

SCHEDULE 2  
TO THE ORDER

OFFICIAL SECRETS ACT 1989, AS EXTENDED TO HONG KONG

**Information entrusted in confidence to territories, States or international organisations.**

6.—(1) This section applies where—

(a) any information, document or other article which—

(i) relates to security or intelligence, defence or international relations; and

(ii) has been communicated in confidence by or on behalf of the Government of Hong Kong or by or on behalf of the United Kingdom to another territory or State or to an international organisation,

has come into a person's possession as a result of having been disclosed (whether to him or another) without the authority of that territory, State or organisation or, in the case of an organisation, of a member of it; and

(b) the disclosure without lawful authority of the information, document or article by the person into whose possession it has come is not an offence under any of the foregoing provisions of this Act.

(2) Subject to subsection (3) below, the person into whose possession the information, document or article has come is guilty of an offence if he makes a damaging disclosure of it knowing, or having reasonable cause to believe, that it is such as is mentioned in subsection (1) above, that it has come into his possession as there mentioned and that its disclosure would be damaging.

(3) A person does not commit an offence under subsection (2) above if the information, document or article is disclosed by him with lawful authority or has previously been made available to the public with the authority of the territory, State or organisation concerned or, in the case of an organisation, of a member of it.

(4) For the purposes of this section “security or intelligence”, “defence” and “international relations” have the same meaning as in sections 1, 2 and 3 above and the question whether a disclosure is damaging shall be determined as it would be in relation to a disclosure of the information, document or article in question by a Crown servant in contravention of section 1(3), 2(1) and 3(1) above.

(5) For the purposes of this section information or a document or article is communicated in confidence if it is communicated on terms requiring it to be held in confidence or in circumstances in which the person communicating it could reasonably expect that it would be so held.