

**ESTABLISHMENT OF A FILING OR RECORD-KEEPING SYSTEM OF VALUABLE INFORMATION**

To create a register of valuable information, the head of an organ of state may, as prescribed, establish a filing or record-keeping system. The head of an organ of state may assign items of information, files, integral file blocks, file series or categories of state information in advance to a filing or record-keeping system.

**DISESTABLISHMENT OF A FILING OR RECORD KEEPING SYSTEM OF VALUABLE INFORMATION**

To disestablish a register of valuable information, the head of an organ of state may, as prescribed, disestablish a filing or record-keeping system. The head of an organ of state may remove items of information, files, integral file blocks, file series or categories of state information from a filing or record-keeping system.

**ESTABLISHMENT OF A FILING OR RECORD-KEEPING SYSTEM OF CLASSIFIED INFORMATION**

To create a register of classified information, the head of an organ of state may, as prescribed, classify a filing or record-keeping system. The head of an organ of state may classify items of information, files, integral file blocks, file series or categories of state information in advance.

**DISESTABLISHMENT OF A FILING OR RECORD KEEPING SYSTEM OF CLASSIFIED INFORMATION**

To disestablish a register of classified information, the head of an organ of state may declassify a filing or record-keeping system. The head of an organ of state may declassify items of information, files, integral file blocks, file series or categories of state information.

## DEFINITIONS

**'Classified information'** means the product of a process of classification of information set out in this Act, the previous Act, the MISS Guidelines and any other law.

**'Declassified information'** means information whose classification status has been reviewed and determined to have ceased to meet the conditions and levels of classification hence needing no further protection from disclosure.

**'Reclassified information'** means information whose classification status has been reviewed by a head of an organ of state and found to meet the conditions of classification but fulfilled a lower or higher classification level as set out in this Act.

*[NB: The upgrading will apply **ONLY** to information classified by field agents, which requires the confirmation of the head of an organ of state].*

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## DEFINITIONS FROM OTHER RSA LAWS

### **National Strategic Intelligence Act, 1994 (Act No. 39 of 1994)**

**'counter-intelligence'** means measures and activities conducted, instituted or taken to impede and to neutralise the effectiveness of foreign or hostile intelligence operations, to protect intelligence and any classified information, to conduct security screening investigations and to counter subversion, treason, sabotage and terrorism aimed at or against personnel, strategic installations or resources of the Republic;

[Definition of 'counter-intelligence' substituted by s. 1 (a) of Act 67 of 2002.]

#### **Intelligence Services Oversight Act 1994 (Act 40 of 1994)**

**'counter-intelligence'** means counter-intelligence as defined in section 1 of the National Strategic Intelligence Act, 1994;

#### **Intelligence Services Act 2002 (Act 65 OF 2002)**

**'counter-intelligence'** means counter-intelligence as defined in section 1 of the National Strategic Intelligence Act, 1994 (Act 39 of 1994);

[Definition of 'counter-intelligence' substituted by s. 8 (a) of Act 52 of 2003.]

#### **Definitions of different types of 'intelligence' from the National Strategic Intelligence Act**

**'crime intelligence'** means intelligence used in the prevention of crime or to conduct criminal investigations and to prepare evidence for the purpose of law enforcement and the prosecution of offenders;

**'departmental intelligence'** means intelligence about any threat or potential threat to the national security and stability of the Republic which falls within the functions of a department of State, and includes intelligence needed by such department in order to neutralise such a threat;

**'domestic intelligence'** means intelligence on any internal activity, factor or development which is detrimental to the national stability of the Republic, as well as threats or potential threats to the constitutional order of the Republic and the safety and the well-being of its people;

**'domestic military intelligence'** means intelligence required for the planning and conduct of military operations within the Republic to ensure security and stability for its people;

**'foreign intelligence'** means intelligence on any external threat or potential threat to the national interests of the Republic and its people, and intelligence regarding opportunities relevant to the protection and promotion of such national interests irrespective of whether or not it can be used in the formulation of the foreign policy of the Republic;

**'foreign military intelligence'** means intelligence regarding the war potential and military establishment of foreign countries (including their capabilities, intentions, strategies and tactics) which can be used by the Republic in the planning of its military forces in time of peace and for the conduct of military operations in time of war;

#### **Definition of 'intelligence' from the Intelligence Services Oversight Act**

**'intelligence'** means the process of gathering, evaluation, correlation and interpretation of security information, including activities related thereto, as performed by the Services;

## **THE RIGHT TO INFORMATION ACT, 2005 No. 22 of 2005**

**"information"** means any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form;

### **Regulations of the People's Republic of China on Open Government Information**

(Adopted by the State Council on April 5, 2007; Effective May 1, 2008)

Article 2. "Government information" referred to in these Regulations means information made or obtained by administrative agencies in the course of exercising their responsibilities and recorded and stored in a given form."

### **Act No LXIII of 1992**

**on**

### **PROTECTION OF PERSONAL DATA AND DISCLOSURE OF DATA OF PUBLIC INTEREST**

Republic of Hungary

**3. "data of public interest"** means any information under processing by an authority performing state or local self-government functions or other public duties, except for personal data;

### **ACT ON DISCLOSURE OF INFORMATION BY PUBLIC AGENCIES**

Act No. 5242, Dec. 31. 1996 (South Korea)

1. The term "information" means the items drawn up or obtained and managed by the public agencies in the course of the performance of their duties, which are recorded in documents, drawings, pictures, films, tapes, slides and media which are processed by computers, etc.:

## DECISION

### ON PROMULGATING THE DATA SECRECY ACT

I hereby promulgate the Data Secrecy Act, passed by the Croatian Parliament at its session on 13 July 2007.

#### Article 2

Particular notions within the meaning of this Act shall have the following meaning:

- **information** are documents, or any written, copied, drawn, painted, printed, filmed, photographed, magnetic, optical, electronic or any other type of recording, insight, measure, procedure, object, verbal announcement or information that, considering its content, is significant for its owner in terms of trustworthiness and integrity,
- **classified information** are documents that were, within the stipulated procedure, classified as such by the competent authority and for which the degree of secrecy has been determined, and information that were thus classified and delivered to the Republic of Croatia by another country, international organization or institution that the Republic of Croatia cooperates with,
- **unclassified information** are documents without the determined degree of secrecy, that are used for official purposes, and information that were thus marked and delivered to the Republic of Croatia by another country, international organization or institution that the Republic of Croatia cooperates with,
- **classification** is the process of determining the degree of secrecy regarding the security threat degree and area of values protected by this Act,
- **declassification** is the process of determining the cease of reasons for which the information were classified with the appropriate degree of secrecy, after which it shall become unclassified with restricted use only for official purposes,