

Will your story contravene the Official Secrets Act 1989?

Class of information	Who does it apply to?	The offence	Disclosure damaging if	Defences
<p><i>Information resulting from unauthorised disclosures or entrusted in confidence (section 5)</i></p>	<p>A person into whose possession the information protected under Classes 1 to 5 has come, as a result of having been</p> <p>(a) disclosed (whether to him or another) by a Crown servant or government contractor without lawful authority; or</p> <p>(b) entrusted to him by a Crown servant or government contractor on terms requiring it to be held in confidence or in circumstances in which the Crown servant or government contractor could reasonably expect that it would be so held; or</p> <p>(c) disclosed (whether to him or another) without lawful authority by a person to whom it was entrusted as above</p>	<p>Guilty if he discloses it without lawful authority knowing, or having reasonable cause to believe, that it is protected against disclosure by the provisions of the Act and that it came into his possession as stated</p> <p>The offence in respect of Classes 1, 2, and 3 is not committed unless</p> <p>(a) the disclosure is damaging; and</p> <p>(b) the person makes the disclosure knowing, or having reasonable cause to believe, that it would be damaging</p> <p>The offence is not committed if the information was disclosed as mentioned in (a) or (c) in column 2 but the person making the disclosure was not a British citizen or the disclosure did not take place in the United Kingdom, Channel Islands, Isle of Man, or a colony</p>	<p>Same test as with Crown servant or government contractor in Classes 1, 2, 3. Damage is assumed in Classes 4 and 5</p>	

<p><i>Class 1 Security and intelligence (section 1). Defined as: The work of, or in support of, the security and intelligence services or any part of them, and references to information relating to security or intelligence include references to information held or transmitted by those services or by persons in support of, or any part of them</i></p>	<p>A person who is or has been:(a) a member of the security and intelligence services; or(b) a person notified that he is subject to the provisions of this subsection</p>	<p>Guilty if without lawful authority he discloses any information, document, or other article relating to security or intelligence which came into his possession because of his work as a member of any of those services or in the course of his work while the notification is or was in force</p>	<p>No proof of damage required</p>	<p>At the time of the alleged offence the defendant did not know, and had no reasonable cause to believe, that the information related to security or intelligence</p>
<p><i>Class 1 continued</i></p>	<p>A person who is or has been a Crown servant or government contractor</p>	<p>Guilty if without lawful authority he makes a damaging disclosure of any information etc. relating to security or intelligence which came into his possession because of his work</p>	<p>(a) it causes damage to the work of, or of any part of, the security and intelligence services; or (b) it is of information etc. which is such that</p>	<p>At the time of the alleged offence the defendant (a) did not know, and had no reasonable cause to believe, that the information related to security</p>

			its unauthorised disclosure would be likely to cause such damage or which falls within a class or description of information etc. the unauthorised disclosure of which would be likely to have that effect	or intelligence or (b) that disclosure would be damaging
<p><i>Class 2 Defence (section 2)</i> <i>Defined as:</i> <i>(a) the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;</i> <i>(b) the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and</i></p>	A person who is or has been a Crown servant or government contractor	Guilty if without lawful authority he makes a damaging disclosure of any information relating to defence which is or has been in his possession by virtue of his work	(a) it damages the capability of, or of any part of, the armed forces of the Crown to carry out their tasks or leads to loss of life or injury to members of those forces or serious damage to the equipment or installations of those forces; or (b) it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests, or	At the time of the alleged offence the defendant (a) did not know, and had no reasonable cause to believe, that the information etc related to defence; or (b) that its disclosure would be damaging

<p><i>research relating to it;</i> <i>(c) defence policy and strategy and military planning and intelligence;</i> <i>(d) plans and measures for the maintenance of essential supplies and services that are or would be needed in time of war</i></p>			<p>endangers the safety of British citizens abroad; or (c) it is of information etc. which is such that its unauthorised disclosure would be likely to have any of those effects</p>	
<p><i>Class 3 International relations (section 3). Defined as: 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 Kingdom or to an international</i></p>	<p>A person who is or has been a Crown servant or government contractor</p>	<p>Guilty if without lawful authority he makes a damaging disclosure of (a) any information etc relating to international relations; or (b) any confidential information etc which was obtained from a state other than the United Kingdom or an international organisation where such information has come into his possession because of his work</p>	<p>(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 which is such that its unauthorised disclosure would be likely to have any of those effects. In the</p>	<p>At the time of the alleged offence the defendant did not know, and had no reasonable cause to believe, that the information was such as is mentioned in column 3 or that its disclosure would be damaging</p>

<i>organisation which is capable of affecting the relations of the United Kingdom with another state or with an international organisation</i>			case of information under (b) in column 3, its nature or contents may be sufficient to establish that the information was 'such that' etc.	
<i>Class 4, Crime (section 4). Not defined</i>	A person who is or has been a Crown servant or government contractor	Guilty if without lawful authority he discloses any information etc to which this section applies and which came into his possession because of his work This section applies to any information, document, or other article (a) the disclosure of which (i) results in the commission of an offence; or (ii) facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping or persons in legal custody; or (iii) impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders; or (b) which is such that its unauthorised disclosure would be likely to have any of those effects	No proof of damage required	At the time of an alleged offence under (a) the defendant did not know, and had no reasonable cause to believe, that the disclosure would have any of the effects mentioned At the time of any alleged offence under (b), the defendant did not know, and had no reasonable cause to believe, that the information was information to which this section applies
<i>Class 5 Special</i>	A person who is or has been a	Guilty if without lawful	No proof of damage	At the time of the

<p><i>investigation powers (section 4 also). Not defined</i></p>	<p>Crown servant or government contractor</p>	<p>authority he discloses any information to which this section applies and which came into his possession through his work</p> <p>This section applies to any information obtained by execution of a warrant permitting phone-tapping or other surveillance or searches by the police or security services; or to information relating to the obtaining of information by such means; or to any document 'which is or has been used or held for use in' any interception</p>	<p>required</p>	<p>alleged offence, the defendant did not know, and had no reasonable cause to believe, that the information was information to which this section applies</p>
<p><i>Class 6 Information entrusted in confidence to other states or international organisations (section 6)</i></p>	<p>A person into whose possession information has come and that information (i) relates to security or intelligence, defence, or international relations; and (ii) has been communicated in confidence by or on behalf of the United Kingdom to another state or to an international organisation and has come into the person's possession as a result of having been disclosed (whether to him</p>	<p>Guilty if he makes a damaging disclosure of the information knowing, or having reasonable cause to believe, that it is such as is mentioned in column 2, that it has come into his possession as mentioned, and that its disclosure would be damaging</p> <p>The offence does not occur if the information is disclosed with lawful authority or has previously been made available to the public with</p>	<p>Same test as for Crown servant disclosing information on security, intelligence, defence, or international relations</p>	

	or another) without the authority of that state or organisation or, in the case of an organisation, of a state which is a member of it	the authority of the state or organisation concerned or, in the case of an organisation, of a state which is a member of it		
<i>Official Secrets Act 1911</i>	A person who has information in his possession which he knows or has reasonable cause to believe has come into his possession as a result of a contravention of Section 1 of the Official Secrets Act 1911	Guilty if without lawful authority he discloses the information		