

REPUBLIC OF KENYA

OFFICIAL SECRETS ACT, 1968

DECLARATION

To be signed by civil Servants on Appointment

My attention has been drawn to the provisions of the Official Secrets Act, 1968, which are set out on the back of this document, and I am fully aware of the serious consequences which may follow any breach of these provisions.

I understand that the sections of the Official Secrets Act set out on the back of this document, cover material published in a speech, lecture, or radio or television broadcast, or in the Press, or in book form. I am aware that I should not divulge any information gained by me as a result of my appointment, to any unauthorized person, either orally or in writing without the previous official sanction in writing of the Department appointing me, to which written application should be made and two copies of the proposed publication be forwarded. I understand also that I am liable to be prosecuted if I publish without official sanction any information I may acquire in the course of my tenure of an official appointment (unless it has already officially been made public) or retain without official sanction any sketch, plan, model, article, note or official documents which are no longer needed for my official duties, and that these provisions apply not only during the period of my appointment but also after my appointment has ceased.

Signed

Witnessed

.....Date.....

EXTRACTS FROM THE OFFICIAL SECRETS AT, 1968

Part II, section 3 of the Official Secrets Act, 1968 provides as follows:

3. (1) Any person who, for any purpose prejudicial to the safety or interests of the Republic

(a) Approaches, inspects, passes over, is in the neighbourhood of or enters a prohibited place or

(b) makes any plan that is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power or disaffected person or

(c) obtains, collects, records, publishes or communicates in whatever manner to any other person any code word, plan, article, document or information which is calculated to be or might be or is intended to be directly or indirectly useful to a foreign power or disaffected person, shall be guilty of an offence

(2) Any person who takes a photograph of a prohibited place or who takes a photograph in a prohibited place, without having first obtained the authority of the officer in charge of the prohibited place, shall be guilty of an offence

(3) Any person who has in his possession or under his control any code word, plan, article, document or information which

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

(b) Has been made or obtained in contravention of this Act or

(c) Has been entrusted in confidence to him by any person holding office under the Government: or

(d) has been entrusted in confidence to him owing to his position as a person who holds or has held a contract made on behalf of the Government or a contract the performance of which in whole or in part is carried out in a prohibited place or as a person who is or has been employed under a person who holds or has held such an office or contract.

And who for any purpose or in any manner prejudicial to the safety or interests of the Republic

(i) Uses the code word, plan, article, document or information of

(ii) retains the plan, article or document in the possession or under his control when he has no right so to retain it or when it is contrary to his duty so to retain it, or fails to comply with all directions issued by lawful authority with regard to its return or disposal

Shall be guilty of an offence

(4) Any person who, having in his possession or under his control any plan, article, document or information that relates to munitions of war, communicates its directly or indirectly to any foreign power or to any other person for any purpose or in any manner prejudicial to the safety or interests of the Republic, shall be guilty of an offence.

(5) Any person who receives any code word, plan, article, document or information knowing or having reasonable grounds for believing at the time when he receives it, that the code word, plan, article, documents or information is communicated to him in contravention of this Act, shall be guilty of an offence, unless he proves that the communication to him of the code word, plan, article, document or information was contrary to his wishes.

(6) Any person who has in his possession or under his control any code word, plan, article, document or information of a kind or in the circumstances mentioned in paragraphs (a) to (d) inclusive of subsection (3) of this section, and who

(a) communicates the code word, plan, article, document or information to any person, other than a person to whom he is authorized to communicate it or to whom it is duty to communicate it or

(b) retains the plan, article or document in his possession or under his control when he has no right so to retain it or when it is contrary to his duty so to retain it, or fails to comply with all directions issued by lawful authority with regard to the return or disposal thereof or:

(c) fails to take reasonable care of, or so conducts himself as to endanger the safety or, the code word, plan article document or information

Shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

(7) Any person who

(a) allows any other person to have possession of any official document issued for his use alone, or communicates to any, other person any code word so issued: or

(b) without lawful authority or excuse, has in his possession any official document or code issued for the use alone of some person other than himself; or

(c) on obtaining possession of any official document by finding or otherwise neglects or fails to restore it to the person or authority by whom or for whose use it was issued or to a police officer,

Shall be guilty of an offence and liable to imprisonment for a term not exceeding five years.

Part IV, section 20 of the Official Secrets Act, 1968 provides as follows;

20. Any person who is guilty of an offence under this Act for which no penalty is specifically provided shall be liable to imprisonment for a term not exceeding fourteen years.