



Official Secrets Act 1989

1989 CHAPTER 6

3 International relations.

- (1) A person who is or has been a Crown servant or government contractor is guilty of an offence if without lawful authority he makes a damaging disclosure of—
 - (a) any information, document or other article relating to international relations; or
 - (b) any confidential information, document or other article which was obtained from a State other than the United Kingdom or an international organisation, being information or a document or article which is or has been in his possession by virtue of his position as a Crown servant or government contractor.
- (2) For the purposes of subsection (1) above a disclosure is damaging if—
 - (a) it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests or endangers the safety of British citizens abroad; or
 - (b) it is of information or of a document or article which is such that its unauthorised disclosure would be likely to have any of those effects.
- (3) In the case of information or a document or article within subsection (1)(b) above—
 - (a) the fact that it is confidential, or
 - (b) its nature or contents,may be sufficient to establish for the purposes of subsection (2)(b) above that the information, document or article is such that its unauthorised disclosure would be likely to have any of the effects there mentioned.
- (4) It is a defence for a person charged with an offence under this section to prove that at the time of the alleged offence he did not know, and had no reasonable cause to believe, that the information, document or article in question was such as is mentioned in subsection (1) above or that its disclosure would be damaging within the meaning of that subsection.
- (5) In this section “international relations” means the relations between States, between international organisations or between one or more States and one or more such organisations and includes any matter relating to a State other than the United

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Kingdom or to an international organisation which is capable of affecting the relations of the United Kingdom with another State or with an international organisation.

- (6) For the purposes of this section any information, document or article obtained from a State or organisation is confidential at any time while the terms on which it was obtained require it to be held in confidence or while the circumstances in which it was obtained make it reasonable for the State or organisation to expect that it would be so held.

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