

SCHEDULE 2  
TO THE ORDER

OFFICIAL SECRETS ACT 1989, AS EXTENDED TO HONG KONG

**Authorised disclosures.**

7.—(1) For the purposes of this Act a disclosure by—

- (a) a Crown servant; or
- (b) a person, not being a Crown servant or government contractor, in whose case a notification for the purposes of section 1(1) above is in force,

is made with lawful authority if, and only if, it is made in accordance with his official duty.

(2) For the purposes of this Act a disclosure by a government contractor is made with lawful authority if, and only if, it is made—

- (a) in accordance with an official authorisation; or
- (b) for the purposes of the functions by virtue of which he is a government contractor and without contravening an official restriction.

(3) For the purposes of this Act a disclosure made by any other person is made with lawful authority if, and only if, it is made

- (a) to a Crown servant for the purposes of his functions as such; or
- (b) in accordance with an official authorisation.

(4) It is a defence for a person charged with an offence under any of the foregoing provisions of this Act to prove that at the time of the alleged offence he believed that he had lawful authority to make the disclosure in question and had no reasonable cause to believe otherwise.

(5) In this section “official authorisation” and “official restriction” mean, subject to subsection (6) below, an authorisation or restriction duly given or imposed by a Crown servant or government contractor or by or on behalf of a prescribed body or a body of a prescribed class.

(6) In relation to section 6 above “official authorisation” includes an authorisation duly given by or on behalf of the territory, State or organisation concerned or, in the case of an organisation, a member of it.