

# A BILL

## FOR

AN ACT TO AMEND THE OFFICIAL SECRET ACT, CAP. C23 TO PROVIDE FOR THE TRAINING OF EVERY PERSONNEL/PUBLIC OR CIVIL SERVANT, AND TO ALSO PROVIDE STIFFER PENALTIES FOR OFFENDERS AND FOR RELATED MATTERS, 2019

*Sponsored by Hon. Samuel Chinedu Nwuaso*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1           1.-(1) the Official Secret Act Cap. C23 (hereinafter referred to as  
2 'the Principal Act') is amended as follows-

Amendment of  
the Official Secret  
Act Cap. C23

3           2. Section 1 of the Official Secret Act is Amended by Introducing  
4 a New Sub-Section I (4) as follows:

Amendment of  
Section 1

5           1. Protection of official Information, etc.

6           (1) Subject to subsection (3) of this section, a person who-

7           (a) transmits any classified matter to a person to whom he is not  
8 authorized on behalf of the government to transmit it; or

9           (b) obtains, reproduces or retains any classified matter which he is  
10 not authorised on behalf of the government to obtain, reproduce or retain, as  
11 the case may be, is guilty of an offence.

12           (2) A public officer who fails to comply with any instructions given  
13 to him on behalf of the government as to the safeguarding of any classified  
14 matter which by virtue of his office is obtained by him or under his control is  
15 guilty of an offence.

16           (3) In proceedings for an offence under subsection (1) of this  
17 section relating to any classified matter, it shall be a defence to prove that-

18           (a) when the accused transmitted, obtained, reproduced or retained  
19 the matter, as the case may be, he did not know and could not reasonably

1 have been expected to believe that it was classified matter; and

2 (b) when he knew or could reasonably have been expected to believe  
3 that the matter was classified matter, he forthwith placed his knowledge of the  
4 case at the disposal of the Nigerian Police Force.

5 (4) Training of every Personnel, Public or Civil Servant:

6 It shall be the responsibility of the Government to train every Personnel, Public  
7 or Civil Servant on Security of Document in the Armed Forces, Para-Military,  
8 Public or Civil Service.

Amendment of  
Section 4

9 3. Section 4 Sub-Section (2) of the Principal Act is amended by  
10 Substituting and increasing the existing amount of fine from N100 to  
11 N1,000,000.00 and also increasing the existing jail term from Three (3)  
12 Months to Three (3) Years as follows:

13 (2) Regulations under this section may contain such incidental and  
14 supplementary provisions as the Minister considers expedient for the purposes  
15 of the regulations, including in particular provisions imposing penalties (not  
16 exceeding imprisonment for a term of Three (3) Years or a fine of One Million  
17 Naira (N1,000,000.00) or both) for any failure to comply with the regulations;  
18 and the regulations may make different provisions for different  
19 circumstances.

Amendment of  
Section 7

20 4. Section 7 Sub-Section (1) (b) and (2) of the Principal Act is  
21 amended by Substituting and increasing the existing amount of fine from N200  
22 to N2,000,000.00 and also increasing the existing jail term from Three (3)  
23 Months to Three (3) Years as follows:

24 (b) on summary conviction, to imprisonment for a term not exceeding  
25 two years or a fine of an amount not exceeding Two Million Naira  
26 (N2,000,000.00) or to both such imprisonment and fine.

27 (2) A person who commits an offence under section 5 of this Act is  
28 liable on summary conviction to imprisonment for a term not exceeding Three

29 (3) Years or a fine of an amount not exceeding Two Million Naira  
30 (N2,000,000.00) or to both such imprisonment and fine.

1	5. In this Bill-	Interpretation
2	"Personnel" means Officers of the Armed Forces, Para-Military, and the	
3	likes;	
4	"Public or Civil Servant" means Officers in the Civil Serv. ce.	
5	6. This Bill may be cited as the Official Secret Act (Amendment)	Short title
6	Bill, 2019.	

## EXPLANATORY MEMORANDUM

This Bill seeks to Amend the Official Secret Act Cap. C23 to Provide for the Training of Every Personnel and Pubic or Civil Servant and also to Provide Stiffer Penalties.

This Bill also seek to make it mandatory for the Armed Forces, Ministry, Departments and Agencies (MDAs) to Train its Personnel and Officers on the importance of Document Protection and Security.

This Bill is necessitated to meet Contemporary Realities and International Best Practices.

