

Official Secrets Act

"**Official Secrets Act**" is a term used in [Hong Kong](#), [India](#), [Ireland](#), [Myanmar](#), [Malaysia](#), [Singapore](#) and the [United Kingdom](#), and formerly in [Canada](#) and [New Zealand](#) for legislation that provides for the protection of state secrets and official information, mainly related to national security.

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Official Secrets Acts 1911 to 1939 warning sign in [Foulness](#), [Essex](#).

Countries and legislation

Jersey

- The [Official Secrets \(Jersey\) Law 1952](#)

India

- The [Official Secrets Act 1923](#)

New Zealand

- The [Official Secrets Act 1951](#)^[1]

Ireland

- The [Official Secrets Act 1963](#)^[2]

Singapore

- The Official Secrets Act (Cap. 213, 2012 Rev. Ed.) prohibits the disclosure of official documents and information.^{[3][4]} The Act was first introduced to Singapore in 1935 as the Official Secrets Ordinance.^[5] Section 5 of the Act prohibits the wrongful communication of information that is considered sensitive by the government.^{[6][7][8]}

United Kingdom

- Official Secrets Act 1889
- Official Secrets Act 1911
- Official Secrets Act 1920
- Official Secrets Act 1939
- Official Secrets Act 1989

People working with sensitive information are commonly required to sign a statement to the effect that they agree to abide by the restrictions of the Official Secrets Act. This is popularly referred to as "signing the Official Secrets Act". Signing this has no effect on which actions are legal, as the act is a law, not a contract, and individuals are bound by it whether or not they have signed the act. Signing it is intended more as a reminder to the person that they are under such obligations. To this end, it is common to sign this statement both before and after a period of employment that involves access to information classified as 'secret' (e.g. MI5/MI6).

Other legislation

In addition to the Official Secrets Acts, the Naval Discipline Act 1957 made it an offence to spy on-board Royal Navy ships or overseas bases. It was punishable by Life Imprisonment.^[9] This was a capital offence until 1981.

Canada

- The (UK) Official Secrets Act 1889 (52 & 53 Vict. c. 52) was adopted in Canada with minor modifications in 1890. Its provisions became part of the Criminal Code in 1892.
- The Official Secrets Act (Canada) 1939 replaced the Criminal Code provisions and utilised the provisions of The Official Secrets Acts 1911 and 1920 (UK). Amendments were made in 1950, 1967, 1970 and 1973.
- The Official Secrets Act (Canada) 1981 was the final version of the law adopted by the House of Commons.
- In 2001, the Official Act was repealed and replaced by the Security of Information Act.

22 prosecutions occurred under the Official Secrets Act in Canada, over half of which were in relation to the Gouzenko Affair. In 1989, Stephen Joseph Ratkai was charged and convicted under the Act, of espionage in relation to the SOSUS network site at Naval Station Argentia in Newfoundland.

Hong Kong

- The Official Secrets Ordinance 1997^[10] (27 June 1997, L.N. 369 of 1997, Originally c. 62 of 1997)

Malaysia

- Official Secrets Act 1972, Malaysia

Official Secrets Acts in other countries

The phrase *official secrets act* may also be used to refer to statutes of a similar nature in other countries. Canada's *Official Secrets Act* was replaced in 2001 by similar legislation titled the *Security of Information Act* (which was created in the wake of September 11th 2001 to replace the vaguely worded Official Secrets Act^[11]).

The United States does not have a broad-reaching Official Secrets Act, although the Espionage Act of 1917 has similar components. Much of the Espionage Act remains in force, although some has been struck down by the Supreme Court as unconstitutional because of the First Amendment (See *United States v. The Progressive, Brandenburg v. Ohio, New York Times Co. v. United States*). 18 U.S.C. § 798 (<https://www.law.cornell.edu/uscode/text/18/798>), enacted in 1951, makes dissemination of secret information involving cryptography, espionage, and surveillance illegal for all people, and is thus an "official secrets act" limited to those subjects.

In the Republic of Ireland the Official Secrets Act, 1963 (<http://www.irishstatutebook.ie/1963/en/act/pub/0001/index.html>) repealed previous British legislation of 1911 and 1920. The Official Secrets Act, as amended, applies to all civil servants and potentially anyone within the state. A suit may only be instigated at the approval of the Attorney General of Ireland, additionally proceedings may occur in camera but the verdict and any sentence must occur in public.

Malaysia has an Official Secrets Act (also referred to as the OSA) prohibiting the collection, possession or distribution of information marked as an official secret—an action which can be made by any public officer. The certification of a document as an official secret is not subject to judicial review, and a violation of the act is punishable with between one and seven years' imprisonment. The act has been controversial for its use to silence dissent and stifling anti-corruption activities.^[12]

Australia has Part VII of the Crimes Act 1914 (Commonwealth), entitled *Official Secrets and Unlawful Soundings*.

See also

- D-Notice
- List of short titles

Notes and references

1. This Act was repealed by section 51 (<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM65916.html>) of the Official Information Act 1982 with effect from 1 July 1983 (s.1(2) (<http://www.legislation.govt.nz/act/public/1982/0156/latest/DLM64789.html>))
2. "Official Secrets Act, 1963" (<http://www.irishstatutebook.ie/eli/1963/act/1/enacted/en/index.html>). *electronic Irish Statute Book*. Government of Ireland. Retrieved 4 May 2017.
3. "Official Secrets Act (Chapter 213)" (<http://statutes.agc.gov.sg/aol/search/display/view.w3p;ident=b9adf7f9-8f02-40de-91df-2b06d75b5d6d;page=0;query=DocId%3A3bc8b443-65c7-4c42-a4c3-49b650267c16%20Depth%3A0%20ValidTime%3A13%2F11%2F2017%20TransactionTime%3A13%2F11%2F2017%20Status%3Ainforce;rec=0>). Government of Singapore.
4. Tan, Kevin Y.L. (2011). *Constitutional law in Singapore*. Alphen aan den Rijn, The Netherlands: Kluwer Law International. ISBN 9789041136282.
5. "Section 5 of the Official Secrets Act, Bridges and Beyond" (https://www.researchgate.net/publication/228223944_Section_5_of_the_Official_Secrets_Act_Bridges_and_Beyond). *ResearchGate*.
6. "Singapore Puts Top Prosecutor On News Leak" (https://www.nytimes.com/1993/10/22/news/22iht-sing_0.html).
7. "HDB officer charged with giving 'confidential' info to ST reporter" (<http://www.todayonline.com/singapore/hdb-officer-who-gave-confidential-info-st-reporter-be-charged-breaching-official-secrets>).
8. "Official Secrets Act covers more than just secret information: Experts" (<http://www.todayonline.com/singapore/official-secrets-act-covers-more-just-secret-information-experts>). *www.todayonline.com*. 14 November 2017. "OSA "covers more than just information that is secret", media law experts pointed out. "As long as the information in the latter category has one of the connecting factors mentioned, such as if it has been obtained by someone due to his position holding office under the Government, then it will be protected by the Act even if it is not secret,""

9. Naval Discipline Act 1957 (c. 53), Part III Provisions relating to civilians and civil authorities, Section 93 (<http://www.statutelaw.gov.uk/content.aspx?LegType=All+Legislation&Year=1957&searchEnacted=0&extentMatchOnly=0&confersPower=0&blanketAmendment=0&sortAlpha=0&TYPE=QS&PageNumber=1&NavFrom=0&parentActiveTextDocId=1292014&ActiveTextDocId=1292225&filesize=2764>). Accessed 15 January 2008.
10. <https://www.elegislation.gov.hk/hk/cap521>
11. Don Butler, "Judge quashes law, warrants authorizing RCMP raid on Citizen reporter" (<http://www.canada.com/theprovince/news/story.html?id=2504f6b0-4ba0-4441-82bb-56dd1c784bd8&k=48585>), *The Province*, 19 October 2006. Accessed 15 January 2008.
12. Pauline Puah, "OSA stays, says Nazri" (<http://www.malaysia-today.net/Blog-n/2006/09/osa-stays-says-nazri.htm>) Archived (<https://web.archive.org/web/20061129174112/http://www.malaysia-today.net/Blog-n/2006/09/osa-stays-says-nazri.htm>) 29 November 2006 at the *Wayback Machine*, *Malaysia Today*, 19 September 2006.

External links

- [Troubled history of Official Secrets Act](http://news.bbc.co.uk/1/hi/uk/216868.stm) (<http://news.bbc.co.uk/1/hi/uk/216868.stm>), *BBC News Online*
 - [Canada's Security of Information Act](http://laws.justice.gc.ca/en/O-5/101934.html) (<http://laws.justice.gc.ca/en/O-5/101934.html>)
 - Christopher Moran, *Classified: Secrecy and the State in Modern Britain* (Cambridge: Cambridge University Press, 2012).
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