly depended on the network to collect raw data.⁷⁴ This network included 31 provincial-level survey corps, 15 vice-provincial-level urban survey teams, 318 city-level survey teams, and 887 county-level survey teams, with approximately 19,600 staff members nationwide.⁷⁵ This structure granted the NBS a direct and autonomous channel to access primary data, thereby circumventing the filtering and distortion frequently introduced at the local level.

Secondly, reforms in 2011 established the "Four Programs", a comprehensive initiative aimed at institutionalizing and standardizing the direct data submission by enterprises. The programs included: (1) the construction of a unified directory database of survey objects; (2) the development of a standardized enterprise reporting system ensuring consistent statistical definitions and procedures; (3) the implementation of a centralized software system for data collection and processing; and (4) the launch of an online direct reporting platform that enabled simultaneous access to raw data across statistical agencies.⁷⁶ Today, nearly one million enterprises submit their data through this system, significantly enhancing data reliability and comparability.⁷⁷

Thirdly, the central government sought to reclaim from provincial authorities the power to calculate provincial GDP. On June 26, 2017, the Central Leading Group for Deepening Overall Reform, one of the top authority organizations in China, approved the "Reform

⁷⁴ *Supra* note 10.

⁷⁵ *Id.*

⁷⁶ See Hebei Provincial Statistical Agency, *supra* note 62.

⁷⁷ See National Bureau of Statistics, *supra* note 62.

Plan for the Unified Accounting of Gross Regional Product (GRP).⁷⁸ According to this policy, the calculation of provincial GDP is no longer the sole responsibility of provincial leaders and statistical bureaus. Instead, it is jointly conducted by the NBS and provincial statistical agencies under the leadership of the central government. Facing strict supervision from the central leaders, local governments have begun to acknowledge discrepancies and manipulations in GDP figures. For example, in 2017, the Liaoning Provincial Government publicly admitted discrepancies in GDP figures for 2011-2014, with the GDP for 2016 being inflated by approximately 23%⁷⁹

The centralization of raw data collection and GDP accounting has curtailed opportunities for data manipulation and signaled a broader erosion of local informational autonomy. It has also marked a significant shift toward the vertical integration of data governance in the Chinese administrative system.

3. Enforcement of The National Audit System

The Audit System constitutes a key instrument of centralized oversight for economic and administrative information. Article 91 of the PRC Constitution establishes an audit office under the State Council to supervise the finance of all government levels, financial institutions, enterprises, and public entities. Reporting directly to the Premier, the National Audit Office (NAO) operates independently of other State Council departments, thereby ensuring autonomy and insulation from political interference.

The legal foundation of this system is reinforced by the Audit Law and related regulations passed by the NPC and its Standing

⁷⁸ Diqu Shengchan Zongzhi Tongyi Hesuan Gaige Fangan (地区生产总值统一核算改革方案) [*Reform Plan for the Unified Accounting of Gross Regional Product (GRP)*] (promulgated by the Nat'l Bureau of Statistics, effective June 26, 2017) (China).

⁷⁹ See Zhang Ping, *supra* note 11.

Committee.⁸⁰ Since 2000, the NAO has published detailed annual audit reports examining the operations of central and local departments,⁸¹ documenting instances of over-reporting, under-reporting, and concealment of economic data.⁸² These findings are not merely procedural: they are systematically linked to bureaucratic accountability. In 2014, the Central Commission for Discipline Inspection, the Central Organization Department, and the Central Compilation and Translation Bureau issued *Audits on the Economic Responsibility of Leaders in Government Agencies and State-Owned Enterprises*, emphasizing that audit results should serve as significant references for evaluating, appointing, dismissing, rewarding, or penalizing audited leaders based on their managerial responsibilities.⁸³

Public disclosure plays a central role in the audit system's effectiveness.⁸⁴ Multiple regulatory instruments mandate the timely release of audit findings, particularly those involving departmental misconduct. These include the *Provisions of Audit Institutions on*

⁸⁰ See Zhonghua Renmin Gongheguo Shenjifa (中华人民共和国审计法) [*Audit Law of the People's Republic of China (2021 Amendment)*] (promulgated by Standing Comm. Nat'l People's Cong., effective Jan. 1, 1995, rev'd Jun. 1, 2006; rev'd Jan. 1, 2022) (China).

⁸¹ See generally NAT'L AUDIT OFF., <https://www.audit.gov.cn/n5/index.html> [<https://perma.cc/VXQ4-7XPV>] (last visited June 28, 2025).

⁸² Zhongyang Bumen Danwei 2023 Nian Yusuan Zhixing Deng Qingkuang Shenji Jieguo (中央部门单位2023年预算执行等情况审计结果) [*Audit Results of the 2023 Budget Implementation of Central Departments and Units*], NAT'L AUDIT OFF., <https://www.audit.gov.cn/n5/n25/c10423754/part/10424362.pdf> [<https://perma.cc/3AMV-LCVA>] (China).

⁸³ Dangzheng Zhuyao Lingdao Ganbu he Guoyou Qishiye Danwei Zhuyao Lingdao Renyuan Jingji Zeren Shenji Guiding (党政主要领导干部和国有企事业单位主要领导干部经济责任审计规定) [*Regulations on Economic Responsibility Audit for Principal Leading Cadres of the Party and Government and Principal Leaders of State-Owned Enterprises and Institutions*] (promulgated by the General Offices of the Communist Party of China and the State Council, effective July 7, 2019), NAT'L AUDIT OFF. (July 15, 2019), <https://www.audit.gov.cn/n11/n10165075/n10165092/c10187264/content.html> [<https://perma.cc/QFC8-7KKK>] (China).

⁸⁴ See STANDING COMM. NAT'L PEOPLE'S CONG. GAZETTE, *supra* note 24, art. 33.

*Announcement, Publication of Audit Results and the National Auditing Standards, Standards of Auditing Organs for the Release of Audit Results, and National Auditing Standards, and others.*⁸⁵ Collectively, these rules institutionalize transparency requirements and reinforce the accountability function of the audit process.

The audit system's independence, transparency, and central oversight function strengthen the broader trend of informational centralization. As one of the few institutions under the direct control of the Prime Minister, the NAO embodies the consolidation of supervisory power at the highest level of the State, extending central influence over both policy implementation and informational integrity across administrative hierarchies.⁸⁶

B. Strengthening Internal Accountability in Information Production

A second strategy to centralize the information production is to strengthen the internal accountability mechanisms. The State has, in one way, curtailed external oversight by restricting access to raw data, thereby constraining independent scrutiny.⁸⁷ On the other hand,

⁸⁵ Audit Law of the People's Republic of China (promulgated by the Standing Comm. Nat'l People's Cong., Oct. 31, 2021, effective Jan. 1, 2022), arts. 40, 52, https://en.npc.gov.cn.cdurl.cn/2021-10/23/c_742939.htm [<https://perma.cc/9478-L8MP>]; National Audit Office (China), *Provisions on Announcement of Audit Findings* (promulgated Dec. 2002) (China); National Audit Office (China), *National Auditing Standards of the People's Republic of China* (2010) (China).

⁸⁶ See *Zhonghua Renmin Gongheguo Xianfa* (中华人民共和国宪法) [Constitution of the People's Republic of China] (promulgated by National People's Congress, Mar. 11, 2018, effective Mar. 11, 2018), art. 91. See also *Zhonghua Renmin Gongheguo Shenjifa* (中华人民共和国审计法) [Audit Law of the People's Republic of China] (promulgated by the Standing Comm. of the Nat'l People's Cong., effective Jan. 1, 2022), art. 7.

⁸⁷ For example, Data Security Law reclassified various categories of economic and social data as matters of national security and tightened the data dissemination protocols. See *Zhonghua Renmin Gongheguo Shuju Anquan Fa* (中华人民共和国数据安全法) [Data Security Law] of People's Republic of China (promulgated by the Standing Comm. of Nat'l People's Cong., Sept. 1, 2021), art. 8, 11.

the State simultaneously reinforces internal controls through enhanced compliance and supervision of subnational governments.⁸⁸ This dual strategy effectively internalizes local governments' obligations to the central authority, consolidating centralized control over the production and dissemination of official information.

The internalization is manifested in several institutional practices. One illustrative example is the State Council's establishment of detailed evaluation standards for accessing the construction and operation of local government websites—key platforms for information disclosure.⁸⁹ These standards include systematic inspections, during which evaluators score websites based on predefined criteria. The evaluation results sometimes directly influence the career trajectories of local officials, serving as a mechanism for both reward and sanction. Beyond mere technical performance, the State Council also emphasized professional development, requiring local leaders to participate in training programs aimed at enhancing their capacity to interpret policy and engage with the public through online platforms.⁹⁰ Furthermore, these performance evaluations are publicly recognized. Those that fail are subject to mandated rectification measures, and their responsible personnel may face disciplinary actions.⁹¹ This

⁸⁸ See e.g., Chenggang Xu, *The Fundamental Institutions of China's Reforms and Development*, 49 J. ECON. LITERATURE 1076, (2011).

⁸⁹ Guowuyuan Bangongting Guanyu Jiaqiang Zhengfu Wangzhan Xinxi Neirong Jianshe de Yijian, Guobanfa [2014] Wushiqi Hao (国务院办公厅关于加强政府网站信息内容建设的意见, 国办发[2014]57号) [*Opinions of the General Office of the State Council on Strengthening the Construction of Information Content on Government Websites, General Office of the State Council, No. 57 [2014]*] (promulgated by the General Office of the State Council, Nov. 17, 2014, effective Nov. 17, 2014) ST. COUNCIL WEB. (Nov. 17, 2014), https://www.gov.cn/gongbao/content/2014/content_2786835.htm [<https://perma.cc/P5GE-3GK9>] (China).

⁹⁰ Guowuyuan Bangongting Guanyu Yinfa Zhengfu Wangzhan Fazhan Zhiy-ing de Tongzhi, Guobanfa [2017] No. 47 (国务院办公厅关于印发政府网站发展指引的通知, 国办发[2017]47号) [*Guidelines for the Development of Government Websites, State Council General Office Document No. 47 [2017]*] (promulgated by the General Office of the State Council, effective May 15, 2017), ST. COUNCIL WEB. (June 8, 2017), https://www.gov.cn/zhengce/content/2017-06/08/content_5200760.htm [<https://perma.cc/9KC4-ZMZW>] (China).

⁹¹ *Id.*

comprehensive system, which also includes robust financial and personnel support mechanisms, incentivizes local governments to enhance their information-sharing capacities, thereby deepening central oversight over subnational governance structures.

While vertical internal supervision has been systematically reinforced, mechanisms of external oversight have been concurrently weakened. A prominent example is the raised threshold for public information requests following the 2018 revision of the *Government Information Disclosure Regulation*—the first substantive amendment since its enactment in 2007.⁹² After the revision, the State Council significantly broadened the scope of non-disclosure information. In the Information Disclosure Annual Reports, the governments have classified grounds for denial into three main types: “Refuse to Disclose,” “Cannot Provide,” and “Do Not Provide” since 2019.⁹³

The “Refuse to Disclose” category encompasses information where disclosure is prohibited by law or may endanger State security, public safety, economic stability, or social order. It also includes internal administrative matters—such as personnel management, logistical arrangements, and procedural operations—as well as preliminary documents including meeting records, draft decisions, negotiation records, and internal consultations.⁹⁴ Implementation documents and certain administrative inquiries, such as real eState registration, population census data, and banking information, are also excluded under this

⁹² *Supra* note 54, art. 16

⁹³ See e.g., Zhongguo Renming Yinhang 2024 Niandu Zhengfu Xinxi Gongkai Gongzuo Baogao (中国人民银行2024年度政府信息公开工作报告) [2024 Government Information Disclosure Report of People's Bank of China], <http://www.pbc.gov.cn/zhengwugongkai/4081330/4081347/5579006/5647929/2025033118331476730.pdf> [https://perma.cc/J2SA-AWKT] (China).

⁹⁴ See *id.* See also 2024 Nian Shichang Jianguan Zongju Zhengfu Xinxi Gongkai Gongzuo Niandu Baogao (2024年市场监管总局政府信息公开工作年度报告) [2024 Government Information Disclosure Report of State Administration for Market Regulation], https://www.samr.gov.cn/zw/zfxxgk/gkgzndbg/2024n/art/2025/art_c258901a27c144bca69c1979c4f952af.html [https://perma.cc/5TXH-TNAK] (China).

category.⁹⁵ The “Cannot Provide” classification applies to requests for information not held by agency, applications that require substantial processing or re-compilation, or submissions that remain vague or incomplete despite revisions.⁹⁶ The “Do Not Provide” category covers requests considered repetitive, unnecessary, or outside the scope of disclosure, such as applications for documents already possessed by the requester or those resembling petitions or complaints.⁹⁷

Alongside these substantive restrictions, the State also introduced financial barriers to access. In 2020, the State Council stipulated a two-tiered fee structure for information requests: one based on the number of applications submitted in a single month, and another based on the volume of documents requested.⁹⁸ Fees increase incrementally after the tenth application per month and rise significantly for document requests exceeding 30 pages, especially beyond the 100-page threshold. Although framed as a safeguard against abusive or excessive requests,⁹⁹ these provisions impose substantial cost burden on

⁹⁵ See 2024 Government Information Disclosure Report of People’s Bank of China, *supra* note 90; See also 2024 Nian Shichang Jianguan Zongju Zhengfu Xinxi Gongkai Gongzuo Niandu Baogao (2024年市场监管总局政府信息公开工作年度报告) [2024 Government Information Disclosure Report of State Administration for Market Regulation for Market Regulation], https://www.samr.gov.cn/zw/zfxxgk/gkgzndbg/2024n/art/2025/art_c258901a27c144bca69c1979c4f952af.html [<https://perma.cc/5TXH-TNAK>] (China)..

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Guowuyuan Bangongting Guanyu Yinfu Zhengfu Xinxi Gongkai Xinxi Chulifei Guanli Banfa (国务院办公厅关于印发《政府信息公开信息处理费管理办法》的通知) [Measures for Charging Information Processing Fee in Government Information Disclosure System] (promulgated by General Office of St. Council, Nov. 17, 2020, effective Jan. 1, 2021) ST. COUNCIL GAZETTE, Art 3 and 4 (China).

⁹⁹ See Lu Hongxia su Nantongshi Fazhan he Gaige Weiyuanhui Zhengfu Xinxi Gongkai Dafu An (陆红霞诉南通市发展和改革委员会政府信息公开答复案) [Lu Hongxia v. Nantong Mun. Dev. & Reform Comm’n], Gangzha Dist. People’s Ct., Nantong, Jiangsu Province, Admin. Ruling No. 00021 (Feb. 27, 2015) <http://gongbao.court.gov.cn/details/e3af370ff3c78f1657069b4d4e137f.html> [<https://perma.cc/9YMY-H9YB>] (China) (serving as a significant promotion for framing the intentional repetitive application as “abusing their rights of application”).

legitimate applications, particularly those seeking large volumes of policy documentation, thereby disincentivizing public oversight.

Nevertheless, the central government concurrently lowered certain procedural barriers. Notably, the 2018 revision eliminated the controversial “Three Needs” requirement, which had mandated applicants to justify their information requests on the basis of production, livelihood, or academic need.¹⁰⁰ The removal of this requirement, long criticized as an arbitrary and burdensome procedural hurdle,¹⁰¹ simplified the application process and broadened the theoretical accessibility of public information.

Although seemingly contradictory, the simultaneous elevation and relaxation of information request standards serve complementary functions in the broader centralization agenda. First, the elimination of the “Three Needs” clause facilitates a more streamlined and inclusive application process, allowing for enhanced public participation, and indirectly, greater supervision of local governments by the central State. Second, the expanded nondisclosure exceptions empower authorities to shield politically or institutionally sensitive information from external scrutiny, thereby mitigating reputational and legal risks. Third, the imposition of processing fees curtails frivolous or excessive applications, ensuring more efficient operation of the disclosure system. Collectively, these changes reflect a calibrated effort to shape the flow of information in ways that align with the central government’s strategic priorities.

The consolidation of internal accountability mechanisms, coupled with the weakening of external oversight, has enabled the central government to exert more effective control over the production and circulation of official information. In doing so, the State gains enhanced capacity to construct and control political narratives, making them increasingly resistant to falsification or counter-narratives from outside actors. However, this centralized model of information control

¹⁰⁰ *Supra* note 54, 2007 Version, art. 13.

¹⁰¹ See e.g., Wan Jing (王静), *Shenqing Xinxi Gongkai Sanxuyao Menkan Ying Feichu* (申请信息公开三需要门槛应废除) [*The Threshold for Three Needs in Applying for Information Disclosure Should be Abandoned*], FAZHI RIBAO (法制日报) [LEGAL DAILY] (May 9, 2014).

also introduces the potential risk of institutionalized misinformation, as fewer mechanisms remain to independently verify the accuracy of officially disseminated data.

C. Establishing the Information Censorship System

A third mechanism by which the central government has advanced the centralization of information power is through the construction of a comprehensive Information Censorship System. In conjunction with China's increasing orientation toward a National Security State model, the State developed two principal institutional mechanisms to assert control over the information environment: content censorship and credential regulation of information producers.¹⁰² The former ensures that all publicly disseminated content aligns with State-sanctioned narratives, while the latter imposes stringent qualifications on the entities and individuals authorized to generate and disseminate information.¹⁰³ Together, these mechanisms consolidate the State's power over the information ecosystem by controlling both the content and its sources.

The institutionalization of national security as a core organizing principle of governance began in 2013 with the establishment of the *National Security Commission*. In 2014, this was followed by the introduction of the Holistic Approach to National Security (AHANS), a comprehensive strategic framework emphasizing integrated protection across political, economic, cultural, cyber, and other domains.¹⁰⁴

¹⁰² See e.g., Huijianwang Xinwen Xinxu Fuwu Guanli Guiding (互联网新闻信息服务管理规定) [Regulations on the Administration of Internet News Information Services] (promulgated by the Cyberspace Administration of China, effective May 22, 2017), <https://www.chinalawtranslate.com/en/provisions-on-management-of-internet-news-services/> [<https://perma.cc/84VK-6Y2H>]; see also Zhonghua Renmin Gongheguo Wangluo Anquan Fa (中华人民共和国网络安全法) [Cybersecurity Law of the People's Republic of China] (promulgated by Standing Comm. Nat'l People's Cong., Nov. 7, 2016, effective June 1, 2017, amended Oct. 28, 2025, rev'd Jan. 1, 2026) STANDING COMM. GAZETTE

¹⁰³ *Id.*

¹⁰⁴ See Jianchi Zongti Guojia Anquan Guan Zou Zhongguo Tese Guojia Anquan Daolu (坚持总体国家安全观, 走中国特色国家安全道路) [*Adhere to the*

AHANS seeks to systematize national security governance by addressing a broad spectrum of concerns—placing people’s security as the ultimate goal, political security as the foundational pillar, and economic security as a critical support.¹⁰⁵ It also incorporates military, cultural, social, and international dimensions to reinforce domestic efforts. As officially described, this approach aims to build a national security system with Chinese characteristics, offering a unified and coordinated vision for managing the complex, interrelated challenges facing the State in an increasingly globalized and contested security environment.

Building upon this foundation, the central government launched a decade-long legislative campaign that produced a wide-ranging legal framework for information control. Among the most significant statutes are:

- Counterespionage La*, (2014)
- National Security Law* (2015)
- Counter Terrorism Law* (2015)
- Cybersecurity Law* (2016)
- National Intelligence Law* (2017)
- Nuclear Safety Law* (2018)
- Cryptography Law* (2019)
- Civil Code*, Chapter on Privacy and Personal Information Protection (2020)
- Biosecurity Law* (2021)
- Data Security Law* (2021)
- Anti-Foreign Sanctions Law* (2021)
- Personal Information Protection Law* (2021)

These laws—enacted by the National People’s Congress and its Standing Committee—carry the highest legal authority under

Holistic Approach to National Security and Follow the Path of National Security with Chinese Characteristics, Xinhua Wang (新华网) [XINHUA NET] (Apr. 15, 2014), https://www.xinhuanet.com/politics/2014-04/15/c_1110253910.htm [https://perma.cc/VQ95-CE89]

¹⁰⁵ *A Holistic Approach to National Security* (总体国家安全观), THE STATE COUNCIL INFORMATION OFFICE (July 11, 2019), http://english.scio.gov.cn/featured/chinakeywords/2019-07/11/content_74977681.htm [https://perma.cc/JKA3-GGJU] (China).

Chinese law. The integration of the AHANS into key statutes, such as Article 3 of the *National Security Law*, further institutionalizes this framework. As the law provides:

*“All national security work shall adhere to a holistic approach to national security, prioritize people’s security, treat political security as fundamental, regard economic security as the foundation, take military, cultural, and social security as safeguards, and maintain national security in all fields by promoting international security, building a national security system, and advancing a national security path with Chinese characteristics.”*¹⁰⁶

This language mandates that all national security efforts conform to AHANS, thereby embedding the centralizing logic of comprehensive security into the legal foundations of information governance.

In parallel with content regulation, the government has established two mechanisms to scrutinize and control the credentials of information producers: the *Administrative Permit System* and the *Recordation Review System*.¹⁰⁷ The former involves ex ante licensing and qualification checks (i.e., entities must obtain explicit State approval before engaging in information-related activities). The latter entails an ex post reporting obligation, requiring entities to file their information-related conduct with government authorities for review.

The centrality of credential approval is grounded in the *Administrative License Law*,¹⁰⁸ which codifies the principle that the State maintains a monopoly over key domains of informational activity,

¹⁰⁶ See Guojia Anquan Fa (国家安全法) [National Security Law] (promulgated by Standing Comm. Nat’l People’s Cong., effective Feb. 22, 1993, rev’d Aug. 27, 2009, rev’d Jul. 1, 2015) STANDING COMM. GAZETTE (China), art. 3.

¹⁰⁷ Zhonghua Renmin Gongheguo Xingzheng Xuke Fa (中华人民共和国行政许可法) [Administrative Permit Law of the People’s Republic of China] (promulgated by Standing Comm. Nat’l People’s Cong., Aug. 7, 2003, effective July 1, 2004, rev’d Apr. 23, 2019) STANDING COMM. GAZETTE (China). Guanyu Wanshan He Jiaqiang Beian Shencha Zhidu de Jueding (关于完善和加强备案审查制度的决定) [Decision on Improving and Strengthening the Recordation Review System] (promulgated by Standing Comm. Nat’l People’s Cong., Dec. 29, 2023, effective Dec. 29, 2023) STANDING COMM. GAZETTE (China)

¹⁰⁸ See Zhonghua Renmin Gongheguo Xingzheng Xuke Fa, *supra* note 107.

delegating access to private sectors only upon satisfaction of licensing and content-related requirements. Supplementing this foundational law, additional regulatory documents have been promulgated to specify the structure and function of credentialing systems. For example, legal provisions require that any entity intending to provide news services via online platforms must first obtain a State-issued permit.¹⁰⁹ Similarly, central authorities mandate organizations operating in the digital content space to secure either a broadcasting license or complete formal filing procedures in order to function legally.¹¹⁰ Collectively, these requirements function vertically controlling mechanisms that penetrate all levels of the information industry. This arrangement reflects the extent to which permitted entities may participate in information production under close regulatory scrutiny.

The coordination between content censorship and credential approval has become the foundation for constructing what might be termed an Information State—a governance model that merges security concerns with information regulation to facilitate centralized narrative control. Content censorship now encompasses a broad array of rationales, including national security, social stability, privacy, public morality, and ideological conformity.¹¹¹ Other statutes, such as the Cybersecurity Law and Personal Information Protection Law, embed normative expectations for lawful, moral, and patriotic conduct within

¹⁰⁹ Hulianwang Xinwen Xinxi Fuwu Xuke Guanli Shishi Xize (互联网新闻信息服务许可管理细则) [Detailed Rules for the Licensed Management of Internet News Information Services] (promulgated by Cyberspace Admin. of China, May 22, 2017, effective June 1, 2017) (China), art. 3.

¹¹⁰ Hulianwang Shiting Jiemu Fuwu Guanli Guiding (互联网视听节目服务管理规定) [Provisions on the Administration of Internet Audio-Visual Program Service] (promulgated by State Administration of Press, Publication, Radio, Film and Television, effective Dec. 20, 2007; rev'd by the State Administration of Press, Publication, Radio, Film and Television, Aug. 28, 2015) (China), art. 7.

¹¹¹ See National Security Law, *supra* note 106, art. 25, 59; Geren Xinxi Baohu Fa (个人信息保护法) [Personal Information Protection Law] (promulgated by Standing Comm. Nat'l People's Cong., effective Nov. 1, 2021) STANDING COMM. GAZETTE (China), art. 11, 12.

the information sphere.¹¹²

In addition, the online sphere has become a central focus of State intervention, especially after the rapid proliferation of digital platforms and big data technologies. Since 2011, the Chinese government has accelerated the digitization of governance through initiatives such as “Digital China” “Big Data”, and “Internet+ Government Services”. The establishment of the Office of the Central Cyberspace Affairs Commission and the Cyberspace Administration of China signaled a new phase in centralized digital governance, wherein online platforms, data flows, and content moderation are subjected to comprehensive oversight under the State Council.¹¹³

In sum, the development of the Information Censorship System—anchored in the national security doctrine and enforced through credentialing regimes and legal mandates—has substantially increased the central government’s capacity to oversee and shape information production. By controlling both *who* can produce information and *what* content may be disseminated, the State effectively minimizes local discretion and constrains external influence. These mechanisms function not only to prevent misinformation from external actors but also to preempt narrative challenges from within the administrative apparatus itself. The result is an increasingly centralized and scrutinized information order that supports the broader political objectives of the Chinese State.

D. Impacts and Challenges of Centralization

Centralization, while effective in addressing local-level manipulation and monopolization of information, simultaneously consolidates the State’s capacity to exacerbate information asymmetries between itself and external stakeholders. By restructuring the systems of verification, accountability, and supervision, the State has developed mechanisms that render it increasingly difficult for external stakeholders to authenticate, challenge, or access the data it generates.

¹¹² See Cybersecurity Law, *supra* note 102, art.7, 10, 13. Personal Information Protection Law, *see id.*, art. 10, 11.

¹¹³ Such as the National Development and Reform Commission, the People’s Bank of China, the Ministry of Public Security, the State Administration for Market Regulation, etc.

1. *Restructuring Verification: Withholding and Controlling Access to Information*

Despite institutional innovations that have enabled the State to collect raw data independently, public and external access to such information remains systematically restricted. As previously discussed, the Government Information Disclosure Regulation legitimates the government to withhold “Procedural Information”,¹¹⁴ including the “Sanlei Neibu Xinxi (Three Internal Government Affairs)” and the “Silei Guochengxing Xinxi (Four Categories of Procedural Information).”¹¹⁵ These encompass human resources, logistical management, internal workflows, meeting records, draft documents, negotiation materials, and requests for instructions.¹¹⁶ Disclosure of these categories is expressly exempted under Article 16, and courts routinely deny access even upon judicial request.¹¹⁷

This practice of withholding also extends to statistical domains, where raw or first-hand data remain largely inaccessible. Although the NBS has not issued a definitive position on whether such data fall within the scope of public disclosure, precedent indicates a restrictive stance. For example, in its announcement regarding the “Marine Gross Domestic Product Accounting System,” the NBS Stated: “The original data of this system is not disclosed to the public

¹¹⁴ *Supra* note 54, art. 16.

¹¹⁵ Henansheng Renmin Zhengfu Bangongting Guanyu Yinfa Henansheng Zhengfu Xinxi Gongkai Shenqing Banli Dafu Guifan Wenshu Geshi de Tongzhi (河南省人民政府办公厅关于印发河南省政府信息公开申请办理答复规范文书格式的通知) [Notice on the Template for Henan Government to Reply the Government Information Disclosure Application], Henansheng Yaoping Jiandu Guanliju (河南省药品监督管理局) [HENAN MEDICAL PRODUCTS ADMIN] (Feb. 23, 2022), <https://www.pds.gov.cn/contents/65239/453834.html> [https://perma.cc/84MC-5CD4].

¹¹⁶ *Supra* note 54, art. 16.

¹¹⁷ *Id.*

and is only used for the accounting of marine gross domestic product.”¹¹⁸

Another mechanism of control is the selective suspension of statistical indicators. While the NBS occasionally issues notices regarding the withholding of specific datasets, the lack of transparency around these decisions obscures public understanding. A notable example is the 2023 suspension of the “Urban Survey Unemployment Rate of the Population Aged from 14 to 24 (%)”, which attracted considerable public attention.¹¹⁹ Although the NBS addressed the suspension at a press conference, it failed to mention the concurrent suspension of another critical metric, “The Urban Surveyed Unemployment Rate of the Population Aged from 25 to 59 (%)”, which had also ceased publication since August 2023.¹²⁰ Consequently, in the absence of a comprehensive and publicly available index of undisclosed statistics, external observers are often left to infer omissions by cross-

¹¹⁸ See Haiyang Shengchan Zongzhi Hesuan Zhidu (海洋生产总值核算制度) [Marine Gross Domestic Product], NAT'L BUREAU OF STATISTICS (Aug. 22, 2023), https://www.stats.gov.cn/fw/bmdcxmsp/bmzd/202308/t20230822_1942198.html [<https://perma.cc/G6L9-48TQ>].

¹¹⁹ See *National Bureau of Statistics (NBS)*, <https://data.stats.gov.cn/english/easyquery.htm?cn=A01> [<https://perma.cc/8UAJ-9XPT>]; see also Guojia Tongjiju: 8 Yueqi, Quanguo Qingnianren Deng Fen Nianlingduan de Chenzhen Diaocha Shiyelv Jiang Zanting Fabu (国家统计局：8月起，全国青年人等分年龄段城镇调查失业率将暂停发布) [NBS: Starting from August, the Indicator of the Urban Survey Unemployment Rate of the Population from Different Ages Will Suspend Releasing] Guanchazhe (观察者) [*Observer*] (May 8, 2024), https://www.guancha.cn/politics/2023_08_15_705101.shtml [<https://perma.cc/7EJJ-W6PQ>] (last visited June 28, 2025).

¹²⁰ See Guojia Tongjiju Xinwen Fayanren Jiu 2023 Nian 7 Yuefen Guomin Jinji Yunxing Qingkuang Da Jizhe Wen (国家统计局新闻发言人就2023年7月份国民经济运行情况答记者问) [The Spokesperson for the National Bureau of Statistics Responded to Questions from Reporters Regarding the Economic Performance of the National Economy in July 2023], NAT'L BUREAU STAT. (Aug. 15, 2023), https://www.stats.gov.cn/xxgk/jd/sjjd2020/202308/t20230815_1942021.html [<https://perma.cc/52H5-U6LP>].

referencing available datasets, which significantly increases the cost of public supervision and the generation of counter-narratives.

2. *Restructuring Accountability: Internalizing Responsibility within Bureaucracy*

The State reshaped the Accountability System to maintain control over the informational narrative while minimizing external supervision.¹²¹ The redesigned structure emphasizes internal discipline over public transparency, privileging bureaucratic incentives and sanctions over legally enforceable public rights.

First, disciplinary measures primarily target unauthorized disclosures rather than failures to disclose mandated data. The *Provisions on Disciplinary Actions for Statistical Violations of Laws and Disciplines* prioritize punishment for improper releases, thereby implying that bureaucrats face greater risk for over-disclosure than for withholding information.¹²² This structure implicitly incentivizes a conservative approach to disclosure within the bureaucracy.

Second, accountability mechanisms are oriented internally. The State Council stipulated three key steps for the system: (1) specific personnel must be designated to oversee disclosure tasks; (2) disclosure performance must be integrated into the annual evaluation of government official at a minimum threshold of 4%; and (3) severe

¹²¹ See Jiayuan Li, Xing Ni & Rui Wang, *Blame Avoidance in China's Cadre Responsibility System*, 247 *THE CHINA QUARTERLY* 681 (2021); see also Handi Li, *Transparency for Authoritarian Stability: Open Government Information and Contention with Institutions in China*, 78 *WORLD POLITICS* (forthcoming 2026).

¹²² *Tongji Weifa Weiji Xingwei Chufen Guiding* (统计违法违纪行为处分规定) [Provisions on Disciplinary Actions for Statistical Violations of Laws and Disciplines] (promulgated by Supervision Comm'n, Ministry of Human Res, and Soc. Sec. & Nat'l Bureau of Stat., effective May 1, 2009) 2009 NAT'L BUREAU STAT. GAZ. (China).

internal disciplinary measures must be imposed for non-compliance.¹²³ However, these measures are to be conducted within the confines of bureaucratic hierarchies, with no public transparency or judicial recourse. In cases of fraudulent statistical reporting, responsibility is assigned to individual staff and agency leaders, regulated under the *Civil Servant Law*¹²⁴ and the *Regulation on the Punishment of Civil Servants of Administrative Organs*.¹²⁵ Punishments range from warnings and demerits to dismissal to expulsion, yet such sanctions are seldom disclosed publicly.¹²⁶

Thirdly, legal enforcement under the Active Disclosure remains limited. Although policy documents call for the development of proactive disclosure directories, these directives are not legally binding.¹²⁷ As a result, even when specific indices are omitted from statistical releases, individuals have no legal basis to compel the disclosure unless the entire category of information is formally removed.¹²⁸

¹²³ *Guowuyuan Bangongting Yinfa Guanyu Quanmian Tuijin Zhengwu Gongkai Gongzuo de Yijian Shishi Xize de Tongzhi* (Guoban Fa [2016]80 Hao)(国务院办公厅印发《关于全面推进政务公开工作的意见》实施细则的通知)

[Notice on Issuing the Implementation Rules for the Comprehensive Promotion of Government Information Disclosure Work ([2016] No. 80)] (promulgated by State Council, Nov. 10, 2016) 2016 ST. COUNCIL GAZ. (China).

¹²⁴ *Zhonghua Renming Gongheguo Gongwuyuan Fa* (中华人民共和国公务员法) [Civil Servant Law of People's Republic of China] (promulgated by Standing Comm. Nat'l People's Cong., effective Jan. 1, 2006, rev'd Sept. 1, 2017, rev'd effective Jun. 1, 2019) 2006 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. (China).

¹²⁵ *Xingzheng Jiguan Gongwuyuan Chufen Tiaoli* (行政机关公务员处分条例) [Regulation on the Punishment of Civil Servants of Administrative Organs] (promulgated by St. Council, effective Jun. 1, 2007) 2007 ST. COUNCIL GAZ. (China).

¹²⁶ See Wenyan Tu & Ting Gong, *Bureaucratic Shirking in China: Is Sanction-based Accountability a Cure?*, 249 THE CHINA QUARTERLY 259, 2022.

¹²⁷ See *supra* Section I.2.B.

¹²⁸ See Government Information Disclosure Regulation of the People's Republic of China, *supra* note 54, art. 19-21.

3. *Restructuring Oversight: Recentralizing Supervisory Authority*

The State has significantly restructured the supervisory system by reinforcing centralized, top-down oversight while simultaneously undermining bottom-up external pressures. To strengthen the top-down supervisory mechanisms, stricter penalties have been imposed on local governments for violations related to information management.¹²⁹ Furthermore, the establishment of the Four Statistical Programs has enabled direct data collection and cross-verification with provincial submissions.¹³⁰ This dual-channel approach enhanced the central auditing capacity and diminishes provincial discretion.

Additionally, internal accountability for provincial authorities has intensified. The CCP disciplinary infrastructure now oversees personnel, budgets, logistics, and other administrative operations, ensuring that provincial leaders and bureaucrats bear direct and internal responsibility for failures in data reporting and disclosure.¹³¹

Centralized statistical supervision was further solidified during the Fourth Plenary Session of the 19th Party Conference, which decided to “strengthen the function of statistical supervision.”¹³² In

¹²⁹ See Tongji Weiji Weifa Zeren Reng Chufen Wenze Banfa (统计违纪违法责任人处分问责办法) [Measures for Punishment and Accountability of Persons Responsible for Statistical Violations and Illegal Acts] (promulgated by the Gen. Office of the CCP Cent. Comm. & Gen. Office of the St. Council, effective Jun. 26, 2017).

¹³⁰ Hebei Provincial Stat. Agency, *supra* note 62; NBS, *supra* note 62.

¹³¹ See Zhonghua Renmin Gongheguo Jiancha Fa (中华人民共和国监察法) [Supervision Law of the People's Republic of China] (promulgated by the Nat'l People's Cong., effective Mar. 20, 2018).

¹³² Mao Youfeng, Gengjia Youxiao Fahui Tongji Jiandu Zhineng Zuoyong Wei Quanmian Jianshe Shehui Zhuyi Xiandaihua Guojia Tigong Tongji Baozhang (更加有效发挥统计监督职能作用 为全面建设社会主义现代化国家提供统计保障) [Better Exert the Statistical Supervision Function and Provide the Statistical Safeguard for the Comprehensive Establishment of Socialist Modern State], 6 Qi-anjin (前进) [Foreword] (July 29, 2023), https://mp.weixin.qq.com/s?__biz=MzIyNzUwNzcxMA==&mid=2247517796&idx=1&sn=16f7453849258ea5717de8a97c70159e&chksm=e862eaf5df1563e3aa3b73788c519b15c05a8935131ff604d404773fa6b90ace33110bfa402b&scene=27 [https://perma.cc/WF9Y-ZYN7].

response, the NBS launched the first round of inspections across nine provinces and two central departments. By 2021, 43 statistical inspection teams had been dispatched across 32 regions and 12 State Council departments, achieving nationwide coverage.¹³³ In 2022, the NBS, with the assistance of the CCP, conducted a “retrospective inspection” of statistics in five regions and two State Council departments.¹³⁴ A notable milestone was reached in 2024 when “statistical fraud” was formally incorporated into the CCP Party Disciplinary Regulation.¹³⁵ Under this provision, individuals engaging in statistical falsification, including both direct perpetrators and supervisory officials, may face sanctions ranging from warnings to expulsion from the Party.¹³⁶

In sum, the restructuring of verification, accountability, and supervision systems has enabled the State to consolidate control over information production in two principal ways. First, provincial-level data manipulation has been substantially reduced, resulting in improved quality and reliability of official statistics. This development is largely credited to the centralization of informational authority. Second, the overall information environment has become less accessible and transparent to external actors. The public, media, academia, and

¹³³ Guojia Tongjiju Jinri Xiang Youguan Diqu he Bumen Fankui 2022 Nian Tongji Ducha Huitoukan Yijian (国家统计局近日向有关地区和部门反馈2022年统计督查“回头看”意见) [NBS Reflected the Opinions of the “Retrospective Inspection of Statistics” to Relevant Areas and Departments], NAT’L BUREAU STAT. (Dec. 27, 2022), https://www.stats.gov.cn/xw/tjxw/tjdt/202302/t20230202_1895051.html [https://perma.cc/YF89-BDLB].

¹³⁴ *Id.*

¹³⁵ See Guojia Tongjiju Youguan Fuzeren Jiu Tongji Zaojia Bei Naru Zhongguo Gongchandang Jilu Chufen Tiaoli Chufen Fanchou Da Jizhe Wen (国家统计局有关负责人就“统计造假”被纳入《中国共产党纪律处分条例》处分范畴答记者问) [Offices in National Bureau of Statistics Answers Questions Regarding “Statistical Fraud” Being Included in the Scope of Punishment under the “Regulations on Disciplinary Punishments of the Communist Party of China” in Press Conference], NAT’L BUREAU STAT. (Dec. 30, 2024), https://www.stats.gov.cn/zs/flfg/tjly/202412/t20241211_1957711.html [https://perma.cc/ACD6-A2DS].

¹³⁶ *Id.*

other non-governmental stakeholders face growing barriers to accessing sensitive and critical government information.

This transformation has shifted the locus of informational contestation from State-local tensions to State-society conflict. Whereas criticisms of statistical fraud previously targeted local governments, central authorities have now become the primary object of public scrutiny. Informational systems have thus not been eradicated but reconfigured, raising new challenges for China's legal institutions in providing effective mechanisms for transparency, accountability, and redress.

IV. LEGAL REMEDIES: REGULATORY AND RIGHTS SOLUTIONS

The Chinese legal system provides two solutions for addressing the enduring problems of misinformation. The first solution is named the Regulatory Solution, which “encompasses the broad body of statutes, guidance, and ‘soft law’ (or norms) that administratively structure what information the government creates, what data inputs it collects to facilitate it, who will be involved and in what capacity, what methodologies they will use, and how they will vet, share, review, and communicate their information internally and to the public.”¹³⁷ The second solution is to vest a “right to know” in the public and allow citizens to petition governments for information. One example is the Information Request Mechanism (*Passive Disclosure*) under the Government Information Disclosure System.¹³⁸ This section examines the function and efficacy of these two approaches in mitigating informational distortions at both the central and local levels, while also highlighting the structural and procedural limitations inherent in their enforcement.

A. *The Regulatory Solution and its Limitations*

Chinese laws prescribe an expansive regulatory framework designed to safeguard the integrity of official data. For instance, Article 7-9 of the Statistical Law stipulates the principle of Statistical Independence and forbids the intervention of other individuals and

¹³⁷ Fahey, Lin & Zhang, *supra* note 2, at 376.

¹³⁸ See *supra* Section I.B.2.

government entities.¹³⁹ Article 32 further mandates adherence to professional norms as a means to ensure the authenticity and credibility of statistical outputs.¹⁴⁰ Chapter VI of the Statistical Law outlines the legal liabilities and corresponding sanctions for acts of data manipulation, including the removal of culpable statisticians or officials, as well as administrative or criminal penalties for those engaged in unlawful interference.¹⁴¹ In practice, these provisions have served as a deterrent to local-level misconduct and have enhanced the overall accountability of both subnational authorities and central departments.

A notable development under this regulatory framework is the measurable increase in information disclosure and official responsiveness to public inquiries. The two tables below illustrate: (1) the quantitative growth of published statistical indicators and related informational content, and (2) the expanding range of dissemination channels and public engagement metrics across digital and print media.

Table 1. Expansion of Published Statistical Indicators and Disclosed Information Items

¹³⁹ Statistical Law *supra* note 24, art. 7-9.

¹⁴⁰ *Id.* art. 32.

¹⁴¹ *Id.* Chapter VI

(2008-2024)

Year	Number of Published Statistical Indicators ¹⁴²	Number of Disclosed Information Items ¹⁴³
2008	3352	1,200,000
2009	3711	N/A ¹⁴⁴
2010	3753	N/A
2011	3759	1,640,000
2012	3881	1,910,000
2013	~30,000 ¹⁴⁵	~6,000,000
2014	~39,000	~7,700,000
2015	N/A	~8,650,000
2016	67,262	~9,900,000
2017	71,539	~10,549,000
2018	78,006	~11,055,000
2019	N/A	N/A
2020	~78,000	~12,090,000
2021	N/A	~12,410,000
2022	75,511	~12,928,000
2023	75,723	13,423,000
2024	N/A	13,853,000

Source: Annual Report of NBS Information Disclosure¹⁴⁶

Table 2. Dissemination and Public Engagement Metrics (2008-2024)

Year	Numbers of Information Disclosures on Official Website (Items)	Numbers of Disclosures via Mobile Software (Items)	Online Engagement Metrics
2008	59	N/A	N/A
2009	73	N/A	N/A
2010	59	N/A	N/A
2011	380	N/A	N/A
2012	2,842	N/A	N/A

¹⁴² “Number of Published Statistical Indicators” refers to the total number of statistical indicators made publicly available by the NBS through its official publications and digital platforms.

¹⁴³ “Number of Disclosed Information Items” denotes the volume of individual entries of governmental information disclosed by the NBS in the given year.

¹⁴⁴ *N/A* indicates that the relevant government agency or platform did not release this data for the year in question.

¹⁴⁵ Tilde (~) denotes approximate values based on official estimates or rounded figures.

¹⁴⁶ See Zhengfu Xinxi Gongkai Nianbao (政府信息公开年报) [Annual Report of Government Information Disclosure], NAT'L BUREAU STAT., <https://www.stats.gov.cn/xxgk/list5.html> [<https://perma.cc/L6QP-QME3>].

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2013	1,800	WeChat: 700 ¹⁴⁷	N/A
2014	1,822	WeChat: 1,000+ Weibo: Numerous ¹⁴⁸	Database Visits: 16,710,000 Database Subscribers: 110,000
2015	1,502	WeChat + Weibo: 2,200	Chinese DB Visits: 43,750,000 Subscribers: 180,000 English DB Visits: 1,474,000 Subscribers: 2100
2016	1,459	WeChat: 1,056 Weibo: 1,075	N/A
2017	1,737	WeChat: 1,117 Weibo: 1,276	Website Visits: 230,000,000 Database Visits: 128,000,000 Subscribers: 442,000
2018	1,833	WeChat: 990 Weibo: 1142 Pengpai: 398 ¹⁴⁹ Douyin: 75 ¹⁵⁰	Website Visits: 130,000,000 Database Visits: 130,000,000 Subscribers: 579,000
2019	N/A	N/A	N/A
2020	4,952	N/A	Websites Visits: 1,700,000,000 Database Visits: 510,000,000 Subscribers: 918,000
2021	8,102	WeChat: 944 Toutiao: 1,309 ¹⁵¹ Douyin: 35	Website Visits: 650,000,000 Subscribers: 1,090,000

¹⁴⁷ WeChat (微信) is a multifunctional app developed by Tencent, combining messaging, social media, and mobile payments. It also serves as a government communication tool; users who follow official accounts receive real-time updates. WECHAT, <https://www.wechat.com/> [<https://perma.cc/4WKD-FDHZ>] (last accessed Feb. 15, 2025).

¹⁴⁸ Weibo (微博) is a Chinese microblogging platform, akin to X (formerly known as Twitter). Government agencies frequently use it to disseminate information. WEIBO.COM, <http://weibo.com> [<https://perma.cc/HT9W-JP3E>] (last accessed Feb. 15, 2025).

¹⁴⁹ Pengpai (澎湃) is a digital news platform used to publish in-depth reports and government releases. PENGPAI, https://m.thepaper.cn/channel_36079 [<https://perma.cc/V77H-GKXG>] (last accessed Feb. 15, 2025).

¹⁵⁰ Douyin (抖音) is a short-video app developed by ByteDance, known internationally as TikTok. DOUYIN.COM, <https://www.douyin.com/> [<https://perma.cc/5SLN-DDMG>] (last accessed February 15, 2025).

¹⁵¹ Toutiao (今日头条) is a personalized news aggregator app popular for State and commercial media distribution. TOUTIAO.COM, <https://www.toutiao.com/> [<https://perma.cc/HB6D-6YHW>] (last accessed February 15, 2025).

2022	5,826	WeChat: 922 Weibo: 1448 Douyin: 37 Toutiao: 350	Database Visits: 850,000,000 Subscribers: 1,271,000
2023	N/A	WeChat: 843 Weibo: 934 Toutiao: 300	Database Visits: 1,130,000,000 Subscribers: 1,462,000
2024	N/A	N/A	Database Visits: 1,510,000,000 Subscribers: 1,699,000

Source: Government Information Disclosure Annual Report¹⁵²

This data reflects a general upward trajectory in the volume of governmental disclosures and the breath of their circulation across multiple platforms. However, this quantitative proliferation has not tempered the underlying trend of informational centralization. On the contrary, it has accompanied, and arguably facilitated, the further consolidation of central authority over information flows. This paradox highlights the structural limitations of current enforcement mechanisms, which remain constrained in several key respects.

First, apart from cases involving serious criminal liability, the majority of disciplinary actions are internal in nature, as governed by the *Civil Servant Law* and the *Regulation on the Punishment of Civil Servants of Administrative Organs*.¹⁵³ Sanctions such as warnings, demerits, demotions, and dismissals are administratively imposed without recourse to judicial review or external oversight.¹⁵⁴ This character reinforces a closed accountability loop within the bureaucratic hierarchy, thereby excluding the courts, the public, and other independent actors from any role in monitoring or challenging disciplinary

¹⁵² See Nianbao, *supra* note 146.

¹⁵³ See Xingzheng Jiguan Gongwuyuan Chufen Tiaoli & Guowuyuan Ling Di Sibai Jiushiwu Hao (行政机关公务员处分条例, 国务院令495号) [Regulation on the Punishment of Civil Servants of Administrative Organs, State Council Decree No. 495] (promulgated by the State Council, Apr. 22, 2007, effective June 1, 2007), Guojia Falü Fagui Shujuku (国家法律法规数据库) [National Legal and Regulatory Database], <https://flk.npc.gov.cn/detail2.html?ZmY4MDg-wODE2ZjNIOTc4NDAxNmY0MWY5OWQ0MzAyMmU> [https://perma.cc/MM4Q-9BWK] (China). Article 6 says that: “The disciplinary actions to be taken against civil servants in administrative organs can be: (1) a warning; (2) a demerit; (3) a gross demerit; (4) demotion; (5) dismissal from office; and (6) expulsion.”

¹⁵⁴ *Id.*

outcomes. Such a framework creates fertile ground for collusion and undermines the potential for external corrective forces.

Second, the centralized imposition of regulatory oversight presents an inherent structural dilemma: while the system is relatively effective in addressing manipulation at subnational levels, it struggles when the malfeasance originates from within central authorities themselves.¹⁵⁵ In such instances, regulatory mechanisms cannot function as instruments of vertical accountability, resulting in situations where the most powerful entities are shielded from scrutiny.

A parallel set of constraints also occurs in the audit system. Despite formal legal safeguards, it remains structurally limited in its capacity to deter or remedy misinformation. Although the law mandates periodic audits, compulsory disclosures, and guarantees statistical independence, the effectiveness of these protections is undermined by several systemic obstacles.

First, the audit process prioritizes verification of data submitted to the central government rather than the transparency of information released to the public.¹⁵⁶ The principal objective is to assure the internal reliability of bureaucratic reporting rather than to promote public accountability. As a result, audit findings often diverge from publicly disclosed information.

Second, the publication of audit results is discretionary and conditional. Statutes frequently employ permissive language such as “may” or “according to law,” affording authorities broad discretion to

¹⁵⁵ See e.g., George Stigler, *The Theory of Economic Regulation*, THE BELL JOURNAL OF ECONOMICS AND MANAGEMENT SCIENCE 288 (1974). see also Natalia Garbiras-Diaz & Tara Slough, *Government Oversight and Inter-Institutional Legibility: Evidence from Colombia* 1-37 (Harvard Bus. Sch., Working Paper, 2025) <https://www.hbs.edu/faculty/Pages/item.aspx?num=64857> [<https://perma.cc/D49V-UBDA>].

¹⁵⁶ See, e.g., Shenjifa, *supra* note 84 (stating that Articles 6, 16, and 40 of the Audit Law emphasize the importance of keeping secrets).

withhold findings.¹⁵⁷ This flexibility undermines the normative force of the disclosure requirements and enables selective transparency.

Third, the audit system is institutionally predisposed toward confidentiality. Article 159 of the *National Auditing Standards* restricts disclosure in cases involving State secrets, trade secrets, ongoing investigations, or information otherwise protected by law.¹⁵⁸ In practice, this emphasis on secrecy frequently overrides legal obligations of transparency, weakening the system's capacity to foster institutional openness.¹⁵⁹

Fourth, the release of audit results is subject to a centralized internal approval hierarchy. Article 160 of the Statistical Law requires designated bodies to conduct confidentiality reviews and obtain authorization from the head of the auditing agency.¹⁶⁰ No individual or sub-office is permitted to disclose findings independently. This centralized structure not only consolidates disclosure authority but also invites potential political interference, thereby compromising the independence of audit oversight.

Finally, even assuming internal integrity, the system faces structural limitations in auditing central authorities. Article 7 of the Audit Law vests ultimate oversight authority in the State Council, effectively shielding top-level institutions from independent scrutiny.¹⁶¹

¹⁵⁷ See, e.g., Zhōnghuá Rénmín Gònghéguó Shěnju fǎ (中华人民共和国审计法) [Audit Law of the People's Republic of China] (promulgated by the Standing Comm. Nat'l People's Cong., Aug 31, 1994, effective June 1, 2006, amended Oct. 23, 2021) 7 STANDING COMM. NAT'L PEOPLE'S CONG. GAZ. 1298, at art. 40 (China). Article 40 of Audit Law is a good example. Article 40 says that "Audit authorities *may* circulate" (emphasis added) notices about their audit results or publish such results to the general public. When notifying or publishing audit results, "the audit institution *shall* keep confidential State secrets, work-related secrets, trade secrets . . . and the relevant provisions issued by the State Council" (emphasis added).

¹⁵⁸ Zhōnghuá Rénmín Gònghéguó Guójia Shěnji Zhǔnzé (中華人民共和國國家審計准則) [National Auditing Standards of the People's Republic of China] (promulgated by National Audit Office, Sept. 1, 2010, effective Jan. 1, 2011) St. Council Gaz., Sept. 1, 2020, art. 159.

¹⁵⁹ See, e.g., *id.*

¹⁶⁰ Statistical Law *supra* note 24, art. 160.

¹⁶¹ Shenjifa *supra* note 79.

Consequently, the uppermost tiers of power remain beyond the audit system's regulatory reach.

B. The Rights Solution and its Limitations

The Rights Solution offers an alternative legal pathway to address institutional opacity by vesting citizens with a “right to know.” This framework envisions a form of bottom-up oversight in which public participation supplements the central government's efforts to constrain local data manipulation and administrative misconduct.

A key mechanism of this approach is the public reporting (or denunciation) system, which encourages citizens to report instances of statistical fraud or bureaucratic malpractice.¹⁶² Under State Council directives, administrative agencies are required to establish accessible reporting channels, such as the “Director's Mailbox,” which allows individuals to submit grievances directly to agency leadership,¹⁶³ and dedicated “Statistical Violation Reporting” platforms.¹⁶⁴ These channels aim to enhance vertical accountability by facilitating direct transmission of information from citizens to central authorities.

¹⁶² See e.g., WEIFA HE BULIANG XINXI JUBAO ZHONGXIN (违法和不良信息举报中心) [ILLEGAL & BAD INFO. REP. CTR.], <https://www.12377.cn> [<https://perma.cc/8BMZ-62Y2>] (China); see also ZHONGYANG JIWEI GUOJIA JIANWEI WANGZHAN (中央纪委国家监委网站) [CENT. COMM'N FOR DISCIPLINE INSPECTION & NAT'L SUPERVISORY COMM'N WEBSITE], <http://www.12388.gov.cn> [<https://perma.cc/MJ2P-PC3C>] (China).

¹⁶³ *China Launches New Online Portal for Petitioners*, BBC (July 2, 2013), <https://www.bbc.com/news/world-asia-china-23141477> [<https://perma.cc/3SCX-MN3Z>]; *Guojia Tongjiju Wangshang Xinfang Shouli Pingtai Shiyong Xuzhi* (国家统计局网上信访受理平台使用须知) [Instructions for Using the National Bureau of Statistics' Online Petition Acceptance Platform], NAT'L BUREAU STAT., <http://wsxf.stats.gov.cn> [<https://perma.cc/EXF8-AFZU>] (China).

¹⁶⁴ *Guowuyuan Bangongting Guanyu Yinfa 2018 Nian Zhengwu Gongkai Gongzuo Yaodian de Tongzhi* (国务院办公厅《关于印发2018年政务公开工作要点的通知》) [The General Office of the State Council Issued Notice on Key Points of Governmental Affairs Disclosure in 2018] (promulgated by St. Council, Apr. 8, 2018, effective Apr. 24, 2018) ST. COUNCIL GAZ. 2018 Doc. No. 23 (China).

Empirical data suggests this system plays a meaningful role in promoting integrity. According to the Central Commission for Discipline Inspection, over 1.75 million public reports were filed in the first half of 2024, resulting in the disciplinary investigations into 41 provincial, 2,127 municipal, 17,000 county, and 56,000 village-level officials. A total of 332,000 cadres were sanctioned as a result.¹⁶⁵ These figures underscore the potential of participatory oversight in combating local-level corruption.

Despite the normative appeal, this approach is constrained by significant institutional and procedural limitations, particularly when implemented through formal legal instruments such as the Government Information Disclosure System. As previously discussed, both the Active¹⁶⁶ and Passive Disclosure¹⁶⁷ mechanisms remain plagued by broad exemptions and discretionary enforcement and administrative discretion. These limitations substantially weaken the enforceability of the public's right to know.¹⁶⁸

In theory, citizens dissatisfied with non-disclosure may seek remedies through administrative reconsideration or judicial litigation.¹⁶⁹ However, in practice, these channels provide limited relief. The Active Disclosure is hindered by restrictive standing rules and

¹⁶⁵ Zhongyang Jiwei Guojia Jian Wei Tongbao 2024 Nian Shang Bannian Quanguo Jijian Jiancha Jiguan Jiandu Jiancha, Shencha Diaocha Qingkuang (中央纪委国家监委通报2024年上半年全国纪检监察机关监督检查、审查调查情况) [The Central Commission for Discipline Inspection and the National Supervisory Commission Reported on the Supervision, Inspection, Review and Investigation of National Disciplinary Inspection and Supervision Agencies in the First Half of 2024], Guangming Wang (光明网) [GUANGMING] (Jul. 25, 2024), <https://baijiahao.baidu.com/s?id=1805510610605388805&wfr=spider&for=pc> [<https://perma.cc/C6XZ-48WR>](China).

¹⁶⁶ See *supra* Part II, Section 2.B.

¹⁶⁷ *Zhonghua Renming Gongheguo Zhengfu Xinxi Gongkai Tiaoli*, *supra* note 54, art. 13.

¹⁶⁸ See *supra* Part II, Section 2.B.

¹⁶⁹ See *Zhonghua Renming Gongheguo Zhengfu Xinxi Gongkai Tiaoli*, *supra* note 54, art. 51.

vague disclosure obligations,¹⁷⁰ while the Passive Disclosure process rarely results in full access to requested information.¹⁷¹

The following tables illustrate this enforcement gap by presenting annual disclosure outcomes across four central government agencies: the People's Bank of China, the Ministry of Finance, the National Development and Reform Commission, and the National Bureau of Statistics. Despite an increasing number of disclosure requests, the incidence of *full disclosure*¹⁷² remain low, and successful outcomes from administrative reviews or lawsuits are even more infrequent.

Table 3. Public Information Disclosure Requests and Legal Remedies—People's Bank of China¹⁷³

Year	Number of Disclosure Requests	Fully Disclosed	Number of Administrative Reviews	Reviews Resulting in Full Disclosure	Number of Administrative Lawsuits	Lawsuits Resulting in Full Disclosure
2008	20	13	4	0	0	N/A
2009	15	7	0	N/A	0	N/A
2010	11	6	0	N/A	0	N/A
2011	15	10	0	N/A	0	N/A
2012	28	16	1	N/A	0	N/A
2013	32	23	3	N/A	0	N/A
2014	64	42	10	N/A	0	N/A
2015	70	30	10	N/A	3	N/A

¹⁷⁰ See Jiang Bixin, *supra* note 57.

¹⁷¹ See e.g., *Henansheng Renmin Zhengfu Bangongting Guanyu Yinfa Henansheng Zhengfu Xinxi Gongkai Shenqing Banli Dafu Guifan Wenshu Geshi de Tongzhi*, *supra* note 115.

¹⁷² The government may respond to information requests in three ways: full disclosure, partial disclosure, or no disclosure. *Full disclosure* means that all requested information is provided. *Partial disclosure* refers to the release of some, but not all, of the requested information, with the rest withheld. *No disclosure* means that none of the requested information is released. These charters only address situations involving full of disclosure. See *Zhengfu Xinxi Gongkai Shenqing Banli Dafu Geshi Wenshu* (政府信息公开申请办理答复格式文书) [Standardized Formats for Responses to Government Information Disclosure Request], <http://m.safe.gov.cn/safe/file/file/20201231/eb9d42c724f44408abf916ec31da5a4d.pdf> (China).

¹⁷³ See PEOPLE'S BANK OF CHINA, <http://www.pbc.gov.cn/zhengwugongkai/4081330/4081347/index.html> [<https://perma.cc/24ES-5NUA>] (last visited June 28, 2025).

2016	735	259	28	5	3	0
2017	1252	74 ¹⁷⁴	7	0	1	0
2018	336	79 ¹⁷⁵	3	0	1	0
2019	226	37	20	1	18	0
2020	690	59	8	1	5	2
2021	27426	29	2108	0	9	0
2022	3521	13	45	4	10	0
2023	2337	20	518	0	6	0
2024	405	11	222	2	8	0

Table 4. Public Information Disclosure Requests and Legal Remedies—Ministry of Finance¹⁷⁶

Year	Number of Disclosure Requests	Fully Disclosed	Number of Administrative Reviews	Reviews Resulting in Full Disclosure	Number of Administrative Lawsuits	Lawsuits Resulting in Full Disclosure
2008	17	N/A	N/A	N/A	N/A	N/A
2009	45	N/A	1	N/A	0	N/A
2010	30	18	5	N/A	0	N/A
2011	61	37	8	N/A	0	N/A
2012	78	47	6	N/A	1	N/A
2013	291	N/A	20	N/A	4	N/A
2014	1362	N/A	95	N/A	6	N/A
2015	145	N/A	17	N/A	13	N/A
2016	328	N/A	57	N/A	16	N/A
2017	540	N/A	27	N/A	9	N/A
2018	310	N/A	15	N/A	14	N/A
2019	457	115	13	0	18	1
2020	240	68	17	2	3	0
2021	378	79	94	0	11	0
2022	448	38	73	1	4	0
2023	339	61	13	4	9	1
2024	410	93	85	5	7	0

¹⁷⁴ *Id.* The figure “74” includes full disclosures as well as responses in which the government claimed the information had already been made public before the requests were submitted.

¹⁷⁵ *See id.*

¹⁷⁶ *See Government Information Disclosure*, MINISTRY FIN., <http://www.mof.gov.cn/gkml/zfxxgkgb2016/> [https://perma.cc/XQN5-JMC] (last visited June 28, 2025).

Table 5. Public Information Disclosure Requests and Legal Remedies—Reform and Development Commission¹⁷⁷

Annual Report	Number of Information Requests	Fully Disclosed	Number of Administrative Reviews	Results for full disclosure of the Review	Number of Administrative Law-suits	Result for full disclosure of the lawsuit
2008	N/A	N/A	N/A	N/A	N/A	N/A
2009	1005	N/A	8	1	1	0
2010	486	N/A	15	13	0	N/A
2011	624	N/A	41	5	0	N/A
2012	700	N/A	17	N/A	0	N/A
2013	828	N/A	104	1	0	N/A
2014	976	N/A	95	0	0	N/A
2015	817	N/A	13	0	3	0
2016	1155	277	16	N/A	15	N/A
2017	928	281	10	0	4	0
2018	1001	292	14	0	5	1
2019	1090	358	32	0	8	0
2020	713	123	8	0	6	0
2021	1147	97	23	0	6	0
2022	432	89	9	0	10	0
2023	554	92	85	0	33	0
2024	567	63	18	2	6	0

Table 6. Public Information Disclosure Requests and Legal Remedies—National Bureau of Statistics¹⁷⁸

Annual Report	Number of Information Requests	Fully Disclosed	Number of Administrative Review	Result for full disclosure of the Review	Number of Administrative Law-suits	Result for full disclosure of the lawsuit
2008	37	18	0	N/A	0	N/A
2009	27	10	0	N/A	0	N/A
2010	32	20	0	N/A	0	N/A
2011	37	N/A	0	N/A	0	N/A
2012	46	N/A	0	N/A	0	N/A

¹⁷⁷ See *Government Information Disclosure*, NAT'L DEV. & REFORM COMM'N P.R.C., <https://zfxgk.ndrc.gov.cn/web/yearreport.jsp> [<https://perma.cc/9TR3-JJ7R>] (last visited June 28, 2025).

¹⁷⁸ See *Government Information Disclosure Annual Report*, NAT'L BUREAU STAT., <https://www.stats.gov.cn/xxgk/list5.html> [<https://perma.cc/VFZ9-S2E5>] (last visited June 28, 2025).

2013	38	12	3	N/A	0	N/A
2014	98	40	0	N/A	0	N/A
2015	66	24	0	N/A	0	N/A
2016	67	4	0	N/A	0	N/A
2017	118	6	1	N/A	0	N/A
2018	261	7	0	N/A	0	N/A
2019	399	323	1	0	0	N/A
2020	166	128	1	0	0	N/A
2021	152	103	8	0	6	0
2022	247	187	4	0	3	0
2023	382	148	2	1	1	0
2024	193	125	0	0	3	0

The above tables reveal the low success rate of information disclosure requests. As illustrated by the NBS disclosure data in 2018, the NBS received 261 disclosure requests, but only seven were granted in full. In 2021, eight applicants sought administrative review; seven of those were rejected, and one remained unresolved. These figures exemplify a broader pattern in which administrative and judicial approaches provide limited remedies for individuals seeking transparency.

It is important to acknowledge that nondisclosure is at times legally justified.¹⁷⁹ Information pertaining to national security, classified State secrets, or other sensitive content falling within statutorily exempt categories is generally withheld, even upon appeal.¹⁸⁰ Courts have also tended to side with government agencies in cases where the requested data falls under recognized exemptions; thereby reinforcing

¹⁷⁹ See, e.g., Paul Witman, *The Art and Science of Non-Disclosure Agreements*, 16 COMM. ASS'N INFO. SYS. 260 (2005), <https://aisel.aisnet.org/cgi/viewcontent.cgi?article=3029&context=cais> [<https://perma.cc/PU9H-JSEV>].

¹⁸⁰ See, e.g., RAHUL SAGAR, *SECRETS AND LEAKS: THE DILEMMA OF STATE SECRETS* (2nd prtng. 2016).

the administrative interpretation of nondisclosure provisions.¹⁸¹ Thus, the persistently low success rates in administrative and judicial reviews do not merely reflect bureaucratic resistance. They also underscore the structural entrenchment of a censorship-oriented disclosure regime.

In effect, while the Rights Solution formally empowers citizens to seek information, its practical limitations expose deeper contradictions within China's information governance framework. Both the regulation and litigation mechanisms are undermined by institutional deference to executive discretion,¹⁸² a limited scope for judicial intervention,¹⁸³ and a legal culture that privileges State control over public transparency.¹⁸⁴ The result is a legal architecture that offers the internal—but not the external—feature of informational accountability.

¹⁸¹ See, e.g., Zuigao Renmin Fayuan Fābù “Guānyú Shěnlǐ Zhèngfǔ Xīnxī Gōngkāi Xíngzhèng Ànjiàn Yīngyòng Fǎlǚ Ruògān Wèntí De Jiěshì” (最高人民法院发布《关于审理政府信息公开行政案件应用法律若干问题的解释》)[The Supreme People's Court Issued the “Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Administrative Cases Concerning Government Information Disclosure”] (promulgated by Sup. People's Ct., May 20, 2025, effective June 1, 2025) News Bureau Sup. People's Ct., May 20, 2025, <https://mp.weixin.qq.com/s/Y1OEHeS85FC-0dGz49zRqQ> [https://perma.cc/KYV6-SDST].

¹⁸² See, e.g., Guanyu Yinfa Renming Fayuan Baomi Xingzheng Guanli Bumen Banli Qinfan Guojia Mimi Anjian Ruogan Wenti de Guiding de Tongzhi (关于印发《人民法院、保密行政管理部门办理侵犯国家秘密案件若干问题的规定》的通知) [Notice on the Provisions on Several Issues Concerning the Handling of Cases of Violation of State Secrets by People's Court and Administrative Departments for State Secrecy] (promulgated by Sup. People's Ct. State Sec. Bureau., Mar. 11, 2020, effective Mar. 11, 2020), NAT'L ADMIN. STATE SECRETS PROT., June 17, 2020 <https://www.gjbmj.gov.cn/n1/2020/0617/c409099-31750498.html> [https://perma.cc/G2BY-GBK4] (China).

¹⁸³ See *id.*

¹⁸⁴ See, e.g., Zhōnghuá Rénmín Gònghéguó Bǎoshǒu Guójiā Mimi Fǎ, (中华人民共和国保守国家秘密法) [Law of the People's Republic of China on Guarding State Secrets] (promulgated by Standing Comm. Nat'l People's Cong., Sept. 5, 1988, effective May, 1, 1989, rev'd Feb. 27, 2024), NAT'L PEOPLE'S CONG. P.R.C., Feb. 27, 2024, http://www.npc.gov.cn/npc/c2/c30834/202402/t20240227_434859.html [https://perma.cc/9LYZ-EMHZ].

Taken together, these constraints confirm that the Rights and Regulation Solutions, though distinct in design, are similarly circumscribed in their ability to rectify the persistent problems of misinformation and data manipulation. Both approaches operate within a political and legal system that prioritizes State control over systemic openness, and thus neither offers a fully effective remedy to the informational challenges examined in this study.

V. THE STRUCTURAL SOLUTION: CONTRIBUTIONS AND CHALLENGES

Given the limitations of the Regulatory and Rights Solutions, a third, more systematically embedded approach becomes necessary: the *Structural Solution*.¹⁸⁵ Rather than relying on legal enforcement or public oversight, this approach addresses institutional deficiencies by reorganizing the architecture of information production itself. It introduces internal checks through the deliberate division of authority and inter-agency monitoring operating on two dimensions: horizontal and vertical. Horizontally, multiple agencies at the same administrative level shared overlapping data responsibilities, fostering inter-bureau competition and mutual scrutiny. Vertically, central and provincial governments could either co-produce or independently replicate datasets, enabling cross-verification and enhancing the overall credibility of official statistics.

However, while conceptually promising, the Structural Solution is not without limitations. First, duplicating data production entails high administrative costs, requiring sustained investment in personnel, infrastructure, and coordination. Second, the existence of multiple data sources may result in statistical inconsistencies, so called “data clashes”, that undermine public confidence. Most critically, political disincentives remain. Subnational actors, constrained by cadre evaluation systems that reward alignment with central narratives, have little incentive to challenge centralized produced data. In such cases, the formal structure of divided authority fails to translate into substantive accountability.

Nonetheless, the Structural Solution holds distinct and underutilized potential. Unlike the Regulatory and Rights Solutions,

¹⁸⁵ Fahey et al., *supra* note 2, at 390–92.

which operate post hoc and rely on external enforcement or public engagement, the Structural Solution is *ex ante*: it embeds informational safeguards directly into the institutional design of governance. By decentralizing data production and fostering epistemic diversity, it strengthens the integrity and resilience of the State's informational regime. This section therefore examines its functional capacities and systemic constraints, framing the Structural Solution as a deliberate institutional design strategy with far-reaching implications for the authenticity of State-produced information.

A. Structural Solution in the Vertical Perspective

From a vertical perspective, the Structural Solution functions by separating and sometimes duplicating information production powers between central and provincial governments. This separation takes two principal forms. First, both levels of government may independently collect and generate the same type of data. The central government not only produces its own reports but also employs them as benchmarks to evaluate and verify data submitted by local authorities, thereby curbing regional data manipulation. Second, the central government may actively participate in the information production process alongside provincial counterparts, overseeing their methods and holding them accountable. In some cases, the central government even ties informational outputs to financial liabilities, thereby incentivizing provincial governments to maintain data integrity. In short, the Structural Solution, when vertically applied, manifests in multiple institutional strategies that reconfigure power dynamics and accountability mechanisms.

1. Dividing Information Production Powers between the Central and Provincial Governments

A prominent instance of vertical structural separation is the production of GDP statistics. Under this model, the NBS is responsible for producing the national GDP figure, while each provincial government is charged with calculating its respective regional GDP. For years, a persistent anomaly was observed: the sum of all provincial GDPs routinely exceeded the national total released by the NBS. This persistent discrepancy signaled widespread local inflation of economic performance data, often driven by performance-based

promotion mechanisms at the local level. The following chart presents this annual data clash problem.

Table 7. Discrepancy of National and Combined GDP¹⁸⁶

	Combined GDP of provinces	Total GDP (NBS)	Discrepancy
2022	1,193,975	1,204,724	-10,749
2021	1,142,482.81	1,149,237	-6754.19
2020	1,009,937.58	1,013,567	-3629.42
2019	982,320.3	986,515.2	-4194.9
2018	914,117.5	919,281.1	-5163.6
2017	832,096.4	832,035.9	60.5
2016	750,948.6	746,395.1	4553.5
2015	693,642	688,858.2	4783.8
2014	648,304.2	643,563.1	4741.1
2013	597,974.7	592,963.2	5011.5
2012	543,063.2	538,580	4483.2
2011	491,419.9	487,940.2	3479.7
2010	414,670.5	412,119.3	2551.2
2009	349,911.9	348,517.7	1394.2
2008	320,202.7	319,244.6	958.1
2007	270,677.3	270,092.3	585
2006	220,974	219,438.5	1535.8
2005	189,085.1	187,318.9	1766.2

As demonstrated in the table, beginning in 2017, the national GDP figures consistently surpassed the aggregated provincial GDP totals. This pattern aligns with standard economic accounting principles, as local statistics frequently include duplicated outputs of inter-regional transactions, which the national accounts adjust by eliminating double counting. This correction is largely attributable to the division of information production power. In 2017, the NBS initiated a reform establishing provincial GDP calculations as a *joint responsibility* between the NBS and the provincial statistical bureau, thereby placing

¹⁸⁶ *Nat'l Data*, NAT'L BUREAU OF STATISTICS, <https://data.stats.gov.cn/easyquery.htm?cn=C01> [https://perma.cc/7YJU-DA8T] (last visited June 28, 2025).

data production under central guidance and oversight.¹⁸⁷ Consequently, the inflated reporting problem in local GDP was significantly mitigated.

Although minor discrepancies persist, the reversal—where the national figure now exceeds the sum of the provincial figures—is a positive development. Historically, inflated local GDP data strained central-local relations and undermined statistical credibility. With joint data production, opportunities for manipulation have been curtailed, leading to more reliable figures.¹⁸⁸

Another illustrative case is the production of housing price data. On December 18, 2013, the NBS announced that housing prices in Guangzhou had increased by 20.9% year-on-year, with a 0.8% month-on-month rise.¹⁸⁹ However, on the same day, the Guangzhou Municipal Bureau of Land and Housing Administration reported a 10.6% month-on-month drop and a 7.1% year-on-year decline.¹⁹⁰ This stark contradiction prompted public controversy. Officials later explained that the discrepancy arose from different methodologies: the NBS used price-tracking of identical properties with weighted averages,¹⁹¹ while the municipal bureau calculated average unit prices by dividing total transaction value by total area. A similar situation

¹⁸⁷ Diqu Shengchan Zongzhi Tongyi Hesuan Gaige Fangan (地区生产总值统一核算改革方案) [Reform Plan for the Unified Accounting of Gross Regional Product (GRP)] (promulgated by the NBS, effective Jun. 26, 2017).

¹⁸⁸ See Hongru, *supra* note 16.

¹⁸⁹ See Wu Mengda (乌梦达), Tongji Shuju Weihe Maodun? Jiekai Fangjia Shuju Dajia de Mimi, (统计数据为何矛盾? 揭开房价数据打架的秘密) [*Why are the statistical data contradictory? Revealing the secret behind the clash of housing price data*], XINHUA SHE (新华社)[XINHUA NEWS AGENCY], (Dec. 19, 2013), [chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/http://paper.ce.cn/jjrb/page/1/2013-.07/21/02/2013072102_pdf.pdf](http://paper.ce.cn/jjrb/page/1/2013-.07/21/02/2013072102_pdf.pdf)

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

occurred in Zhengzhou, where the NBS and the local housing bureau published conflicting price trends.¹⁹²

Despite the confusion, such clashes can produce constructive outcomes. They invite public scrutiny and civil engagement, thereby strengthening external oversight. Moreover, they compel statistical agencies to clarify their methodologies, significantly enhancing transparency. Thus, while vertical separation may sometimes generate inconsistencies, it ultimately fosters a more open and responsive information production system.

3. *Institutionalizing Financial Accountability in the Information System*

The Structural Solution is particularly notable for extending its institutional logic beyond statistical authorities. In a novel development, the central government has linked informational accuracy to fiscal accountability through tax reform. Under this framework, if provincial governments inflate their reported data, they become fiscally responsible for tax and budget allocations based on those inflated figures, making data manipulation economically irrational.

This logic was institutionalized through the “Replacing Business Tax with Value-Added Tax (RBT VAT)” reform.¹⁹³ Initiated as a pilot in Shanghai in 2011 and implemented nationwide in 2016, the reform shifted a key revenue source, the business tax, from local

¹⁹² See Luan Shan (栾姗), *10 Yue Zhengzhou Fangjia Zhishu Dajia Liangge Guanfang Shuju Yiping Yidie* (10月郑州房价指数打架 两个官方数据一平一跌) [In October, the Zhengzhou housing price index clashed as the two official data sources showed conflicting trends, with one rising and the other falling.], HENAN RIBAO (河南日报) [HENAN DAILY], (Nov. 21, 2014), <http://finance.people.com.cn/BIG5/n/2014/1121/c364101-26067717.html> [https://perma.cc/K5RK-SJ4C].

¹⁹³ Caizhengbu Guojia Shuiwu Zongju Guanyu Yinfu Yingyeshui Gai Zengzhishui Shidian Fangan de Tongzhi (财政部、国家税务总局关于印发《营业税改增值税试点方案》的通知) [Notice on Issuing the Pilot Plan for Levying Value Added Tax instead of Business Tax] (issued by Ministry of Finance and State Taxation Administration, effective Nov. 16, 2011) (China).

control to a central-local shared value-added tax (VAT) system.¹⁹⁴ While business tax revenue previously accrued entirely to local governments and incentivized data inflation to demonstrate political performance,¹⁹⁵ the VAT is predominantly collected by the central government. As a result, inflated figures now translate into increased fiscal obligations for local governments, thereby creating a direct financial disincentive to falsify economic data. In this way, the RBT VAT reform exemplifies how structural mechanisms can align statistical accuracy with institutional accountability.

With the formal implementation of the RBT VAT, local governments publicly acknowledged the inflation in their GDP statistics. In 2017, Liaoning Province acknowledged that economic data in certain regions was overstated by 20% to 30%.¹⁹⁶ Inner Mongolia Autonomy Region admitted to manipulating its economic data, and subsequently revised its reported General Public Budget Revenue downward by 26.3%.¹⁹⁷ These disclosures, emerging shortly after the reform's implementation, provided rare empirical confirmation of prior data manipulation at the local level.

This alignment of fiscal responsibility with information accuracy illustrates how vertical taxation reform can function as a structural deterrent to data manipulation. By tying economic incentives to the integrity of the Information Production System, the RBTAT effectively curbed local statistical inflation. This further highlights how

¹⁹⁴ Caizhengbu Guojia Shuiwu Zongju Guanyu Quanmian Tuikai Yingyeshui Gaizheng Zengzhishui Shidian de Tongzhi (财政部、国家税务总局关于全面推开营业税改征增值税试点的通知) [Implementing the Pilot Program of Replacing Business Tax with Value-Added Tax in an All-round Manner] (promulgated by Ministry of Finance and State Taxation Administration, Mar. 23, 2016, effective May 1, 2016) https://www.miluo.gov.cn/25308/27701/27714/27942/content_640043.html [<https://perma.cc/NLY5-4C2X>] (China).

¹⁹⁵ See Ping, *supra* note 11.

¹⁹⁶ See Neimenggu Chengren GDP Zhushui Jiachou Weihe Bei Zibao (内蒙古承认GDP注水, 家丑为何被自) [Neimenggu Admitted GDP Padding, Why It Discloses Its Inner Misbehavior], ZHONGGUO XINWEN ZHOUKAN (中国新闻周刊) [CHINA NEWSWEEK] (Jan. 10, 2018) https://www.sohu.com/a/215752064_123753 [<https://perma.cc/8QGX-NV3B>].

¹⁹⁷ *Id.*

structural policy reforms can be leveraged to address the systemic data manipulation issue and enhance statistical credibility.

B. The Structural Solution in the Horizontal Perspective

From a horizontal perspective, the Structural Solution operates by separating information production authority across agencies at the same administrative level. This institutional design often leads to data inconsistencies, referred to as “data clashes”, yet these tensions can serve important governance purposes. These discrepancies prompt public scrutiny, facilitate inter-agency dialogue, and compel agencies to disclose methodologies, defend assumptions, and reconcile conflicting statistics. Such dynamics enhance transparency and accountability within the IPS.

The presence of contradictory data exemplifies institutional pluralism in practice: no single agency holds a monopoly over informational authority.¹⁹⁸ Although horizontal fragmentation may not have been explicitly intended as an oversight mechanism, it nonetheless exerts disciplining effects on information production by exposing agencies to public engagement and procedural scrutiny.¹⁹⁹

A notable case occurred in Guangdong Province. The Provincial Department of Finance reported collecting 2.613 billion yuan in social maintenance fees, whereas the Provincial Sanitation and Planning Commission announced a significantly lower figure of 1.456

¹⁹⁸ See generally MATTHEW S. KRAATZ & EMILY S. BLOCK, ORGANIZATIONAL IMPLICATIONS OF INSTITUTIONAL PLURALISM, IN THE SAGE HANDBOOK OF ORGANIZATIONAL INSTITUTIONALISM 243, https://books.google.com/books?hl=zh-CN&lr=&id=2CIIcWAAQBAJ&oi=fnd&pg=PA243&dq=institutional+pluralism&ots=5qxkOb013A&sig=VQH4Im_GyA56qanl2fF_IsTIbXQ#v=onepage&q=institutional%20pluralism&f=false [<https://perma.cc/BCL4-T38C>].

¹⁹⁹ See e.g., Yu Meng (于盟), *Shuju Dajia Daobi Tongji Tizhi Wanshan* (数据打架倒逼统计体制完善) [*Data Clashes Promote the Completion of Statistical System*], *Guoji Shangbao* (国际商报) [INTERNATIONAL BUSINESS NEWSPAPER], (Apr. 21, 2011).

billion yuan just days earlier.²⁰⁰ This discrepancy triggered widespread public skepticism on social media regarding the reliability of official statistics. Initially, both agencies declined to clarify the issue. Subsequently, a lawyer submitted a formal request for raw data disclosure, which was rejected by the Commission on the grounds that it constituted an “internal affair” exemption under the Government Information Disclosure Regulation.²⁰¹ However, rising public pressure forced a reversal, and the Commission later acknowledged the data was subject to disclosure. The issue was raised at the Chinese People’s Political Consultative Conference, a political consultative organization that plays an important role in supervising government operations. Following a formal request, the Commission explained that the discrepancy arose from differing accounting methods: its reported figure reflects actual payments made by violators, while the Finance Department’s figure includes multi-year financial accounts.²⁰² This episode, while initially reflecting procedural opacity, ultimately produced a clarifying account of bureaucratic functions and accounting logic—an outcome made possible only because overlapping authority brought inconsistencies to light.

Similar horizontal tensions occurred within central-level agencies. For example, in 2024, the Ministry of Finance reported that the total profits of all enterprises nationwide reached 4.6328 trillion yuan,

²⁰⁰ See Xia Yang (夏杨) & Yue Weixin (粤卫信), *Guangdong Weiji Wei Huiying: Shehui Fuyangfei Chayi Yin Tongji Koujing Butong* (广东卫计委回应：社会抚养费差异因统计口径不同) [Guangdong Health Commission’s Response: Discrepancy in Social Maintenance Fees Due to Different Statistical Methods], *Yangcheng Wanbao* (羊城报) [YANGCHENG LATE NEWS], (Dec. 27, 2013), <http://finance.people.com.cn/n/2013/1227/c70846-23961322.html> [https://perma.cc/C6RT-85T7].

²⁰¹ See Liu Hongbo (刘洪波), *Bie Rang Shuju Dajia Sunhai Zhengfu Gongxinli* (别让数据打架损害政府公信力) [Don’t Let Data Clashes Damage Government Credibility], *Nanfang Ribao* (南方日报) [SOUTHCN.COM], (Dec. 27, 2013).

²⁰² See Yang & Weixin, *supra* note 200.

a 7.4% year-on-year increase.²⁰³ By contrast, the NBS announced profits of 2.24114 trillion yuan for industrial enterprises above designated size, representing a 6.2% decline year-on-year.²⁰⁴ The State Council Information Office held a press conference to address the statistical discrepancy. Spokesmen from NBS and the Director of the Department of Comprehensive Statistics of the National Economy explained that different methodologies led to the discrepancy: the NBS covered only industrial enterprises, while the latter included both industrial and non-industrial enterprises.²⁰⁵ Although potentially confusing, such discrepancies illustrate how horizontal separation of information production authority encourages disclosure of underlying data and methodological transparency. While this horizontal fragmentation may impose some transaction costs, its benefits in promoting governmental transparency and accountability generally outweigh these costs.

An even more intriguing case illustrates how the State has actively leveraged horizontal separation to bolster the perceived legitimacy of official statistics. In 2018, the NBS reported profits of industrial enterprises above designated size at 2.72983 trillion yuan, representing a year-on-year increase of 16.5%.²⁰⁶ However, compared to the prior year's figure of 2.90476 trillion yuan, this implies an apparent year-on-year decline of 6%.²⁰⁷ When external observers questioned the discrepancy, the NBS explained that the reported increase

²⁰³ See 2023 Nian Quanguo Guoyou Qiye Lirun Tongbi Zengzhang 7.4% (2023年全国国有企业利润同比增长7.4%) [In 2023, the profits of national State-owned enterprises increased by 7.4% year-on-year], Xinhua She (新华社)[XINHUA NEWS AGENCY], Jan. 29, 2024, <https://baijiahao.baidu.com/s?id=1789394603992008960&wfr=spider&for=pc> [https://perma.cc/8RCM-6WVS].

²⁰⁴ See NBS, 2023 Nian 1-11 Yuefen Quanguo Guimo Yishang Gongye Qiye Lirun Xiajiang 4.4% (2023年1-11月份全国规模以上工业企业利润下降4.4%) [From January to November, the total profits of industrial enterprises above a designated scale, with State-owned holdings, reached 2.24114 trillion yuan, a decrease of 6.2% year on year], (Dec. 27, 2023), https://www.stats.gov.cn/xxgk/sjfb/zxfb2020/202312/t20231227_1945805.html [https://perma.cc/R6P7-4YNF].

²⁰⁵ *Id.*

²⁰⁶ See Liu Hongbo, *supra* note 201.

²⁰⁷ *Id.*

was due to changes in survey scope, removal of duplicate data, and exclusion of non-industrial activities.²⁰⁸ To further reinforce its credibility, the NBS referenced data released by the Ministry of Finance, highlighting the consistency of these trends with other official financial reports.²⁰⁹ In essence, the NBS employed horizontal corroboration to validate its statistical findings, using the authority of a peer agency to bolster its own credibility.

These cases illustrate how overlapping informational authority can serve not only as a check against manipulation but also as a strategic resource for defending contested data. When agencies are both autonomous and interdependent, they become capable of verifying each other's outputs, thereby institutionalizing a system of epistemic checks and balances within the administrative apparatus.

C. Limitations of the Structural Solution

Despite the effectiveness of structural separation—vertical or horizontal—in detecting data manipulation and enhancing accountability, the model has inherent limitations that constrain its overall efficacy within the IPS. First, the Structural Solution incurs substantial administrative costs. As previously discussed, one of its core mechanisms involves the central government independently collecting raw data, rather than relying exclusively on lower-level authorities. While this dual-track system facilitates mutual oversight and enhances informational accuracy, it also demands considerable bureaucratic resources. The design and maintenance of parallel data systems require not only financial investment but also sustained institutional capacity. Historically, these burdens contributed to the State's reluctance to develop a centralized data collection apparatus before the twenty-first century. The high cost of implementation remains a persistent obstacle to the full realization of structurally separated information

²⁰⁸ See NBS, *Guanyu 1-5 Yuefen Quanguo Guimo Yishang Gongye Qiye Lirun Shuju de Shuomin* (关于1-5月份全国规模以上工业企业利润数据的说明) [Explanation of the Profit Data of Industrial Enterprises above Designated Size Nationwide for January to May], (Jun. 29, 2018), https://www.stats.gov.cn/sj/sjjd/202302/t20230202_1896044.html [<https://perma.cc/Z9EQ-HGRQ>] (China).

²⁰⁹ *Id.*

governance. Right now, the fast development of technology significantly reduced the transaction cost for applying the system, thus creating the chance for the Structural Solution.²¹⁰

Second, frequent data inconsistencies pose reputational risks to the IPS. Although such “data clashes” can enhance transparency by compelling agencies to disclose methodologies and clarify discrepancies, they also contribute to public skepticism. Media coverage, academic commentary, and social discourse have highlighted the destabilizing effects of these discrepancies, often portraying them as symptoms of bureaucratic fragmentation or administrative incompetence. When such inconsistencies are left unresolved or inadequately explained, they not only erode confidence in individual agencies but also cast doubt on the integrity of the entire State information system.²¹¹

Third, the effectiveness of structural separation in fostering mutual oversight is limited by asymmetries in institutional incentives. In theory, the diffusion of power between central and local governments—or across peer agencies—should promote reciprocal monitoring. In practice, however, such checks are often one-directional. The central government maintains strong incentives to oversee local statistical conduct, especially in politically sensitive areas such as GDP fabrication or revenue inflation. Local governments, by contrast, lack the institutional capacity or motivation to check centrally produced data, thereby creating a structural blind spot within the information

²¹⁰ For instance, the application of the Tongji Sida Gongcheng is for the central government to use the technological platforms to collect data directly from the enterprises, bypassing the local governments. *Supra* note 62.

²¹¹ See e.g., Da Wendong (达文冬), Tongji Shuju Dajia Heshi Xiu (统计数据打架何时休) [When the Statistical Data Clashes Will End?], *Zhongguo Kexue Bao* (中国科学报) [China Science Daily] (Dec. 4, 2013), <https://news.sciencenet.cn/sbhtmlnews/2013/12/280868.shtm?id=280868> [<https://perma.cc/5XCL-35CC>]; See also Su Dan (粟丹), Tongji Shuju Dajia de Falü Sikao (统计数据打架的法律思考) [Legal Thoughts on the Statistical Data Clashes], *Lilun Zongheng* (理论纵横) [Modern Property Management], 02 (2011).

system.²¹² When opacity originates from central authorities themselves, the absence of effective counterweights permits questionable practices to go unchallenged.

These limitations signal a deeper structural vulnerability: As institutional centralization intensifies within the IPS, opportunities for independent verification diminish. Central authorities may increasingly withhold, delay, or manipulate data with minimal resistance—not necessarily falsifying it, but curating it without resistance. The core concern lies not in the inaccuracy of individual datasets per se, but in the systematic erosion of evaluative mechanisms. In such an environment, informational asymmetries widen, while oversight mechanisms progressively erode.

Consequently, skepticism toward official statistics—especially economic indicators—has escalated. Public confidence in official data has been severely undermined, as both domestic observers and international analysts increasingly question the credibility of Chinese State data.²¹³ Yet paradoxically, in the absence of reliable alternatives, institutions ranging from academia to financial markets must continue to depend on the very data they mistrust.²¹⁴ This dependency results in a paradoxical State of epistemic vulnerability, in which critical knowledge about China rests on a foundation whose credibility remains persistently contested.

In sum, while the Structural Solution may appear at first glance to be an artifact of administrative redundancy or an accidental byproduct of fragmented governance, its operational logic reflects a more

²¹² Local leaders' career promotion is controlled by the central authorities. Hence, they need to be careful and please the central government. See Chenggang Xu, *supra* note 5.

²¹³ See e.g., See, e.g., Ben Lowsen, *How Reliable Are China's Statistics?*, *The Diplomat* (Mar. 1, 2022), <https://thediplomat.com/2022/03/how-reliable-are-chinas-statistics/> [<https://perma.cc/6YEN-C4N4>]; see also Kuzma Gu, *Why the World is Not Trusting China's NBS: A Political Storyline*, *Mich. J. Econ.* (May 1, 2023), <https://sites.lsa.umich.edu/mje/2023/05/01/why-the-world-is-not-trusting-chinas-nbs-a-political-storyline/> [<https://perma.cc/D4N4-C9L2>].

²¹⁴ For instance, *The New York Times* often quotes the statistical data from the Chinese NBS. See, e.g., Alexandra Stevenson & Zixu Wang, *China's Population Declines for 3rd Straight Year*, *THE NEW YORK TIMES* (Jan. 16, 2025), <https://www.nytimes.com/2025/01/16/business/china-population-births-deaths.html> [<https://perma.cc/96JA-HYEF>].

sophisticated institutional architecture. The vertical and horizontal distribution of information production powers has produced tangible accountability outcomes, enhancing both the credibility and transparency of China's statistical apparatus. Nevertheless, these benefits are tempered by substantial costs, risks of fragmentation, and the growing imbalance of oversight. As information centralization intensifies, the effectiveness of structural checks may diminish, thereby reinforcing opacity at the very core of information governance. Recognizing the Structural Solution as a strategic governance architecture, rather than a mere institutional inefficiency, is therefore essential—not only to understanding its current role, but also to evaluating its prospects in a changing political-informational landscape.

VI. CONCLUSION

This study takes China as a case study to examine the complexities and institutional dynamics of the information production system. It argues that the persistent principal-agent problems between central and local governments have constituted the central force driving the recurrent shifts in information authority. As a result, misinformation and data manipulation have emerged not as isolated incidents, but as endemic challenges to effective governance.

In response, the Chinese State has employed both Regulatory and Rights Solutions to improve the integrity of the information production system. Each has demonstrated partial effectiveness. The Regulatory Solution offered oversight mechanisms and formal enforcement structures, yet struggled with systemic inefficiencies and incomplete implementation. The Rights Solution, by offering channels for public access to information, was intended to enhance transparency and expand the circulation of information, but in practice remained hampered by weak legal safeguards and underdeveloped enforcement mechanisms.

To address the limitations of these conventional approaches, this article advances the concept of the Structural Solution. This framework is centered on the vertical and horizontal separation of information production powers, and functions not merely as an administrative formality, but as a deliberate institutional design with the potential to create internal checks within the State apparatus. While the Structural Solution has demonstrably contributed to curbing local-level data manipulation and encouraging inter-agency accountability, its effectiveness is bounded by high administrative costs, frequent data

inconsistencies, and an insufficient capacity to scrutinize central informational behaviors.

These limitations underscore the need for a systematic reconstruction of the Structural Solution. While it has helped reduce information manipulation, a more strategically designed structure is required—particularly to ensure the central government’s accountability within the information-production process. Future reforms should aim to strengthen oversight in both vertical and horizontal dimensions, institutionalize mechanisms for cross-verification, and enhance both internal and external accountability channels.

Ultimately, this study suggests that the Structural Solution, when implemented alongside enhanced regulatory and rights solution frameworks, offers a promising pathway toward improving the credibility and authenticity of State-generated information. However, realizing this potential will demand continuous institutional adaptation, which means to balance transparency with administrative efficiency, and data integrity with political costs. In this light, the evolving architecture of China’s information governance must remain open, responsive and sufficiently flexible to meet the growing demands of both domestic public and international observers.