



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1152.

16 Junie 1982.

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16 June 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 84 van 1982: Wet op die Beveiliging van Inligting, 1982.

No. 84 of 1982: Protection of Information Act, 1982.

# WET

**Om voorsiening te maak vir die beskerming van sekere inligting teen openbaarmaking; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

*(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 3 Junie 1982.)*

**DAAR WORD BEPAAL** deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- (i) „agent” iemand wat, met die doel om in die Republiek of elders 'n handeling te verrig wat tot nadeel van die veiligheid of belange van die Republiek strek, deur of namens of ten behoeve van 'n vreemde Staat of 'n vyandelike organisasie, direk of indirek gebruik word of is of wat redelikerwys daarvan verdink word dat hy so gebruik word of is, of wat, in die belang van 'n vreemde Staat of van 'n vyandelike organisasie, in die Republiek of elders so 'n handeling verrig het of gepoog het om dit te verrig of redelikerwys daarvan verdink word dat hy so 'n handeling verrig het of gepoog het om dit te verrig; (i) 5 10 15
  - (ii) „dokument”—
    - (a) enige aantekening of geskrif, hetsy per hand of by wyse van drukwerk, tikskrif of 'n ander dergelike proses gemaak; 20
    - (b) enige afbeelding, plan, prent, skets of fotografiese of ander voorstelling van enige plek of voorwerp;
    - (c) enige skyf, band, kaart, geperforeerde rol of ander uitvindsel waarin of waarop klank of enige sein vir weergawe vasgelê is; (iii) 25
  - (iii) „krygstuig” krygstuig soos omskryf in artikel 1 van die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968); (ii)
  - (iv) „militêre” ook leër-, lugmag- en vloot-; (vii)
  - (v) „model” ook 'n ontwerp, patroon of monster; (viii) 30
  - (vi) „Regering” ook die Suid-Afrikaanse Vervoerdienste, die Departement van Pos- en Telekommunikasiewese en 'n provinsiale administrasie; (v)
  - (vii) „veiligheidsaangeleentheid” ook 'n aangeleentheid waarmee die Nasionale Intelligensiediens handel of wat in verband staan met die werksaamhede van daardie Diens of met die verhouding wat tussen iemand en daardie Diens bestaan; (x)
  - (viii) „verbode plek”—
    - (a) verdedigingswerke wat aan die Regering behoort of deur of namens die Regering beset of gebruik word, met inbegrip van—
      - (i) 'n magasyn, militêre inrigting of stasie, fabriek, skeepswerf, kamp, skip, vaartuig of vliegtuig; 45
      - (ii) 'n telegraaf-, telefoon-, radio- of seinstasie of -kantoor; en

# ACT

To provide for the protection from disclosure of certain information; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)  
(Assented to 3 June 1982.)

**BE IT ENACTED** by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. (1) In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "agent" means any person who is or has been or is reasonably suspected of being or having been directly or indirectly used by or in the name of or on behalf of any foreign State or any hostile organization for the purpose of committing in the Republic or elsewhere an act prejudicial to the security or interests of the Republic, or who has or is reasonably suspected of having committed or attempted to commit such an act in the Republic or elsewhere in the interests of any foreign State or any hostile organization; (i)
- 10 (ii) "armaments" means armaments as defined in section 1 of the Armaments Development and Production Act, 1968 (Act No. 57 of 1968); (iii)
- 15 (iii) "document" means—
- 20 (a) any note or writing, whether produced by hand or by printing, typewriting or any other similar process;
- (b) any copy, plan, picture, sketch or photographic or other representation of any place or article;
- (c) any disc, tape, card, perforated roll or other device in or on which sound or any signal has been recorded for reproduction; (ii)
- 25 (iv) "foreign State" means any State other than the Republic; (ix)
- (v) "Government" includes the South African Transport Services, the Department of Posts and Telecommunications and any provincial administration; (vi)
- 30 (vi) "hostile organization" means—
- (a) any organization declared by or under any Act of Parliament to be an unlawful organization;
- (b) any association of persons or any movement or institution declared under section 14 to be a hostile organization; (x)
- 35 (vii) "military" includes army, air force and naval; (iv)
- (viii) "model" includes any design, pattern or specimen; (v)
- 40 (ix) "prohibited place" means—
- (a) any work of defence belonging to or occupied or used by or on behalf of the Government, including—
- (i) any arsenal, military establishment or station, factory, dockyard, camp, ship, vessel or aircraft;
- 45 (ii) any telegraph, telephone, radio or signal station or office; and

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- (iii) 'n plek wat gebruik word om krygstuig of 'n model of dokument wat daarmee in verband staan, te bou, te herstel, te maak, te hou of te verkry;
- (b) 'n plek waar krygstuig of 'n model of dokument wat daarmee in verband staan, ingevolge 'n kontrak met of namens die Regering of die regering van 'n vreemde Staat, gebou, herstel, gemaak, gehou of verkry word;
- (c) 'n plek of gebied wat kragtens artikel 14 tot 'n verbode plek verklaar is; (ix)
- (ix) „vreemde Staat” 'n ander Staat as die Republiek; (iv)
- (x) „vyandelike organisasie”—
  - (a) enige organisasie wat by of kragtens 'n Wet van die Parlement tot 'n onwettige organisasie verklaar is; 15
  - (b) 'n vereniging van persone of 'n beweging of instelling wat kragtens artikel 14 tot 'n vyandelike organisasie verklaar is. (vi)
- (2) In hierdie Wet, tensy uit die samehang anders blyk—
  - (a) is 'n verwysing na die openbaarmaking of ontvangs van enigiets ook 'n verwysing na die openbaarmaking of ontvangs van 'n gedeelte of die hoofinhoud, uitwerking of beskrywing daarvan; 20
  - (b) is 'n verwysing na die verkryging of terughou van enigiets ook 'n verwysing na die verkryging of terughou van 'n gedeelte of die kopieer of laat kopieer van die geheel of 'n gedeelte daarvan, hetsy deur fotografie of andersins; 25
  - (c) is 'n verwysing na die openbaarmaking van enigiets ook 'n verwysing na die oorsending of oordrag daarvan; en 30
  - (d) is 'n verwysing na 'n misdryf ingevolge of 'n vervolging kragtens enige bepaling van hierdie Wet ook 'n verwysing na 'n misdryf ingevolge of 'n vervolging kragtens die bepalings van artikel 18 van die Wet op Oproerige Byeenkomste, 1956 (Wet No. 17 van 1956), saamgelees met die tersaaklike bepalings van hierdie Wet. 35

Verbod op sekere handeling met betrekking tot verbode plekke.

2. Iemand wat met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek 'n verbode plek nader, ondersoek, daaroor gaan of in die omgewing daarvan is of dit binnegaan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens 20 jaar. 40

Verbod op verkryging en openbaarmaking van sekere inligting.

3. Iemand wat vir doeleindes van die openbaarmaking daarvan aan 'n vreemde Staat of aan 'n agent, of aan 'n werknemer of inwoner van, of 'n organisasie, party, instelling, liggaam of beweging in, 'n vreemde Staat, of aan 'n vyandelike organisasie of aan 'n ampsdraer, beampte, lid of aktiewe ondersteuner van 'n vyandelike organisasie— 45

- (a) 'n geheime amptelike kode of wagwoord of 'n dokument, model, voorwerp of inligting wat in 'n verbode plek gebruik, gehou, gemaak of verkry word, verkry of ontvang; of 50
- (b) 'n dokument, model, voorwerp of inligting opstel, saamstel, maak, verkry of ontvang wat in verband staan met—
  - (i) 'n verbode plek of enigiets in 'n verbode plek of met krygstuig; of 55
  - (ii) die verdediging van die Republiek, 'n militêre aangeleentheid, 'n veiligheidsaangeleentheid of die voorkoming of bestryding van terrorisme; of
  - (iii) enige ander aangeleentheid of voorwerp, en wat hy weet of redelikerwys behoort te weet direk of indirek vir 'n vreemde Staat of 'n vyandelike organisasie van nut kan wees en ter wille van die veiligheid of ander belange van die Republiek nie aan 'n vreemde Staat of aan 'n vyandelike organisasie openbaar gemaak behoort te word nie, 60

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die straf in artikel 2 voorgeskryf. 65

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- (iii) any place used for building, repairing, making, keeping or obtaining armaments or any model or document relating thereto;
- 5 (b) any place where armaments or any model or document relating thereto is being built, repaired, made, kept or obtained under contract with or on behalf of the Government or of the government of any foreign State;
- 10 (c) any place or area declared under section 14 to be a prohibited place; (viii)
- (x) "security matter" includes any matter which is dealt with by the National Intelligence Service or which relates to the functions of that Service or to the relationship existing between any person and that Service. (vii)
- 15 (2) In this Act, unless the context otherwise indicates—
  - (a) any reference to the disclosing or receiving of anything includes a reference to the disclosing or receiving of any part or the substance, effect or description thereof;
  - 20 (b) any reference to the obtaining or retaining of anything includes a reference to the obtaining or retaining of any part or the copying or causing to be copied of the whole or any part thereof, whether by photography or otherwise;
  - 25 (c) any reference to the disclosing of anything includes a reference to the transmission or transfer thereof; and
  - (d) any reference to any offence or prosecution under any provision of this Act includes a reference to an offence or a prosecution under the provisions of section 18 of the Riotous Assemblies Act, 1956 (Act No. 17 of 30 1956), read with the relevant provisions of this Act.

2. Any person who approaches, inspects, passes over, is in the neighbourhood of or enters any prohibited place for any purpose prejudicial to the security or interests of the Republic, shall be guilty of an offence and liable on conviction to imprisonment for 35 a period not exceeding 20 years.

Prohibition of certain acts in relation to prohibited places.

3. Any person who, for purposes of the disclosure thereof to any foreign State or to any agent, or to any employee or inhabitant of, or any organization, party, institution, body or movement in, any foreign State, or to any hostile organization or to 40 any office-bearer, officer, member or active supporter of any hostile organization—
 

- (a) obtains or receives any secret official code or password or any document, model, article or information used, kept, made or obtained in any prohibited place; or
- 45 (b) prepares, compiles, makes, obtains or receives any document, model, article or information relating to—
  - (i) any prohibited place or anything in any prohibited place, or to armaments; or
  - 50 (ii) the defence of the Republic, any military matter, any security matter or the prevention or combating of terrorism; or
  - (iii) any other matter or article, and which he knows or reasonably should know may directly or indirectly be of use to any foreign State or any hostile organization and which, for considerations of the security or the other interests of the Republic, should not be disclosed to any foreign State or to any hostile organization,

Prohibition of obtaining and disclosure of certain information.

shall be guilty of an offence and liable on conviction to the penalty prescribed in section 2.

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Verbod op openbaarmaking van sekere inligting.

4. (1) Iemand wat in besit of beheer is van of beskik oor—
- (a) 'n geheime amptelike kode of wagwoord; of
  - (b) enige dokument, model, voorwerp of inligting—
    - (i) wat hy weet of redelikerwys behoort te weet in 'n verbode plek gehou, gebruik, gemaak of verkry word of in verband staan met 'n verbode plek, enigiets in 'n verbode plek, krygstuig, die verdediging van die Republiek, 'n militêre aangeleentheid, 'n veiligheidsaangeleentheid of die voorkoming of bestryding van terrorisme; 5 10
    - (ii) wat in stryd met hierdie Wet gemaak, verkry of ontvang is;
    - (iii) wat deur iemand wat 'n Regeringsamp beklee vertroulik aan hom toevertrou is;
    - (iv) wat hy verkry het of waartoe hy toegang gehad het weens sy posisie as iemand wat 'n Regeringsamp beklee of beklee het, of as iemand wat 'n kontrak het of gehad het wat namens die Regering aangegaan is, of 'n kontrak waarvan die uitvoering in die geheel of gedeeltelik in 'n verbode plek plaasvind, of as iemand wat by iemand wat so 'n amp beklee of beklee het of so 'n kontrak het of gehad het, in diens is of was, en ten opsigte van welke dokument, model, voorwerp of inligting hy weet of redelikerwys behoort te weet dat die veiligheid of ander belange van die Republiek die geheimhouding daarvan vereis; of 25
    - (v) wat op enige wyse in sy besit gekom het en ten opsigte van welke dokument, model, voorwerp of inligting hy weet of redelikerwys behoort te weet dat dit deur 'n ander persoon op enige van die in paragraaf (iii) of (iv) bedoelde wyses verkry is en dat die ongemagtigde openbaarmaking van daardie dokument, model, voorwerp of inligting deur daardie ander persoon 'n misdryf ingevolge hierdie Wet sal wees, 35

en wat—

- (aa) die kode, wagwoord, dokument, model, voorwerp of inligting openbaar aan iemand anders as iemand aan wie hy gemagtig is om dit te openbaar of aan wie dit regtens openbaar mag word of aan wie dit in die belang van die Republiek sy plig is om dit te openbaar; 40
- (bb) die kode, wagwoord, dokument, model, voorwerp of inligting publiseer of gebruik op 'n wyse of met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek; 45
- (cc) die kode, wagwoord, dokument, model, voorwerp of inligting terughou wanneer hy geen reg het om dit terug te hou nie of wanneer dit in stryd met sy plig is om dit terug te hou, of nalaat of in gebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daarvoor na te kom; of 50
- (dd) nalaat of in gebreke bly om die kode, wagwoord, dokument, model, voorwerp of inligting behoorlik op te pas, of om hom so te gedra dat die veiligheid daarvan nie in gevaar gestel word nie, 55

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie boete sowel as daardie gevangenisstraf, of, indien daar bewys word dat die publikasie of openbaarmaking van die geheime amptelike kode of wagwoord of die dokument, model, voorwerp of inligting geskied het met die doel dat dit aan 'n vreemde Staat of aan 'n vyandelike organisasie openbaar gemaak word, met die straf in artikel 2 voorgeskryf. 65

(2) Iemand wat 'n geheime amptelike kode of wagwoord of 'n dokument, model, voorwerp of inligting ontvang, en wanneer hy dit ontvang, weet of redelike gronde het om te glo dat die kode,

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4. (1) Any person who has in his possession or under his control or at his disposal— Prohibition of disclosure of certain information.

(a) any secret official code or password; or

- 5 (b) any document, model, article or information—
- (i) which he knows or reasonably should know is kept, used, made or obtained in a prohibited place or relates to a prohibited place, anything in a prohibited place, armaments, the defence of the Republic, a military matter, a security matter or the prevention or combating of terrorism;
- 10 (ii) which has been made, obtained or received in contravention of this Act;
- (iii) which has been entrusted in confidence to him by any person holding office under the Government;
- 15 (iv) which he has obtained or to which he has had access by virtue of his position as a person who holds or has held office under the Government, or as a person who holds or has held a contract made on behalf of the Government, or a contract the performance of which takes place entirely or partly in a prohibited place, or as a person who is or has been employed under a person who holds or has held such office or contract, and the secrecy of which document, model, article or information he
- 20 knows or reasonably should know to be required by the security or the other interests of the Republic; or
- 25 (v) of which he obtained possession in any manner and which document, model, article or information he knows or reasonably should know has been obtained by any other person in any of the ways referred to in paragraph (iii) or (iv) and the unauthorized disclosure of such document, model, article or information by such other person he knows or reasonably should know will be an offence under this Act,

and who—

- 30 (aa) discloses such code, password, document, model, article or information to any person other than a person to whom he is authorized to disclose it or to whom it may lawfully be disclosed or to whom, in the interests of the Republic, it is his duty to disclose it;
- 35 (bb) publishes or uses such code, password, document, model, article or information in any manner or for any purpose which is prejudicial to the security or interests of the Republic;
- 40 (cc) retains such code, password, document, model, article or information when he has no right to retain it or when it is contrary to his duty to retain it, or neglects or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof;
- 45 or
- 50 (dd) neglects or fails to take proper care of such code, password, document, model, article or information, or so to conduct himself as not to endanger the safety thereof,
- 55

shall be guilty of an offence and liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment, or, if it is proved that the publication or disclosure of such secret official code or password or of such document, model, article or information took place for the purpose of its being disclosed to a foreign State or to a hostile organization, to the penalty prescribed in section 2.

65 (2) Any person who receives any secret official code or password or any document, model, article or information, knowing or having reasonable grounds to believe, at the time when he re-

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wagwoord, dokument, model, voorwerp of inligting aan hom in stryd met die bepalings van hierdie Wet openbaar word, is, tensy hy bewys dat die openbaarmaking daarvan aan hom teen sy sin plaasgevind het, aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R10 000 of met 5 gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie boete sowel as daardie gevangenisstraf.

Verbod op sekere handelinge wat tot nadeel van veiligheid of belange van Republiek strek.

5. (1) Iemand wat, met die doel om toegang tot 'n verbode plek te verkry, of om aan iemand anders hulp te verleen om toegang tot 'n verbode plek te kry, of met 'n ander doel wat tot nadeel van die veiligheid of belange van die Republiek strek—

- (a) 'n militêre, polisie- of ander amptelike uniform van die Republiek, of 'n uniform wat deur 'n persoon wat by of in 'n verbode plek diens doen, gedra word, of 'n uniform wat so 'n groot ooreenkoms met enige van bedoelde uniforms toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of dra, of hom valslik as iemand voordoen wat geregtig is of was om so 'n uniform te gebruik of te dra;
- (b) mondeling of skriftelik in 'n verklaring of aansoek, of 20 in 'n dokument deur of namens hom onderteken, opsetlik 'n valse bewering maak of 'n feit wat ter sake is, weglaat;
- (c) 'n paspoort of 'n amptelike pas, permit, sertifikaat, lisensie of ander dergelike dokument (hieronder in hierdie artikel 'n amptelike dokument genoem) vervals, verander of daaraan peuter of 'n vervalste, veranderde of onreëlmatige amptelike dokument gebruik of in sy besit het;
- (d) hom uitgee vir, of valslik voordoen as, iemand wat 'n 30 Regeringsamp bekleed, of wat in diens van iemand is wat 'n Regeringsamp bekleed, of as iemand of as nie iemand nie aan wie 'n amptelike dokument of 'n geheime amptelike kode of wagwoord behoortlik uitgereik of openbaar gemaak is, of, met die opset om 'n amptelike 35 dokument of 'n geheime amptelike kode of wagwoord, hetsy vir homself of vir iemand anders, te verkry, opsetlik 'n valse bewering maak; of
- (e) 'n amptelike stempel, seël of tjap van die Republiek of 'n stempel, seël of tjap wat so 'n groot ooreenkoms met 40 so 'n amptelike stempel, seël of tjap toon dat dit bereken is om te mislei, sonder wettige magtiging gebruik of in sy besit of onder sy beheer het, of so 'n amptelike stempel, seël of tjap namaak, of so 'n nagemaakte stempel, seël of tjap gebruik of in sy besit of onder sy 45 beheer het,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R5 000 of met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of met daardie boete sowel as daardie gevangenisstraf. 50

(2) Iemand wat—

- (a) met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek, 'n amptelike dokument, hetsy dit voltooi of vir gebruik uitgereik is of nie, terughou as hy nie die reg het om dit terug te hou nie of as dit in stryd met sy plig is om dit terug te hou, of nalaat of in gebreke bly om enige voorskrifte op wettige gesag uitgevaardig ten opsigte van die teruggawe daarvan of beskikking daarvoor na te kom;
- (b) iemand anders toelaat om in besit van 'n amptelike 60 dokument te kom wat slegs vir eie gebruik uitgereik is, of 'n amptelike dokument of geheime amptelike kode of wagwoord wat vir die gebruik van iemand anders as homself uitgereik is, sonder wettige magtiging of verskoning in sy besit het, of, as hy in besit van 'n amptelike 65 dokument kom, hetsy deur dit te vind of andersins, nalaat of in gebreke bly om dit aan die persoon of gesag deur wie of vir wie se gebruik dit uitgereik was of



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ceives it, that such code, password, document, model, article or information is being disclosed to him in contravention of the provisions of this Act, shall, unless he proves that the disclosure thereof to him was against his wish, be guilty of an offence and  
5 liable on conviction to a fine not exceeding R10 000 or to imprisonment for a period not exceeding 10 years or to both such fine and such imprisonment.

5. (1) Any person who, for the purpose of gaining or assisting  
10 any other person to gain admission to any prohibited place, or for any other purpose prejudicial to the security or interests of the Republic—

Prohibition of certain acts prejudicial to security or interests of Republic.

15 (a) without lawful authority uses or wears any military, police or other official uniform of the Republic, or any uniform worn by a person employed at or in a prohibited place, or any uniform so closely resembling any of the said uniforms as to be calculated to deceive, or falsely represents himself to be a person who is or has been entitled to use or wear any such uniform;

20 (b) orally or in writing in any declaration or application, or in any document signed by him or on his behalf, knowingly makes any false statement or omits any relevant fact;

25 (c) forges, alters or tampers with any passport or any official pass, permit, certificate, licence or other similar document (hereinafter in this section referred to as an official document), or uses or has in his possession any forged, altered or irregular official document;

30 (d) impersonates or falsely represents himself to be a person holding, or in the employment of a person holding, office under the Government, or to be or not to be a person to whom an official document or a secret official code or password has been duly issued or disclosed, or, with intent to obtain an official document or any secret official code or password, whether for himself or for  
35 any other person, knowingly makes any false statement; or

40 (e) uses or has in his possession or under his control, without lawful authority, any official die, seal or stamp of the Republic or any die, seal or stamp so closely resembling any such official die, seal or stamp as to be calculated to deceive, or counterfeits any such official die, seal or stamp, or uses or has in his possession or under his control any such counterfeited die, seal or stamp,

shall be guilty of an offence and liable on conviction to a fine not  
45 exceeding R5 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) Any person who—

50 (a) retains for any purpose prejudicial to the security or interests of the Republic any official document, whether or not completed or issued for use, when he has no right to retain it or when it is contrary to his duty to retain it, or neglects or fails to comply with any directions issued by lawful authority with regard to the return or disposal thereof;

55 (b) allows any other person to have possession of any official document issued for his use alone, or without lawful authority or excuse has in his possession any official document or secret official code or password issued for the use of some person other than himself, or, on obtaining possession of any official document, whether by finding or otherwise, neglects or fails to hand it over to  
60 the person or authority by whom or for whose use it

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aan 'n lid van die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorwegpolisiemag te oorhandig; of  
 (c) sonder wettige magtiging of verskoning 'n stempel, tjap of seël in paragraaf (e) van subartikel (1) bedoel, ver-  
 vaardig of verkoop, of vir verkoop in sy besit het, 5  
 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in subartikel (1) voorgeskryf.

Dwarsboming van persone op wag by verbode plekke.

6. Iemand wat 'n persoon wat op wag-, brandwag-, patrollie- of ander soortgelyke diens in verband met 'n verbode plek is, dwarsboom, opsetlik mislei of andersins hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf. 10

Herberg of versteek van sekere persone en in gebreke bly om inligting in verband met agente te rapporteer.

7. Iemand wat— 15  
 (a) opsetlik iemand herberg of versteek wat hy weet of rede het om te glo iemand is wat op die punt staan om 'n misdryf ingevolge hierdie Wet te pleeg, of so 'n misdryf gepleeg het, of opsetlik sodanige persone toelaat om in 'n plek deur hom bewoon of onder sy beheer, 20  
 byeen te kom of te vergader;  
 (b) nadat hy so iemand geherberg of versteek het, of sodanige persone toegelaat het om in 'n plek deur hom bewoon of onder sy beheer, byeen te kom of te vergader, 25  
 opsetlik versuim of weier om aan 'n lid van die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorwegpolisiemag inligting te openbaar wat hy in staat is om ten opsigte van so 'n persoon te verstrek; of  
 (c) as hy weet dat 'n agent of iemand wat met 'n agent in verbinding getree het of in verbinding tree, hetsy in die 30  
 Republiek of elders, in die Republiek is, in gebreke bly om onverwyld die aanwesigheid van so 'n agent of so iemand of inligting wat hy in staat is om ten opsigte van so 'n agent of so iemand te verstrek, aan 'n lid van die 35  
 Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorwegpolisiemag te rapporteer,  
 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R1 000 of met gevangenisstraf vir 'n tydperk van hoogstens 12 maande of met daardie boete sowel as daardie gevangenisstraf. 40

In verbinding tree met agent bewys van sekere feite.

8. (1) Indien by 'n vervolging op 'n aanklag ingevolge artikel 3, of op 'n aanklag ingevolge artikel 4 (1) in verband met die publikasie of openbaarmaking van 'n geheime amptelike kode of wagwoord of 'n dokument, model, voorwerp of inligting soos in daardie artikel bedoel, bewys word dat die beskuldigde— 45  
 (a) in die Republiek of elders met 'n agent in verbinding getree het of gepoog het om met hom in verbinding te tree; of  
 (b) 'n agent is of deur 'n vreemde of internasionale liggaam of instelling direk of indirek gebruik word of is of redelikerwys daarvan verdink word dat hy aldus gebruik word of is, of in stryd met 'n wet die Republiek binne- 50  
 gekom het of daarbinne is,  
 word daar vermoed, tensy die teendeel bewys word, dat die dokument, model, voorwerp of inligting soos in artikel 3 bedoel, 55  
 opgestel, saamgestel, gemaak, verkry of ontvang is, of die geheime amptelike kode of wagwoord of die model, voorwerp, dokument of inligting soos in artikel 4 (1) bedoel, gepubliseer of openbaar gemaak is, na gelang van die geval, vir doeleindes van die openbaarmaking daarvan aan 'n vreemde Staat of aan 'n 60  
 vyandelike organisasie.  
 (2) By die toepassing van subartikel (1)—  
 (a) word daar vermoed dat iemand, tensy hy die teendeel bewys, met 'n agent in verbinding getree het indien—  
 (i) hy, in die Republiek of elders, die adres van 'n 65  
 agent besoek het of met 'n agent omgegaan het; of

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was issued or to a member of the South African Police or the South African Railway Police Force; or  
 (c) without lawful authority or excuse manufactures or sells, or has in his possession for sale, any die, seal or stamp referred to in paragraph (e) of subsection (1),  
 shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1).

6. Any person who obstructs, knowingly misleads or otherwise interferes with any person engaged on guard, sentry, patrol or other similar duty in relation to any prohibited place shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Obstructing persons on guard at prohibited places.

7. Any person who—  
 (a) knowingly harbours or conceals any person whom he knows or has reason to believe to be a person who is about to commit or who has committed an offence under this Act, or knowingly permits any such persons to meet or assemble in any premises in his occupation or under his control;  
 (b) having harboured or concealed any such person, or permitted such persons to meet or assemble in any premises in his occupation or under his control, wilfully omits or refuses to disclose to any member of the South African Police or the South African Railway Police Force any information it is in his power to give in relation to any such person; or  
 (c) knowing that any agent or any person who has been or is in communication with an agent, whether in the Republic or elsewhere, is in the Republic, fails forthwith to report to any member of the South African Police or the South African Railway Police Force the presence of or any information it is in his power to give in relation to any such agent or person,  
 shall be guilty of an offence and liable on conviction to a fine not exceeding R1 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

Harbouring or concealing certain persons and failing to report information relating to agents.

8. (1) If in any prosecution upon a charge under section 3, or upon a charge under section 4 (1) in connection with the publication or disclosure of a secret official code or password or a document, model, article or information as referred to in that section, it is proved that the accused—

Communication with agent proof of certain facts.

(a) has been in communication, or has attempted to communicate, with an agent in the Republic or elsewhere; or  
 (b) is an agent or is being or has been or is reasonably suspected of being or having been directly or indirectly used by a foreign or international body or institution, or has entered or is within the Republic in contravention of any law,

it shall, unless the contrary is proved, be presumed that the document, model, article or information referred to in section 3 has been prepared, compiled, made, obtained or received, or the secret official code or password or the model, article, document or information referred to in section 4 (1) has been published or disclosed, as the case may be, for purposes of the disclosure thereof to a foreign State or to a hostile organization.

(2) For the purposes of subsection (1)—  
 (a) a person shall, unless he proves the contrary, be presumed to have been in communication with an agent if—  
 (i) he has, in the Republic or elsewhere, visited the address of an agent or associated with an agent; or

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- (ii) in die Republiek of elders die naam of adres van of ander inligting omtrent 'n agent in sy besit of onder sy beheer gevind is, of deur hom aan iemand anders verstrekk is of deur hom van iemand anders verkry is; 5
- (b) word 'n adres, in die Republiek of elders, wat redelikerwys vermoed word 'n adres te wees wat gebruik word vir die ontvangs van kommunikasies vir 'n agent bedoel of waar 'n agent woon, of waarvan hy gebruik maak met die doel om kommunikasies te doen of te ontvang, of waar hy handel dryf, geag die adres van 'n agent te wees, en iemand wat kommunikasies aan daardie adres rig, word geag met 'n agent in verbinding te getree het. 10

Bewys dat sekere inligting direk of indirek vir vreemde Staat of vyandelike organisasie van nut kan wees.

9. Indien by 'n vervolging van iemand weens 'n misdryf ingevolge artikel 3 bewys word dat hy 'n agent is of dat hy deur ten behoeve van 'n vreemde of internasionale liggaam of instelling direk of indirek gebruik word of is of dat hy redelikerwys daarvan verdink word dat hy aldus gebruik word of is of dat hy in stryd met 'n wet die Republiek binnegekom het of daarbinne is en dat hy 'n ander dokument, model, voorwerp of inligting as dié in artikel 3 (a) bedoel, of 'n dokument, model, voorwerp of inligting wat in verband staan met 'n ander plek, voorwerp of aangeleentheid as dié in artikel 3 (b) (i) of (ii) bedoel, opgestel, saamgestel, gemaak, verkry of ontvang het, word daar vermoed, tensy die teendeel bewys word, dat sodanige dokument, model, voorwerp of inligting direk of indirek vir 'n vreemde Staat of vyandelike organisasie van nut kan wees. 15 20 25

Bewys van doel wat tot nadeel van veiligheid of belange van Republiek strek.

10. (1) By 'n vervolging kragtens hierdie Wet op 'n aanklag weens die verrigting van 'n handeling met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek, word daar, as die omstandighede van die saak of die gedrag van die beskuldigde daarop dui dat sy doel 'n doel was wat tot nadeel van die veiligheid of belange van die Republiek strek, vermoed, tensy die teendeel bewys word, dat die doel waarmee daardie handeling verrig is, 'n doel is wat tot nadeel van die veiligheid of belange van die Republiek strek. 30 35

(2) Indien by 'n vervolging kragtens hierdie Wet op 'n aanklag weens die publiseer of openbaarmaking van 'n geheime amptelike kode of wagwoord of 'n dokument, model, voorwerp of inligting met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek, daar bewys word dat dit gepubliseer of openbaar gemaak is deur iemand anders as iemand wat ingevolge wettige magtiging optree, of deur 'n agent of deur iemand wat deur 'n vreemde of internasionale liggaam of instelling direk of indirek gebruik word of is of redelikerwys daarvan verdink word dat hy aldus gebruik word of is of wat in stryd met 'n wet die Republiek binnegekom het of daarbinne is, word daar vermoed, tensy die teendeel bewys word, dat die doel waarmee dit gepubliseer of openbaar gemaak is, 'n doel is wat tot nadeel van die veiligheid of belange van die Republiek strek. 40 45 50

Ekstraterritoriale toepassing van Wet, en regsbevoegdheid.

11. (1) 'n Handeling wat 'n misdryf ingevolge hierdie Wet uitmaak en wat deur 'n Suid-Afrikaanse burger of iemand wat in die Republiek gedomisileer is buite die Republiek verrig word, word geag ook in die Republiek verrig te gewees het. 55

(2) 'n Misdryf ingevolge hierdie Wet word, vir die doeleindes van die bepaling van die regsbevoegdheid van 'n hof om die misdaad te verhoor, geag gepleeg te gewees het by die plek waar dit in werklikheid gepleeg is en ook by die plek waar die beskuldigde hom bevind. 60

Magtiging van prokureur-generaal vir instelling van strafsak vereis.

12. Geen verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevolge hierdie Wet, behalwe 'n oortreding van artikel 6, word sonder die skriftelike magtiging van die prokureur-generaal wat regsbevoegdheid in die betrokke gebied besit, ingestel nie. 65

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(ii) in the Republic or elsewhere, the name or address of or any other information regarding an agent has been found in his possession or under his control, or has been supplied by him to any other person or has been obtained by him from any other person;

5 (b) any address, in the Republic or elsewhere, reasonably suspected to be an address used for the receipt of communications intended for an agent, or at which an agent resides, or to which he resorts for the purpose of giving or receiving communications, or at which he carries on any business, shall be deemed to be the address of an agent, and any person who addresses communications to such address shall be deemed to have been in communication with an agent.

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15 9. If in any prosecution against any person for an offence under section 3 it is proved that he is an agent or that he is or has been or is reasonably suspected of being or having been directly or indirectly used by or on behalf of any foreign or international body or institution or that he has entered or is within the Republic in contravention of any law and that he has prepared, compiled, made, obtained or received any document, model, article or information other than that referred to in section 3 (a), or any document, model, article or information relating to a place, article or matter other than that referred to in section 3 (b) (i) or (ii),

20 it shall, unless the contrary is proved, be presumed that such document, model, article or information may directly or indirectly be of use to a foreign State or a hostile organization.

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Proof that certain information may directly or indirectly be of use to foreign State or hostile organization.

10. (1) In any prosecution under this Act upon a charge of committing an act for a purpose prejudicial to the security or interests of the Republic, it shall, if, from the circumstances of the case or the conduct of the accused, it appears that his purpose was a purpose prejudicial to the security or interests of the Republic, be presumed, unless the contrary is proved, that the purpose for which that act has been committed, is a purpose prejudicial to the security or interests of the Republic.

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Proof of purpose prejudicial to security or interests of Republic.

(2) If in any prosecution under this Act upon a charge of publishing or disclosing any secret official code or password or any document, model, article or information for a purpose prejudicial to the security or interests of the Republic, it is proved that it was published or disclosed by any person other than a person acting under lawful authority, or by an agent or by a person who is or has been or is reasonably suspected of being or having been directly or indirectly used by any foreign or international body or institution or who has entered or is within the Republic in contravention of any law, it shall, unless the contrary is proved, be presumed that the purpose for which it was published or disclosed is a purpose prejudicial to the security or interests of the Republic.

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11. (1) Any act constituting an offence under this Act and which is committed outside the Republic by any South African citizen or any person domiciled in the Republic shall be deemed to have been committed also in the Republic.

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Extra-territorial application of Act, and jurisdiction.

(2) Any offence under this Act shall, for the purposes of determining the jurisdiction of a court to try the offence, be deemed to have been committed at the place where it actually was committed and also at any place where the accused happens to be.

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12. No trial or preparatory examination in respect of any offence under this Act, except any contravention of section 6, shall be instituted without the written authority of the attorney-general having jurisdiction in the area concerned.

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Authority of attorney-general required for institution of criminal proceedings.

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Strafsaak kan agter geslote deure plaasvind.

**13.** 'n Hof kan, indien dit na sy mening ter wille van die veiligheid of ander belange van die Republiek nodig blyk, gelas dat 'n verhoor of voorlopige ondersoek ten opsigte van 'n misdryf ingevolge hierdie Wet agter geslote deure plaasvind of dat die publiek in die algemeen of 'n deel daarvan nie daarby aanwesig mag wees nie, en indien die hof so 'n lasgewing maak, het die hof dieselfde bevoegdhede as dié by artikel 154 (1) van die Strafproseswet, 1977 (Wet No. 51 van 1977), aan 'n hof verleen, en is die bepalings van subartikels (1), (4) en (5) van genoemde artikel 154 *mutatis mutandis* van toepassing. 5 10

Verbode plekke en vyandelike organisasies.

**14.** Die Staatspresident kan, vir die doeleindes van hierdie Wet, by proklamasie in die *Staatskoerant*—  
 (a) enige plek of gebied tot 'n verbode plek verklaar indien hy oortuig is dat inligting met betrekking tot, of die verlies, beskadiging, ontwrigting of immobilisering van, daardie plek of gebied vir 'n vreemde Staat of 'n vyandelike organisasie van nut sou kon wees; of  
 (b) enige vereniging van persone, beweging of instelling buite die Republiek tot 'n vyandelike organisasie verklaar indien hy oortuig is dat daardie vereniging van persone, beweging of instelling enige persoon in die Republiek of elders uitlok, aanstig, beveel, hulp verleen, aanraai, aanmoedig of verkry om in die Republiek 'n daad van geweld te pleeg met 'n doel wat tot nadeel van die veiligheid of belange van die Republiek strek, 15 20 25  
 en kan te eniger tyd enige sodanige proklamasie op dergelike wyse intrek of wysig.

Herroeping van wette.

**15.** Die wette in die Bylae vermeld, word hierby herroep in die mate in die derde kolom van die Bylae vermeld. 30

Kort titel.

**16.** Hierdie Wet heet die Wet op die Beveiliging van Inligting, 1982.

**Bylae**

WETTE HERROEP

No. en jaar van wet	Titel	In hoeverre herroep
Wet No. 16 van 1956 ...	Wet op Amptelike Geheime, 1956 .....	Die geheel.
Wet No. 65 van 1956 ...	Wysigingswet op Amptelike Geheime, 1956 .....	Die geheel.
Wet No. 7 van 1958 ....	Polisiewet, 1958 .....	Artikel 27C.
Wet No. 101 van 1969 ..	Algemene Regswysigingswet, 1969 .....	Artikels 10, 11 en 12.
Wet No. 102 van 1972 ..	Algemene Regswysigingswet, 1972 .....	Artikel 10.

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13. Any court may, if it appears to that court to be necessary for considerations of the security or the other interests of the Republic, direct that any trial or preparatory examination in respect of an offence under this Act, shall take place behind closed doors or that the general public or any section thereof shall not be present thereat, and if the court issues any such direction, the court shall have the same powers as those conferred upon a court by section 154 (1) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and the provisions of subsections (1), (4) and (5) of the said section 154 shall apply *mutatis mutandis*.

Criminal proceedings may take place behind closed doors.

14. The State President may, for the purposes of this Act, by proclamation in the *Gazette* declare—

Prohibited places and hostile organizations.

(a) any place or area to be a prohibited place if he is satisfied that information with respect to that place or area, or the loss, damage, disruption or immobilization thereof could be of use to a foreign State or a hostile organization; or

(b) any association of persons, movement or institution outside the Republic to be a hostile organization if he is satisfied that that association of persons, movement or institution incites, instigates, commands, aids, advises, encourages or procures any person in the Republic or elsewhere to commit in the Republic an act of violence for any purpose prejudicial to the security or interests of the Republic,

and may in like manner at any time repeal or amend any such proclamation.

15. The laws specified in the Schedule are hereby repealed to the extent set out in the third column of the Schedule.

Repeal of laws.

16. This Act shall be called the Protection of Information Act, 1982.

Short title.

Schedule

LAWS REPEALED

No. and year of law	Title	Extent of repeal
Act No. 16 of 1956 . . . . .	Official Secrets Act, 1956 . . . . .	The whole.
Act No. 65 of 1956 . . . . .	Official Secrets Amendment Act, 1956 . . . . .	The whole.
Act No. 7 of 1958 . . . . .	Police Act, 1958 . . . . .	Section 27C.
Act No. 101 of 1969 . . . . .	General Law Amendment Act, 1969 . . . . .	Sections 10, 11 and 12.
Act No. 102 of 1972 . . . . .	General Law Amendment Act, 1972 . . . . .	Section 10.

