

PROPOSED BUSINESS PROCESS FOR CLASSIFICATION, DECLASSIFICATION AND RECLASSIFICATION OF STATE INFORMATION

CLASSIFICATION

Authority to classify

Nature of Classified State Information

Conditions for Classification

Methods of Classification

Levels of Classification

Review of Classified Information

Appeals against Classified information

Report and return of classified information

Protection of classified information before Courts

DECLASSIFICATION

Authority to declassify

Conditions for declassification

Establishment of a National Declassification Database (NDD)

Release of declassified information to the Public

Transfer of Public Records to National Archives

RECLASSIFICATION

Authority to reclassify

Conditions for reclassification

Maximum period for classification

Attempt, conspiracy and inducing another person to commit offence

37. Any person who attempts, conspires with any other person, or aids, abets, induces, instigates, instructs or commands, counsels or procures another person to commit an offence in terms of this Act, is guilty of an offence and liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

[Disclosure of classified and related information]

38. Any person who discloses classified information or information referred to in section 11(3)(g) outside of the manner and purposes of this Act except where such disclosure is for a purpose and in a manner authorised by law, is guilty of an offence and liable on conviction to imprisonment for a period not less than three years but not exceeding five years, subject to section 1(6).]

Disclosure of classified ^{delete} and related information

38. Any person who unlawfully discloses classified information in contravention of this Act is guilty of an offence and liable on conviction to imprisonment for a period
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[not less than three years but] not exceeding five years, except where such disclosure
is –

- (a) protected under the Protected Disclosures Act, 2000 (Act No 26 of 2000), or
section 159 of the Companies Act, 2008 (Act No 71 of 2008); or

(b) *any other Act.*