China's limited push model of FOI legislation

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1. Introduction

China adopted its first national FOI legislation—FOI Regulations on January 17, 2007, and brought it into effect on May 1, 2008. This paper examines China's FOI Regulations and argues that China has adopted a push model of FOI legislation that emphasizes proactive disclosure of government information. This differs from a pull model that stresses citizen-initiated access or reactive disclosure. The push model of FOI legislation, which has reduced the importance of access requests in China, grew out of its local causes. However, the degree of push or proactive disclosure under China's current FOI Regulations is undermined by several factors, including a limited access mechanism, broad and vague exemptions, and the omission of the maximum disclosure principle.

This paper has five sections. Section one compares a pull model with a push model of FOI legislation. Section two explores a unique proactive disclosure system. Section three examines a limited access mechanism that constrains the proactive disclosure degree under the FOI Regulations. Section four explores broad and vague exemptions that further limit the push degree under the Regulations. The final section examines the omission of the maximum disclosure principle, which further undermines the proactive disclosure degree under the FOI Regulations.

2. Models of FOI legislation: pull versus push

There are two factors—an improved information environment and new public management reform—that have generated new possibilities and capabilities for the global shift from a pull model of FOI legislation to a push model (Schartum, 2004; Craglia & Blakemore, 2004). China introduced a push model of FOI legislation, albeit as a response to two decades of limited proactive disclosure practices around the country and an improved information environment, which necessitated a subsidiary or reduced role for an access mechanism.

2.1. An emerging global trend: from a pull to a push model

Like recent FOI reform in Australian states (The FOI Independent Review Panel, 2008; Tasmanian Department of Justice, 2009; The Department of Premier and Cabinet in New South Wales, 2009), a push model of FOI legislation that emphasizes proactive disclosure and takes access requests as a last resort (Kubicek, 2004; Paterson, 2005) has emerged around the globe in recent years. An improved information environment, together with new public administration reform programs, has prompted the push model. A pull model, albeit neatly accommodated to the pre-Internet era of public administration, therefore is now outdated.

2.1.1. A pull model: emphasizing reactive disclosure

A pull model of FOI legislation was adopted by liberal democracies to solve the accountability deficit arising from a perceived growth in government power (Bennett, 1997; Roberts, 2006). This indicates that most FOI legislation between the 1960s and the 1980s had a strong "antagonistic" (Schartum, 2004) and individualized nature (Terrill, 2000). A pull model was the result of a compromise between key information demand side players, including the media and the parliament, and the executive (Schartum, 2004). Globalization, promoted by international institutions such as the World Bank, has led to many recent FOI adopters favoring a pull model.

2.1.2. A push model: emphasizing proactive disclosure

New public management reform indicates that public administration has begun to shift from a "government-oriented" to a citizen or "customer-oriented" approach (Schedler & Proeller, 2001). This has opened up the possibility for a push model of FOI legislation that emphasizes proactive disclosure or "enabling" access (Craglia & Blakemore, 2004). Thus, the environment that surrounds FOI legislation...
has changed into a less “antagonistic” one (Schartum, 2004), although, as noted by Roberts (2001), government restructuring has weakened the effectiveness of FOI legislation by limiting its coverage, including the governing bodies and subject matter covered.

More importantly, the significance of citizen-initiated access has been reduced in the information age (Schartum, 2004; Gellman, 2004), requiring a push model of FOI legislation to be introduced to adapt to the changed information environment. Information flow, with the assistance of information technology, has become easier and more frequent. FOI academics, such as Snell (2008, November 4), call for a shift from “version 1.0” FOI focusing on reactive disclosure to “version 2.0” emphasizing proactive disclosure. Government agencies have also become more receptive to information sharing in order to adapt to an improved information environment. The US revised its FOI legislation in 1996 to accommodate to the information age, changing its strong pull version to include more proactive disclosure requirements (Tankersley, 1998; Gellman, 2004). The Obama administration has taken significant measures, such as releasing FOI Act Memorandum and Transparent and Open Government Memorandum, in order to improve the role of proactive disclosure in implementing FOI legislation. The UK FOI law provides for a publication scheme, which requires government agencies to provide information to the public routinely and proactively. In Mexico, government agencies are required to publish an extensive amount of information on their Web sites. More importantly, Australia is taking the lead in promoting a push model to become policy, especially at the sub-national level. Queensland, Tasmania, and New South Wales are presently developing this model (The FOI Independent Review Panel, 2008; Tasmanian Department of Justice, 2008; The Department of Premier and Cabinet in New South Wales, 2009).

2.2. FOI legislation in China: a limited push model

China’s adoption of a push model of FOI legislation has been chiefly for domestic reasons. Two factors merit prominence for this adoption. The first is the previous two decades of Openness in Government Affairs (OGA), which refers to non legally binding proactive disclosure of government information and has been closely linked to a long-term democratization process. Democratic election, decision making, management, and supervision have been recognized as four major means of developing China’s socialist democracy since 1997. The four democratic means, the last three in particular, laid the foundation for extension of OGA to all levels of government. The political report of the 15th National Congress of the Communist Party of China in 1997 first recognized the need for the exercise of democratic decision making, management, and supervision to be assisted by openness (Jiang, 1997).

For a significant period of this democratization process, the focus has been on the capacity and the willingness of the government to share information with citizens. Proactive disclosure requirements under the FOI Regulations have provided a summary of the previous work of OGA (Yang, 2007). FOI legislation has helped institutionalize the work of OGA to solve many problems, including the government’s unlimited discretion to disclose information and its non legally binding disclosure duty (Zhou, 2007a). The institutionalization of OGA helps solve these problems and perpetuates the duration of OGA experiments.

Second, the push model of FOI legislation in China was the outcome of an improved information environment due to the formation of multiple paths for information flow. China increased its information flow by following a push to pull path. The push aspect of FOI, which is the major discourse in China, is a less problematic approach for China than the pull aspect. The gradual transformation of the Chinese information environment has provided a receptive space for the push aspect, but the pull aspect was muted or unacceptable until the adoption of FOI Regulations. Improving information flow within the society caused the Chinese government to become more proactive in releasing government information.

The emphasis on proactive disclosure may be more effective than the focus on reactive disclosure in prompting government officials to abandon their longstanding secretive and reactive information management approach that has been proven outdated in the improved Chinese information environment. In an improved information environment where alternative information sources, such as citizen journalists, can provide reliable crisis information to the general public, government officials will pay huge financial and public-trust costs for concealing information. This has prompted the Chinese government to become more transparent and proactive in dealing with crises. Furthermore, rising threats to society by rumors in the improved information environment have forced the Chinese government to abandon its old information management approach (Li, 2008). It now recognizes that rumors can be transformed and denied with reliable information release (Yaoyan Zhi Yu Gongkai), rather than the converse.

Furthermore, the government’s capacity to proactively disclose information has increased now that government Web sites have been launched and spokesperson systems have been established. Many government agencies have launched official Web sites to increase information flow. The Government Online Project was initiated in early 1999 by more than 40 ministerial level agencies (Lovelock & Ure, 2002). This project prompted most government agencies to launch their own official Web sites. More importantly, the central government launched its official web portal in 2005. The number of Chinese government Web sites with the domain name gov.cn has increased, rising to 28,575 in 2007 (China Internet Network Information Centre, 2007), about 20 times as many as were in existence in 1999 (1470).

Many government agencies have established the spokesperson system since 2003. In China, this system has provided a basis for the Chinese government to legislate on proactive disclosure. The State Council Information Office has pursued the establishment and improvement of news briefing and spokesperson systems as its central task in recent years. The progress was slow until the Severe Acute Respiratory Syndrome (SARS) crisis, which accelerated the progress (China Central Television, 2007). By September 26, 2006, approximately 70 ministries and commissions of the State Council and 31 provincial governments had appointed their own spokespersons.

Another factor also supported the adoption of the push model of FOI legislation in China. The emphasis on proactive disclosure may have reduced the workload of government agencies arising from the process of access requests due to China’s huge population, vast territory, and high volume of government information (Yang, 2007). These unique features have required that less emphasis be placed on access requests in order to allow government agencies to exercise their core functions. This explains why several Chinese developing areas, such as Hunan, are keen on adopting the push approach. The Hunan government (2008) considers that this approach helps it focus on other more urgent tasks in its locality.

While China’s greater focus on proactive disclosure appears different from a universally accepted pull setting of FOI, the push model reflects a new approach to FOI in the information age and grew out of China’s local conditions. However, China’s push model of FOI legislation has been undermined by some of its key features.

3. A unique proactive disclosure system: evidence for a push model

China’s FOI Regulations include much broader requirements for proactive disclosure than FOI laws elsewhere. FOI sets forth minimum standards and general criteria for government agencies to determine the circumstances in which information is needed to be proactively disclosed. It also provides for other legal measures that can ensure
compliance with proactive disclosure requirements. These legal measures include various means of proactive disclosure, varied locations and facilities for access, information inventory and guide requirements, time limits for publication, a reporting system, and sanctions for non-compliance.

3.1. A non-exhaustive list: minimum standards and general criteria

While China’s FOI Regulations were passed by the State Council in early 2007, they were not published until 3 months later. During these 3 months, there was vigorous debate about whether the regulations should have a non-exhaustive list of the requirements for proactive disclosure (Wang, 2007). The FOI Regulations eventually contained a non-exhaustive list, which sets forth general criteria for government agencies to produce their own information that is needed to be proactively disclosed, and provides for a minimum standard to oblige different government agencies to emphasize active release of varied government information. The legal design combining minimum standards with general criteria can facilitate compliance with the FOI Regulations in a practical way.

3.1.1. Minimum standards: for government agencies to stress

China’s FOI Regulations provide a minimum set of conditions for government agencies to determine which piece of information is allowed to be disseminated. Three FOI articles establish minimum standards in the field of making government information publicly available by listing key information that is to be proactively disclosed. Article 10 requires government agencies at or above the county level to emphasize proactive disclosure of government information, such as information on government procurement, budgets and expenses, public health, and food and drug safety. Article 11 obliges government agencies at the county level to stress disclosing additional information, such as information on land requisition and assistance to low income families. Article 12 emphasizes information to be disseminated by government agencies at the township level, such as information on land use plans and implementation of family planning policies.

3.1.2. Four general criteria: normal guidelines for decisions by government agencies

A push model of FOI legislation calls for minimum standards, but general criteria must be established to aid government agencies in the production of their own categories of information that needs to be proactively disclosed. This is the case in China. Article 9 of the FOI Regulations contains a general clause requiring government agencies to proactively disclose information satisfying any one of the following four general criteria:

- Information that involves the vital interests of citizens, legal persons, or other organizations;
- Information that needs to be extensively known or participated in by the general public;
- Information that shows the structure, function, working procedures, and the like concerning a government agency; and
- Other information that must be proactively disclosed under laws, regulations, and relevant rules.

This general clause sets broad standards for government agencies to justify government information subject to proactive disclosure. While the third criterion is also commonly found in a pull model of FOI legislation and the fourth criterion is only a residual criterion, the first two criteria are innovative and can encompass considerable government information.

3.2. Legal measures safeguarding proactive disclosure

The Chinese government has devised at least six legal measures to ensure compliance with proactive disclosure requirements. The first includes various means of proactive disclosure, such as government Web sites, press conferences, and government bulletins. Press conferences are understood by the Chinese government as a useful means to disseminate government information. The former director of the State Council Information Office argues that spokespersons – the guides of the Chinese and foreign media outlets to report on China – play a vital role in promoting government information release. As a result, press conferences are set out in Article 15 of China’s FOI legislation as an important means by which government information can be actively disclosed. Zhou (2007b) argues that this arrangement is unreasonable since other countries’ FOI laws rarely list press conferences as a formal way to disclose government information. However, his argument underestimates the need for the government to retain and build upon its capacity to set agendas. The legitimization of press conferences in the FOI Regulations fits within a proactive approach to information management.

Further, under the Notice on Preparing for the Implementation of FOI Regulations, government Web sites are required to be the priority platform for disseminating government information, thus reducing the use and importance of access requests. The central government, in its Notice on Preparing for the Implementation of FOI Regulations, requires government agencies to launch FOI sections, similar to electronic reading rooms, on their official Web sites. FOI sections of the Web sites have become an important platform for publishing information by government agencies. They also provide other functions, such as online searching and information requesting, that can facilitate access to information.

The second legal measure put in place to ensure compliance with proactive disclosure requirements is the provision of a variety of locations and facilities for accessing proactively disclosed information. More importantly, government agencies must provide all proactively disclosed information to national archives and public libraries in a timely manner. This requirement goes beyond legislating state archives’ previous experiments with receipt and release of current documents (Xing Xing Wenjian) since 2000. In 2000, the Shenzhen archives became the pioneer in receiving current documents from all local government agencies and providing them to the public on request. This new government information service was expanded rapidly to other localities. By 2003, the number of the centers rose to 220 around the country (Guan, 2004). This service covers all sorts of proactively disclosed information. Furthermore, the FOI Regulations have placed equal importance on libraries and archives to provide government information services to the public. The requirement for providing government information to libraries has resolved the dilemma faced by libraries, which cannot subscribe to official documents without an ISBN or ISSN.

The third legal measure is the compilation and publication by government agencies of their information inventories and guides. The inventory includes index, name, abstract, date of generation, and other particulars of government information. This not only aids requesters to formulate their requests, but assists government agencies to manage information effectively (Tankersley, 1998). Government agencies must also compile and publish information guides and update them on a timely basis. Guides include methods of cataloguing, categorizing, and obtaining government information as well as details of the relevant FOI offices’ name, business address, office hours, telephone number, fax number, and e-mail. The requirement of information inventories and guides not only provides the public with basic information about the documents held by government and the methods used to arrange them (Tankersley, 1998), but it also demonstrates government willingness to proactively disclose information.

The fourth legal measure is the time limit for disseminating government information. The FOI Regulations require proactively disclosed information to be released within 20 days from the date the information is generated or changed. The time limit is rarely found in
other countries’ FOI legislation and mitigates unreasonable delays of the information required to be proactively disclosed.

The fifth legal measure is a reporting or complaint mechanism. Citizens are entitled to report government failure to adhere to proactive disclosure requirements to the supervisory agencies responsible for investigating reports or complaints. This mechanism gives the public an opportunity to assist the central government in the discovery and redress of any non-compliance with the proactive disclosure in practice.

The final legal measure concerns administrative sanctions. Government agencies and officials are subject to administrative sanctions in the event that they fail to perform duties to disclose government information or update categories concerning proactive disclosure, information inventories, and guides on a timely basis. Sanctions play an important role in ensuring compliance with proactive disclosure in practice.

4. A limited access mechanism

A limited information access mechanism is a factor that undermines the degree of proactive disclosure under China’s FOI legislation. The access mechanism is constrained by an obscure authorization of the access right, and a potential need test. While senior Chinese officials state that the FOI Regulations have been adopted to safeguard the access right (Zhang, 2007), the practical effect of this statement is limited.

4.1. An implied access right

While the FOI Regulations allow access to government information, they do not explicitly confer a right to access. Before the passage of the Regulations, there were disputes about their ability to do so (Zhou, 2005). The access right was also not specially mentioned under the Constitution 1982 (Zhou, 2003). As a result, there was a general consensus that the FOI Regulations were an inappropriate legal document to confer this political right, signaling that it can only be protected indirectly by the Regulations. Indirect protection can constrain Chinese citizens’ capacity to access general government information or compel government agencies to rectify non-compliance with proactive disclosure, as there has been much debate on whether or not the right to access falls outside the scope of administrative lawsuits (Li, 2009).

4.2. A potential need test

International best practice dictates that anyone should be able to exercise the access right, whether or not they have any ground or legal interest (The Open Society Justice Initiative, 2006; Iyer, 2000). At the time this article was written, China’s FOI Regulations did not yet meet this aspect of best practice. Article 13 of the Regulations enable citizens, legal persons or other organizations to request information held by government agencies in accordance with their needs in business, daily life, research, or other special needs. A purpose for information sought is required, although the definition of purpose is so broad that requesters can easily meet this requirement.

In terms of the concern that government agencies are likely to refuse access requests with the excuse that the information requested does not meet requesters’ special needs (Horsley, 2007), the central government, in its Several Suggestions on the Implementation of FOI Regulations, clarifies that government agencies may refuse access requests if information sought is unrelated to the requesters’ special needs. Furthermore, local governments, which adopted FOI legislation prior to the central government, have changed their previous practices that did not require a purpose for access requests. The degree of proactive disclosure is therefore restricted by this retreat.

5. Broad and vague exemptions

The degree of proactive disclosure under China’s FOI Regulations has arguably been weakened by broad and vague exemptions. While exemptions are a standard element of FOI legislation, exemptions under China’s FOI Regulations remain less liberal than is ideal, in at least the following six aspects.

First, the scope of exemptions under the FOI Regulations is inconsistent with best practice (Article 19, 1999), though the Regulations ostensibly set out very limited exemptions; the main exemption clause only prevents government agencies from disclosing information concerning state secrets, trade secrets, and privacy. Other exemptions are stated in general in Article 8, which exempts information that may prejudice state security, public security, economic security, or social stability. Much government information will remain hidden under this general exemption (Lim & Guo, 2007; Geoffrey & Qin, 2007). Moreover, whilst the FOI Regulations do not provide administrative grounds for refusing access requests, the central government, in its Several Suggestions on the Implementation of FOI Regulations, considers repeated requests as administrative grounds to exercise the discretion whether or not to respond.

Second, exemptions and exclusions under FOI legislation should be clearly and narrowly defined (Iyer, 2000; Article 19, 1999) to “exclude material which does not harm legitimate interests” (Article 19, 1999). This is not the case in China. Exemptions and exclusions are not clearly and narrowly defined under Article 8 of the FOI Regulations, which prevent government agencies from disclosing any information that may be injurious to state security, public security, economic security, or social stability. The definition of these securities is left to government agencies, and so can easily be used to refuse access requests.

Meanwhile, state secrets, trade secrets, and privacy are not well defined under the FOI Regulations and other laws (Horsley, 2007). Zhou (2003) argues that a broad scope for the state secret exemption will impede implementation of the FOI Regulations. This is a reasonable concern. The Law on the Protection of State Secrets 1988 has not yet been revised, and the scope of state secrets remains unchanged. The longstanding culture of secrecy, although beginning to change, has impeded efforts to narrow the scope of state secrets. The definition of privacy is not “yet addressed comprehensively in Chinese law” (Horsley, 2007; Zheng, 2007), which in turn may negatively affect the operation of the FOI Regulations. Although trade secrets are defined in Article 10 of the Anti-trust Law 1993, it is uncertain whether or not this definition will be widened to include information in government procurements and other contracts to which the government is a party.

Third, class-based exemptions should be avoided. Again, this is not the case in China. It is argued that any FOI law should avoid sweeping “class exemptions” (Iyer, 2000), which exclude “entire classes of information from access” (Frankel, 2001). Under China’s FOI Regulations, state secrets, trade secrets, and privacy are all class-based exemptions.

Fourth, government agencies are prevented compulsorily from disclosing any exemption under the FOI Regulations. Discretionary rather than mandatory exemptions should be provided under FOI legislation (Hart, 2005), as the former leaves the way open for government agencies to exercise their right in favor of disclosure, even though the information sought falls within an exemption provision (McDonagh, 1998).

Fifth, although China’s FOI Regulations include a harm test that features prominently in many FOI laws around the world and is advocated by FOI campaigners (Article 19, 1999), the harm test of China’s Regulations envisages only a low degree of harm for exemptions concerning state security, public security, economic security, or social stability. It contains the verb harm without any adverb, such as significantly or substantially, to describe the degree of injury. No harm test applies to an exemption concerning state secrets,
trade secrets, or privacy under the Regulations, which means these exemptions are “class-based” (McDonagh, 1998). Once the information sought falls into any of these categories, it is excluded from disclosure.

Sixth, China’s FOI Regulations allow a special public interest test applied only to a few exemptions, rather than a general one that requires the consideration of public interest in each and every case (McIsaac, 2001). FOI laws generally require that any exemption must be balanced against disclosure in the public interest. A special public interest test is found in FOI legislation of Australia, Ireland, Canada, and the United Kingdom. A general public interest test is found in FOI legislation of New Zealand, India, and South Africa. This allows information to be released when “public benefit in knowing the information outweighs any harm that may be caused from disclosure” (Banisar, 2005). In China, a public interest test is only applied specifically to exemptions of trade secrets and privacy.

Government officials are likely to use these vague and broad exemption clauses to constrain the proactive disclosure degree under the FOI Regulations. These exemption clauses will shade many areas, and may become major impediments to future implementation of FOI legislation in China.

6. Omission of the maximum disclosure principle

The omission of the maximum disclosure principle has further diminished the proactive disclosure capacity of the Chinese FOI Regulations. It has been recognized that an ideal principle should be “maximum disclosure” (Article 19, 1999) and that “disclosure is the principle, while exemption is the exception” (The Open Society Justice Initiative, 2006). The FOI Regulations do not set out this principle. The central government revised local FOI Rules – such as those of Hebei, Hubei, Jiangsu, and Liaoning, which provided for this principle – to return to a level of information disclosure that the government can accept at the present stage. While Premier Wen (2008) and other senior government officials (Zhang, 2007) state that the maximum disclosure principle is implied under the FOI Regulations, the practical effect of this statement remains uncertain.

The omission of this principle reflects the Chinese government’s gradual strategy during the last three decades (Deng, 1994). Gradualism refers to the belief that changes occur, or ought to occur, slowly in the form of gradual steps. The gradual approach is a key element of Dengism that is a series of political and economic ideologies first developed by Chinese political leader Xiaoping Deng. This theory was written into the Party Constitution of the Communist Party of China and the preface of the Constitution in 1999. It appears that “secrecy still enjoys priority during the process of information disclosure” (Chen, 2008). Thus, a special principle is found under Article 8 of the FOI Regulations, which prohibits government agencies from disclosing government information that may prejudice state security, public security, economic security, or social stability. Article 8 is also considered by law reformers as a basic principle for guiding government agencies to disclose information (Yang, 2007). This basic principle, which can encourage government officials to err on the side of secrecy, explains the lack of the maximum disclosure principle.

7. Conclusion

This paper argues that China’s push model of FOI legislation was the outcome of two decades of limited proactive disclosure practices around the country and an improved information environment resulting from the formation of multiple paths for information flow. This push model has reduced the importance of access requests. The push model of FOI legislation reflects the push to pull development of FOI in China. Furthermore, the proactive disclosure requirements under the FOI Regulations provide a clear obligation and minimum standard for government agencies to follow, and thus improve the likelihood of government compliance. However, the degree of proactive disclosure under China’s FOI legislation has been constrained by a limited access mechanism, broadly defined exemptions, and the omission of the maximum disclosure principle. It is necessary to relax these constraints in China’s future FOI law in order to increase the push degree.

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References

Article 19. (1999). Right to know: Principles on Freedom of Information legislation. Retrieved July 1, 2007, from http://www.article19.org/pdf/dstd/standards/righttoknow.pdf.
Banisar, D. (2005). Effective open government: Improving public access to government information. Retrieved August 11, 2007, from http://www.olis.oecd.org/olis/2005-docs/0/cb40b8e1b975d01c123566305832edf/197400181243.pdf.
Bennett, C. (1997). Understanding ripple effects: The cross-national adoption of policy instruments for bureaucratic accountability. Governance: An International Journal of Policy and Administration, 10(3), 213–233.
Chen, F. Z. (2008). Several issues in relation to FOI Regulations (Pt 2). China Public Administration, 27(1), 21–23.
China Central Television. (2007). Guoqing Wang talks about the Spokesperson System. Beijing: People in the News. Retrieved August 7, 2007, from http://news.cctv.com/china/20070713/109210.shtml.
China Internet Network Information Centre. (2007). 19th Statistical Survey Report on the Internet Development in China. Retrieved August 7, 2008, from http://www.cnnic.net.cn/download/2007/cnnic19threport.pdf.
Cognia, M., & Blakemore, M. (2004). Access models for public sector information: The spatial data context. In G. Aichholzer, & H. Burket (Eds.), Public sector information in the digital age: Between markets, public management and citizens’ rights (pp. 187–209). Cheltenham: Edward Elgar.
Deng, X. P. (1994). Selected works of Xiaoping Deng (Vol. 2). Beijing: People’s Press.
Frankel, M. (2001). Freedom of Information: Some International Characteristics. Retrieved November 13, 2006, from http://www.foi.org.uk/pdf/amsterdam.pdf.
Gellman, R. (2004). The foundation of United States government information dissemination policy. In G. Aichholzer & H. Burket (Eds.), Public sector information in the digital age: Between markets, public management and citizens’ rights (pp. 123-135).
Geoffrey, F. & Qin, J.Y. (2007, April 25). China moves to boost transparency, but much is kept hidden. Wall Street journal, p. A6.
Guo, X. (2004). Rapid development, broad coverage and various methods: Discussion of the use of current documents. China Archives, 60(2), 7–9.
Hart, T. (2005). Freedom of Information/access to government information checklist: Minimum requirements for a Freedom of Information Act (FOIA) and its implementation. Beijing: EU-China Information Society Project.
Horsley, J. (2007). China adopts first nationwide open government information regulations. Retrieved May 12, 2007, from http://www.freedominfo.org/featu res/20070509.htm.
Iyer, V. (2000). Freedom of Information: Principles for legislation. Retrieved July 13, 2007, from http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN002177.pdf.
Jiang, C.M. (1997). Hold high the great banner of Deng Xiaoping theory for an all-round advancement of the cause of building socialism with Chinese characteristics to the 21st Century. Presented at the 15th National Congress of the Communist Party of China. Beijing, China.
Kubicek, H. (2004). Third-generation Freedom of Information in the context of E-Government: The case of Bremen, Germany. In G. Aichholzer, & H. Burket (Eds.), Public sector information in the digital age: Between markets, public management and citizens’ rights (pp. 275–286). Cheltenham: Edward Elgar.
Li, G. Y. (2009). Parties to FOI lawsuits. E-Government, 4, 43–51.
Li, S. (2008). The background, main contents and inventory compilation concerning China’s FOI Regulations. E-Government, 5, 21–26.
Lim B.K. & Guo, S.P. (2007). China vows government transparency, within limits. Retrieved September 22, 2008, from http://www.reuters.com/article/idUSIPK76492020070424.
Lovelock, P., & Ure, J. (2002). Assessing China’s efforts in constructing an E-Government. In J. H. Zhang, & M. Woosler (Eds.), China’s digital dream (pp. 151–176). Bochum: The University Press Bochum.
McDonagh, M. (1998). Freedom of Information in Ireland. Dublin: Roundhall Sweet & Maxwell.
Paterson, M. (2005). Freedom of Information and privacy in Australia. Melbourne: Lexis/Nexis Butterworths.
Roberts, A. (2001). Structural pluralism and the right to information. University of Toronto Law Journal, 51(2), 243–271.
Roberts, A. (2006). Blacked out: Government secrecy in the information age. New York: Cambridge University Press.
Schartum, D. W. (2004). Information access legislation for the future? Possibilities according to a Norwegian experience. In G. Aichholzer, & H. Burkert (Eds.), Public sector information in the digital age: Between markets, public management and citizens' rights (pp. 69–90). Cheltenham: Edward Elgar.

Schedler, K. & Proeller, I. (2001). The new public management: A perspective from mainland Europe. In K. McLaughlin & S. Osborne (Eds.), New public management: Current trends and future prospects (pp. 163–180).

Snell, R. (2008, November 4). Opening up the mindset is key to change. The Canberra Times, pp. 10–11.

Tankersley, M. (1998). How the electronic Freedom of Information Act amendments of 1996 update public access for the information age. Administrative Law Review, 50(2), 421–457.

Tasman Department of Justice. (2009). Strengthening trust in government … everyone's right to know. Retrieved October 12, 2009, from http://www.justice.tas.gov.au/__data/assets/pdf_file/0005/118922/Strengthening_trust_in_Government_-_everyones_right_to_know.pdf.

Terrill, G. (2000). Individualism and Freedom of Information Legislation. Freedom of Information Review, 87, 30–32.

The Department of Premier and Cabinet in New South Wales (2009). Open government information: FOI reform in New South Wales companion guide to the bills. Retrieved October 11, 2009, from http://www.dpc.nsw.gov.au/prem/foi_reform_-_open_government_information

The FOI Independent Review Panel (2008). The right to information: Reviewing Queensland’s Freedom of Information Act. Retrieved September 11, 2009, from http://www.foireview.qld.gov.au/documents_for_download/FOI-review-report-10062008.pdf.

The Open Society Justice Initiative. (2006). Transparency & silence: A survey of access to information laws and practices in 14 Countries. Retrieved November 12, 2006, from http://www.soros.org/resources/articles_publications/publications/transparency_20060928/transparency_20060928.pdf.

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