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 Nwusaro

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

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

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

1. Protection of official Information, etc.
(1) Subject to subsection (3) of this section, a person who-
(a) transmits any classified matter to a person to whom he is not
authorized on behalf of the government to transmit it; or
(b) obtains, reproduces or retains any classified matter which he is
not authorized on behalf of the government to obtain, reproduce or retain, as
the case may be, is guilty of an offence.

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

(3) In proceedings for an offence under subsection (1) of this
section relating to any classified matter, it shall be a defence to prove that-
(a) when the accused transmitted, obtained, reproduced or retained
the matter, as the case may be, he did not know and could not reasonably
have been expected to believe that it was classified matter; and
(b) when he knew or could reasonably have been expected to believe
that the matter was classified matter, he forthwith placed his knowledge of the
case at the disposal of the Nigerian Police Force.
(4) Training of every Personnel, Public or Civil Servant:
It shall be the responsibility of the Government to train every Personnel, Public
or Civil Servant on Security of Document in the Armed Forces, Para-Military,
Public or Civil Service.

3. Section 4 Sub-Section (2) of the Principal Act is amended by
Substituting and increasing the existing amount of fine from N100 to
N1,000,000.00 and also increasing the existing jail term from Three (3)
Months to Three (3) Years as follows;
(2) Regulations under this section may contain such incidental and
supplementary provisions as the Minister considers expedient for the purposes
of the regulations, including in particular provisions imposing penalties (not
exceeding imprisonment for a term of Three (3) Years or a fine of One Million
Naira (N1,000,000.00) or both) for any failure to comply with the regulations;
and the regulations may make different provisions for different
circumstances.

4. Section 7 Sub-Section (1) (b) and (2) of the Principal Act is
amended by Substituting and increasing the existing amount of fine from N200
to N2,000,000.00 and also increasing the existing jail term from Three (3)
Months to Three (3) Years as follows:
(b) on summary conviction, to imprisonment for a term not exceeding
two years or a fine of an amount not exceeding Two Million Naira
(N2,000,000.00) or to both such imprisonment and fine.
(2) A person who commits an offence under section 5 of this Act is
liable on summary conviction to imprisonment for a term not exceeding Three
(3) Years or a fine of an amount not exceeding Two Million Naira
(N2,000,000.00) or to both such imprisonment and fine.
5. In this Bill-

"Personnel" means Officers of the Armed Forces, Para-Military, and the
likes;

"Public or Civil Servant" means Officers in the Civil Service.

6. This Bill may be cited as the Official Secret Act (Amendment)

Bill, 2019.

EXPLANATORY MEMORANDUM

This Bill seeks to Amend the Official Secret Act Cap. C23 to Provide for the
Training of Every Personnel and Public 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.