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《通信短信息服务管理规定》已经 2015 年 5 月 6 日工业和信息化部第 14 次部务会议审议通过，现予公布，自 2015 年 6 月 30 日起施行。

The *Regulations on the Administration of Short Message Services*, which has been examined and adopted at the fourteenth ministerial meeting of the Ministry of Industry and Information on May 6, 2015, is hereby promulgated, and will come into effect as of June 30, 2015.

部长 苗圩
Minister Wei MIAO

2015 年 5 月 19 日
May 19, 2015

通信短信息服务管理规定

Regulations on the Administration of Short Message Services

第一章 总则

Chapter One General Provisions

第一条 为了规范通信短信息（以下简称短信息）服务行为，维护用户的合法权益，促进短信息服务市场的健康发展，根据《全国人民代表大会常务委员会关于加强网络信息保护的決定》、《中华人民共和国电信条例》等法律、行政法规，制定本规定。

Article 1 These Regulations are established in accordance with the *Decision of the Standing Committee of the National People's Congress on Strengthening Information Protection on Networks*, the *Regulations of the People's Republic of China on Telecommunications* and other laws and administrative regulations in order to regulate Short Message Services (SMS), safeguard the legitimate rights and interests of users, and promote the healthy development of the SMS market.

第二条 在中华人民共和国境内提供、使用短信息服务，适用本规定。

Article 2 These Regulations shall apply to the provision and use of SMS within the territory of the People's Republic of China.

第三条 工业和信息化部负责对全国的短信息服务实施监督管理。

Article 3 The Ministry of Industry and Information Technology shall be responsible for supervising and regulating SMS throughout the country.

省、自治区、直辖市通信管理局负责对本行政区域内的短信息服务实施监督管理。

The telecommunications administrations of all provinces, autonomous regions, and municipalities directly under the central government shall be responsible for supervising and regulating the SMS in their respective administrative regions.

工业和信息化部和省、自治区、直辖市通信管理局统称电信管理机构。

The Ministry of Industry and Information Technology and the telecommunications administrations of all provinces, autonomous regions, and municipalities directly under the central government shall be collectively referred to as the Telecommunications Authorities.

第四条 提供、使用短信息服务的，应当遵守法律、行政法规和电信管理机构的相关规定，不得利用短信息服务从事违法活动。

Article 4 Any provision or use of the SMS shall comply with the laws and administrative regulations, and the relevant provisions of the Telecommunications Authorities, and SMS shall not be used for illegal activities.

第五条 鼓励有关行业协会依法制定短信息服务的自律性管理制度，引导会员加强自律管理。

Article 5 Relevant trade associations are encouraged to establish self-disciplinary management systems for SMS, and to direct their members to strengthen self-regulation.

第二章 短信息服务规范 Chapter Two SMS Standards

第六条 经营短信息服务的，应当依法取得电信业务经营许可。

Article 6 To operate an SMS system, a telecommunications business license shall be obtained in accordance with the law.

基础电信业务经营者不得为未取得电信业务经营许可的单位或者个人提供用于经营短信息服务的网络或者业务接入服务。

Basic telecommunications business operators shall not provide any entity or individual who does not obtain a telecommunications business license with the access to networks or services for operating SMS.

第七条 基础电信业务经营者应当准确记录接入其网络的短信息服务提供者的名称、接入代码和接入地点等信息。

Article 7 A basic telecommunications business operator shall accurately record the information about any SMS provider with access to its networks, such as the name, access code and access point of such SMS provider.

第八条 短信息服务提供者应当制定短信息服务规则，并将与用户相关的内容通过服务合同或者入网协议等方式告知用户，不得利用格式条款侵犯用户合法权益。

Article 8 An SMS provider shall develop rules for SMS and user-related content, and notify its users by service contract or access agreement or otherwise of the rules concerning the users, and shall not take advantage of standard terms to infringe upon its users' legitimate rights and interests.

第九条 短信息服务需向用户收费的，短信息服务提供者应当保证计费符合相关法律规定和电信标准，并事先明确告知用户服务内容、资费标准、收费方式和退订方式等。

Article 9 Where any charges will be collected from the users for the SMS, an SMS provider shall ensure such charges comply with applicable laws and telecommunications standards, and notify the users in advance of the scope of services, charging standards, method of collection and method of unsubscribing, etc.

第十条 短信息服务提供者发送短信息，应当将发送端电话号码或者代码一并发送，不得发送缺少发送端电话号码或者代码的短信息，不得发送含有虚假、冒用的发送端电话号码或者代码的短信息。

Article 10 When an SMS provider sends a short message, it shall send the sender's phone number or code along with the message, and shall not send any short message without the sender's phone number or code, and shall not send any short message containing any false or fraudulent sender's phone number or code.

第十一条 短信息服务提供者应当在其服务系统中记录短信息发送和接收时间、发送端和接收端电话号码或者代码、用户订阅和退订情况等信息，端口类短信息还应当保存短信息内容。

Article 11 An SMS provider shall record in its service system the time when short messages are sent and received, the phone numbers or codes of the senders and receivers, users' subscriptions and un-subscriptions, and the contents of "port class" short messages.

前款规定的记录应当保存至少 5 个月，其中用户订阅和退订情况应当保存至短信息服务提供者与用户服务关系终止后 5 个月。

The records set forth in the previous paragraph shall be kept for at least 5 months, and the information about users' subscriptions and un-subscriptions shall be kept for 5 months after the termination of the service relationship between the SMS provider and its users.

第十二条 短信息服务提供者提供端口类短信息服务，应当要求短信息内容提供者提供真实身份信息，并进行查验和登记。

Article 12 When an SMS provider provides "port class" SMS, it shall require the short message content providers to provide real identity information, and verify and record such information.

第十三条 短信息服务提供者提供端口类短信息服务，应当按照电信管理机构批准的码号结构、位长、用途和使用范围使用端口号。未经电信管理机构批准，不得转让或者出租端口号。

Article 13 When an SMS provider provides port class SMS, it shall use the port numbers according to the code number structure, bit length, purpose and scope of use approved by the Telecommunications Authorities. Without the approval of the Telecommunications Authorities, it is not allowed to transfer or lease any port number.

第十四条 短信息服务提供者在业务活动中收集、使用用户个人信息，应当严格遵守有关法律法规的规定。

Article 14 When an SMS provider collects or uses users' personal information in its business activities, it shall strictly comply with the applicable laws and regulations.

第十五条 短信息服务提供者应当建立和执行网络与信息安全管理制，采取安全防范措施，加强公共信息巡查。

Article 15 SMS providers shall establish and implement network and information security management systems, take safety precautions, and enhance the inspection of public information.

第十六条 短信息服务提供者、短信息内容提供者不得制作、复制、发布和传播含有《中华人民共和国电信条例》等法律法规规定的禁止性内容的短信息。

Article 16 SMS providers and short message content providers shall not make, copy, distribute and disseminate short messages that contain any contents prohibited under the *Regulations of the People's Republic of China on Telecommunications* and other laws and regulations.

第十七条 发送公益性短信息的，由省级以上人民政府有关部门提前 10 个工作日向电信管理机构提供短信息发送时间、发送内容、发送范围、发送机构等信息，电信管理机构协调短信息服务提供者发送；不属于公益性短信息的，及时告知有关部门并说明理由。

Article 17 To send short messages for the public benefit, a relevant department of a people's government at provincial level or above shall provide the Telecommunications Authorities with such information as when will the messages be sent, what the messages are about, who will receive the messages, who will send the messages, etc., ten working days in advance and the Telecommunications Authorities shall coordinate with the SMS provider in sending the messages; if the messages are not for public-benefit purposes, such circumstance and the reasons therefor shall reported to the relevant department.

涉及自然灾害、事故灾难、公共卫生事件和社会安全事件预警和处置等应急公益性短信息，情况紧急需要先行发送的，短信息服务提供者应当按照有关应急预案和机制及时免费发送，有关部门事后应当向电信管理机构提供有关信息。

Where any urgent public-benefit short messages involving alert and handling or the like of natural disasters, accidental disasters, public health events and social security events need to be sent, SMS providers shall send such messages for free in a timely manner according to relevant contingency plans and mechanisms in advance, and the relevant departments shall provide the Telecommunications Authorities with relevant information later.

第三章 商业性短信息管理

Chapter Three Administration of Commercial Short Messages

第十八条 短信息服务提供者、短信息内容提供者未经用户同意或者请求，不得向其发送商业性短信息。用户同意后又明确表示拒绝接收商业性短信息的，应当停止向其发送。

Article 18 Neither SMS providers nor short message content providers shall send commercial short messages to users without the users' consent or request. If a user first agrees and later expressly declines to receive commercial short messages, the sending of such messages to such user shall be stopped.

短信息服务提供者、短信息内容提供者请求用户同意接收商业性短信息的，应当说明拟发送商业性短信息的类型、频次和期限等信息。用户未回复的，视为不同意接收。用户明确拒绝或者未回复的，不得再次向其发送内容相同或者相似的短信息。

Where an SMS provider or short message content provider requests a user's agreement to receive commercial short messages, such provider shall state the type, frequency and duration of the commercial short messages to be sent. If the user does not reply, it shall be deemed the user does not agree. If the user expressly refuses or does not reply, no identical or similar short message shall be sent to the user again.

基础电信业务经营者对通过其电信网发送端口类商业性短信息的，应当保证有关用户已经同意或者请求接收有关短信息。

Where a basic telecommunications business operator sends port class commercial short messages via its telecommunications networks, it shall ensure that relevant users have agreed to or requested receipt of such short messages.

第十九条 短信息服务提供者、短信息内容提供者用于发送业务管理和服务类短信息的端口，不得用于发送商业性短信息。

Article 19 Any port used by an SMS provider or short message content provider to send business management and service type short messages shall not be used to send commercial short messages.

第二十条 短信息服务提供者、短信息内容提供者向用户发送商业性短信息，应当提供便捷和有效的拒绝接收方式并随短信息告知用户，不得以任何形式对用户拒绝接收短信息设置障碍。

Article 20 When an SMS provider or short message content provider sends any commercial short message to its users, it shall provide a convenient and valid method of rejecting such message and send such method to the users along with the message, and shall not create any obstacle in any form to the user to reject the messages.

第二十一条 短信息服务提供者、短信息内容提供者向用户发送商业性短信息，应当在短信息中明确注明短信息内容提供者的名称。

Article 21 When an SMS provider or short message content provider sends any commercial short message to its users, it shall clearly indicate in such messages the name of the content provider.

第二十二条 短信息服务提供者应当建立短信息管理制度和预警监测机制，通过规范管理、技术手段和合同约定等措施，防范未经用户同意或者请求发送的商业性短信息。

Article 22 SMS providers shall establish short message management systems and alert monitoring mechanisms, and avoid the sending of any commercial short messages without users' consent or request by effective management, technical means, contract and other measures.

第二十三条 基础电信业务经营者发现短信息服务提供者、短信息内容提供者违反本规定第十八条发送商业性短信息的，应当采取必要的措施暂停或者停止为其提供相关的电信资源，并保存有关记录。

Article 23 If a basic telecommunications business operator finds that any SMS provider or short message content provider sends commercial short messages in violation of Article 18 hereof, it shall take necessary actions to suspend or stop the provision of relevant telecommunications resources to such provider, and keep relevant records.

第二十四条 鼓励用户自主选择使用短信息安全应用软件等适当的安全防护手段，提高自我防护能力。

Article 24 Users are encouraged to independently choose security measures such as security software, and to enhance their self-protection ability.

第四章 用户投诉和举报 Chapter Four Users' Complaints and Reports

第二十五条 短信息服务提供者应当建立投诉处理机制，公布有效、便捷的联系方式，接受与短信息服务有关的投诉。

Article 25 SMS providers shall establish a complaint processing mechanism, publish valid and convenient contact methods, and accept complaints relating to SMS.

第二十六条 工业和信息化部委托 12321 网络不良与垃圾信息举报受理中心（以下简称举报中心）受理短信息服务举报。

Article 26 The Ministry of Industry and Information Technology has entrusted the 12321 Center for Handling Reports of Unhealthy and Spam Online Messages ("Report Center") with the duty to handle SMS receipt-related reports.

第二十七条 用户认为其受到商业性短信息侵扰或者收到含有法律法规规定的禁止性内容的短信息的，可以向短信息服务提供者投诉或者向举报中心举报。

Article 27 Where a user believes that he/she is harassed by commercial short messages or receives any short messages that contain content prohibited under the applicable laws and regulations, he/she may lodge a complaint to the SMS provider or make a report to the Report Center.

举报中心受理用户举报后，应当在 5 个工作日内转送短信息服务提供者处理。发现存在违法行为的，应当及时报告国家有关部门处理。

After accepting a user's report, the Report Center shall refer the matter to the SMS provider for handling within 5 business days. If any illegal act is found, it shall be reported to the competent government authorities for handling.

短信息服务提供者收到用户投诉或者举报中心转办的举报，经核实后应当及时采取有效手段，并在 15 个工作日内向投诉方或举报中心反馈处置结果。

After receiving a user's complaint or a report referred by the Report Center, after verifying the report, the SMS provider shall promptly take effective measures, and provide feedback on the disposal of the matter to the user or the Report Center within 15 business days.

第二十八条 短信息服务提供者发现被投诉或者举报的短信息明显含有本规定第十六条规定的内容的，应当立即停止发送，保存有关记录，并及时向国家有关机关报告；涉及本单位的，应当立即开展调查，采取有效的防范或者处理措施，并及时将调查结果报告电信管理机构。

Article 28 If an SMS provider finds any short message in a complaint or report obviously contain the prohibited contents set forth in Article 16 hereof, it shall immediately stop the sending of such message, keep relevant records, and promptly report to the competent government authorities; where the SMS provider itself is involved, it shall initiate an investigation immediately, take effective preventive or remedial measures, and promptly report the investigation results to the Telecommunications Authorities.

第二十九条 用户与短信息服务提供者发生短信息服务争议的，可以依法向电信管理机构委托的电信用户申诉受理机构申诉。

Article 29 If there is any dispute over the SMS between a user and an SMS provider, the dispute may be submitted to a complaint settlement institution appointed by the Telecommunications Authorities for handling in accordance with the law.

第五章 监督管理

Chapter Five Supervision and Administration

第三十条 电信管理机构对短信息服务活动实施监督检查时，短信息服务提供者、短信息内容提供者应当予以配合并按照要求提供相关材料。

Article 30 When the Telecommunications Authorities carry out any supervision and inspection of the SMS activities, the SMS providers and short message content providers shall cooperate and provide relevant materials as required.

电信管理机构实施监督检查，应当记录监督检查的情况，不得妨碍短信息服务提供者、短信息内容提供者正常的经营或者服务活动，不得收取任何费用。

When the Telecommunications Authorities carry out any supervision and inspection, they shall keep records of the supervision and inspection, shall not impede any SMS provider or short message content provider from performing normal business or service activities, and shall not charge any fees.

第三十一条 电信管理机构实施电信业务经营许可年检时，应当对短信息服务提供者执行本规定的情况进行审查。

Article 31 When the Telecommunications Authorities carry out an annual inspection of the telecommunications business license of a telecommunications business operator, they shall audit the compliance of the SMS provider with these Regulations.

第三十二条 电信管理机构应当将短信息服务提供者违反本规定的行为记入信用档案并予以公布。必要时，电信管理机构可以对短信息服务提供者的负责人进行监管谈话。

Article 32 The Telecommunications Authorities shall include any violation of these Regulations by an SMS provider in a trustworthiness record and publish such record. When necessary, the Telecommunications Authorities may hold a regulatory interview with the principal of the SMS provider.

第六章 法律责任

Chapter Six Legal Liability

第三十三条 违反本规定第六条第一款、第十三条规定的，由电信管理机构依据《中华人民共和国电信条例》第六十九条规定处罚。

Article 33 In the event of any violation of Article 6.1 or Article 13 of these Regulations, the Telecommunications Authorities will impose a penalty in accordance with Article 69 of the *Regulations of the People's Republic of China on Telecommunications*.

第三十四条 基础电信业务经营者、短信息服务提供者违反本规定第七条至第十二条、第十五条、第十八条至第二十一条、第二十七条第三款规定的，由电信管理机构依据职权责令限期改正，予以警告，可以并处一万元以上三万元以下罚款，向社会公告。

Article 34 If any basic telecommunications business operator or SMS provider violates Article 7 to Article 12, Article 15, Article 18 to Article 21, or Article 27.3 of these Regulations, the Telecommunications Authorities, within their power, may order rectification within a specified period, issue a warning, impose a fine of RMB 10,000 to 30,000, and make a public announcement.

短信息内容提供者违反本规定第十八条至第二十一条规定的，由有关部门按照国家有关法律、行政法规予以处罚。

If any short message content provider violates Article 18 to Article 21 of these Regulations, the competent authorities will impose a penalty in accordance with applicable laws and administrative regulations.

第三十五条 违反本规定第十六条规定的，依据《中华人民共和国电信条例》第六十六条规定处罚。

Article 35 In the event of any violation of Article 16 of these Regulations, penalties will be imposed in accordance with Article 66 of the *Regulations of the People's Republic of China on Telecommunications*.

第三十六条 电信管理机构、举报中心工作人员在短信息服务监督管理工作中滥用职权、玩忽职守、徇私舞弊的，依法给予处理；构成犯罪的，依法追究刑事责任。

Article 36 In the event that any employees of the Telecommunications Authorities or the Report Center abuse their powers, commit dereliction of duty or practice graft in the supervision and administration of SMS, they will be punished in accordance with the law; where such act constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附则

Chapter Seven Supplemental Provisions

第三十七条 本规定下列用语的含义是：

Article 37 For the purposes of these Regulations, the following terms shall have the following meanings.

（一）短信息服务，是指利用电信网向移动电话、固定电话等通信终端用户，提供有限长度的文字、数据、声音、图像等信息的电信业务。

(1) The SMS means a telecommunications business that provides text, data, voice, image and other information of limited length via telecommunications networks to mobile phone users, landline phone users and users of other communication terminals.

(二) 短信息服务提供者，是指提供短信息发送、存储、转发和接收等基础网络服务，以及利用基础网络设施和服务为其他组织和个人发送短信息提供平台的电信业务经营者（包括但不限于基础电信业务、增值电信业务中的信息服务业务和移动通信转售业务经营者）。

(2) An SMS provider means a telecommunications business operator that provides the sending, saving, forwarding and receiving of short messages and other basic network services, and provides a platform for sending short messages for other organizations and individuals via basic network facilities and services, including without limitation operators of the information business and the mobile communication resale business in basic telecommunications services and value-added telecommunications services.

(三) 短信息内容提供者，是指将其短信息通过短信息服务提供者发送的组织或者个人。

(3) A short message content provider means an organization or individual that sends its short messages through an SMS provider.

(四) 端口类短信息，是指短信息服务提供者利用自有端口或者行业类应用端口发送的短信息。

(4) A port class short message means a short message sent by an SMS provider via its own port or an industrial application port.

(五) 商业性短信息，是指用于介绍、推销商品、服务或者商业投资机会的短信息。

(5) A commercial short message means a short message that promotes or markets any products, services or business investment opportunities.

(六) 公益性短信息，是指各级人民政府相关部门等单位向用户发送的，旨在服务社会公共利益，倡导社会公序良俗、预防或处置突发事件、提醒群众防灾避灾等非盈利性质的短信息。

(6) A public-benefit short message means a not-for-profit short message sent to users by the relevant departments of governments at all levels in order to serve the public interest, advocate public order and good social customs, prevent or handle emergencies, alert people to disasters, etc.

第三十八条 利用互联网向固定电话、移动电话等通信终端用户提供文字、数据、声音、图像等具有短信息特征的信息递送类服务，参照本规定执行。依法需经有关主管部门审核同意的，应当经有关部门审核同意。

Article 38 For services of transmission of text, data, voice, image and other information characterized as a short message to mobile phone users, landline phone users and users of other communication terminals via the Internet, these Regulations shall be referred to. Where the examination and approval of the competent authorities are required in accordance with the law, such examination and approval shall be obtained.

第三十九条 本规定自 2015 年 6 月 30 日起施行。

Article 39 These Regulations shall come into effect as of June 30, 2015.