

JOINT CIRCULAR MEMORANDUM

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TO: All Residents.
All Permanent Secretaries of Ministries.
All Heads of State and Federal Departments.

SUBJECT: Declaration of Secrecy

OUR REF: 30/EO/2482 DATE: 31st January, 1978.

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This circular is necessary in view of a recent case in which the Head of a certain Department was discovered showing an official confidential correspondence to a person who is not a member of the public service. This may well appear at first sight to be just a breach of security which involves only disciplinary action but Government officers should not forget that a culpable negligence is also an offence under the Official Secrets Act, 1972, which carries a penalty of up to seven years and fine.

2. All Government officers should be fully aware of their responsibilities relating to the protection of Government official secrets or documents. It becomes necessary also to remind officers of their pledge of honour to observe strict secrecy when they signed the following declaration on the day of their appointment:-

" DECLARATION OF SECRECY

I, THE UNDERSIGNED, being a Civil Servant in the employ of the Federal/State Government, do hereby pledge myself on my honour to observe a strict secrecy respecting all matters of a confidential nature which may come to my knowledge in the discharge of my official duties.

AND I FURTHER PLEDGE MYSELF, on my honour, not to make use of other than for official purposes or reveal to anyone contrary to my duty any matters which may come to my knowledge in the discharge of my official duties, and also not to supply to anyone any information respecting any such matters, except as and when required so to do by law, or by the regulations of the Service, or by my superior officers, or except as my official duty shall otherwise require".

3. Your attention is also drawn to the provisions of the Official Secrets Act, 1972, and the implications contained therein. In particular, your attention is drawn to the provision of section 8(1) which is reproduced hereunder. This provision makes it an offence to communicate official matters to any unauthorised person etc. The penalty imposed is imprisonment up to seven years or a fine not exceeding \$10,000/- or both such imprisonment and fine.

"8.(1) If any person having in his possession or control any secret official code word, countersign or password, or any article, document or information which -

(a) relates to or is used in a prohibited place or relates to anything in such a place; or

(b) relates to munitions of war; or

(c) has been made or obtained in contravention of this Act; or

(d) has been entrusted in confidence to him by any public officer; or

(e) he has made or obtained, or to which he has had access, owing to his position as a person who holds or has held office in the public service, or as a person who holds, or has held a contract made on behalf of the Government, or as a person who is or has been employed by or under a person who holds or has held such an office or contract,

does any of the following -

(i) communicates directly or indirectly any such information or thing to any foreign country other than any foreign country to whom he is duly authorised to communicate it, or any person other than a person to whom he is duly authorised to communicate it or to whom it is his duty to communicate it; or

(ii) uses any such information or thing as aforesaid for the benefit of any foreign country other than any foreign country for whose benefit he is duly authorised to use it, or in any other manner prejudicial to the safety or interests of Malaysia; or


(iii) retains in his possession or control any such thing as aforesaid when he has no right to retain it, or when it is contrary to his duty to retain it, or fails to comply with all lawful directions issued by lawful authority with regard to the return or disposal thereof; or

(iv) fails to take reasonable care of, or so conducts himself as to endanger the safety or secrecy of, any such information or thing,

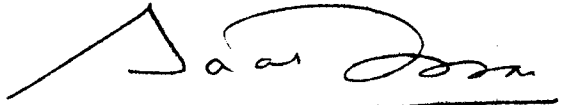
he shall be guilty of an offence punishable with imprisonment not exceeding seven years or a fine not exceeding ten thousand dollars, or both such imprisonment and fine.

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4. It is necessary therefore to remind all Heads of Departments and officers again that careful attention to security is one of the essential parts of their job. Government officers occupy one of the most responsible posts in the State and it is expected of them to maintain a high standard of integrity and security at all times. If an officer is entrusted with confidential documents or information he should never disclose this to anyone, even though he or she may be a member of the staff unless he or she has been cleared to receive it. Stringent action will be taken against any officer for divulging or disclosing official confidential documents to any member of the public or any unauthorised persons.



(MD. SANI ADAM)
for Federal Secretary,
Sarawak



(HAJI SA'AD HASSAN)
for State Secretary,
Sarawak