

DA proposal to amend Clause 33 of the Protection of Information Bill [B6 – 2010]:

Hostile activity offences

33. (1) It is an offence punishable on conviction by imprisonment for a period not exceeding 20 years,—

- (a) to unlawfully and intentionally communicate, deliver or make available state information classified top secret which the person knows or ought reasonably to have known would directly or indirectly benefit a non state actor engaged in hostile activity; or
- (b) to unlawfully make, obtain, collect, capture or copy a record containing state information classified top secret which the person knows or ought reasonably to have known would directly or indirectly benefit a non state actor engaged in hostile activity.

(2) It is an offence punishable on conviction by imprisonment for a period not exceeding 15 years,—

- (a) to unlawfully and intentionally communicate, deliver or make available state information classified secret which the person knows or ought reasonably to have known would directly or indirectly benefit a non state actor engaged in hostile activity; or
- (b) to unlawfully make, obtain, collect, capture or copy a record containing state information classified secret which such a person knows or ought reasonably to have known will directly benefit a non state actor engaged in hostile activity.

(3) It is an offence punishable on conviction by imprisonment for a period not exceeding five years,—

- (a) to unlawfully and intentionally communicate, deliver or make available state information classified confidential which the person knows or ought reasonably to have known would directly or indirectly be a non state actor engaged in hostile activity ; or
- (b) to unlawfully make, obtain, collect, capture or copy a record containing state information

classified confidential which the person knows or ought reasonably to have known would directly or indirectly benefit a non state actor engaged in hostile activity.

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