

A LEGAL REVIEW ON THE CLASSIFICATION OF OFFICIAL  
SECRETS UNDER THE OFFICIAL SECRETS ACT 1972

BY

Amirul Ezuan Bin AzizulKarim (2011889152)

Harshaan Bin Mohd Zamani (2011694832)

Mohd Arif Bin Ismail (2011220296)

Muhammad Shakeel Bin Mohd Saifuzzaman (2011600852)

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## **ABSTRACT**

This project paper is concerned on the official secrets particularly classification of official secrets under the Official Secrets Act 1972. Basically, section 2(1) of the Official Secrets Act 1972 provides the definition of official secrets in which it includes scheduled official secrets and classified official secrets. However, this definition is too broad as there is no clear definition of classified official secrets. Further, it is unclear as to what types of documents that fall under the category of information that may be classified as secret. The scope of this project paper analyses the comprehensiveness and effectiveness of laws with regard to classification of information in Malaysia, India and United States of America. Besides, this project paper compares the development of laws with respect to classification of information that took place effectively in India and United States of America. As a result, certain recommendations are proposed to review and amend the current law in regard to classified official secrets which is provided under the Official Secrets Act 1972.

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# 1. CHAPTER ONE: INTRODUCTION

## 1.1 Research Background

Official Secrets in Malaya was first protected under the United Kingdom's Official Secrets Ordinance of the States of Malaya and another for the State of Sabah. The current Act was brought into force in 1972 and was amended in 1984, 1987 and 1995.<sup>1</sup> The Official Secrets Act 1972 was based on the British Official Secret Act 1911, which was enacted in preparation for the World War 1. In Malaysia, the Act was ordered not long after the racial uproars in 1969 and it was passed in parliament in 1971.<sup>2</sup> The Official Secrets Act 1972 seeks to protect 'official secrets' from any unauthorized release.

An official secret is simply defined as 'any document specified in the Schedule and any information and material relating thereto and includes any other official document, information, and material as may be classified as "Top Secret", "Secret", "Confidential" or "Restricted", as the case may be, by a Minister, the Menteri Besar or Chief Minister of a state or such Public Officer appointed under Section 2B".<sup>3</sup> ("The Official Secrets Act 1972," Sept 2010)

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<sup>1</sup>"The Official Secrets Act 1972," Centre For Independent Journalism, <http://cijmalaysia.org/miniportal/2010/09/the-official-secrets-act-1972-osa/>.

<sup>2</sup>Mpaweb.org.my (2013). *MPA - Malaysian Paediatric Association*. [online] Retrieved from: <http://www.mpaweb.org.my/article.php?aid=474> [Accessed: 22 Dec 2013].

<sup>3</sup>"The Official Secrets Act 1972".