



شعبة الترجمة الرسمية
Official Translation Department

Penal Law on Dissemination and Disclosure of Classified Information and Documents

Royal Decree No. M/35
April 12, 2011

Translation of Saudi Laws



NOTE:

The translation of Saudi laws takes the following into consideration:

- Words used in the singular form include the plural and vice versa.
- Words used in the masculine form include the feminine.
- Words used in the present tense include the present as well as the future.
- The word “person” or “persons” and their related pronouns (he, his, him, they, their, them) refer to a natural and legal person.



Penal Law on Dissemination and Disclosure of Classified Information and Documents

Article 1

- a) *Classified Documents* shall mean all types of media which contain classified information the disclosure of which prejudices the State's national security, interests, policies or rights, whether produced or received by its agencies.
- b) *Classified Information* shall mean information an employee obtains, or is privy to by virtue of office, the disclosure of which undermines the State's national security, interests, policies, or rights.
- c) The Regulations of Classified Documents and Lists which are issued by the National Center for Documents and Archives shall, in coordination with relevant entities, determine the titles, level of classification, and subject matter of said documents.

Article 2

A public employee or a person of a similar capacity shall not disseminate or disclose classified information or documents which he obtains or is privy to by virtue of office even after the end of his service, if such dissemination or disclosure remains restricted.

Article 3

For the application of this Law, the following shall be deemed a public employee:

1. Any person who is permanently or temporarily employed by the Government or by any agency of a public legal personality.
2. Any person who is assigned by a government entity or any other administrative authority to carry out a certain task.
3. Any person who is employed by companies or sole proprietorships which manage, operate, or maintain public facilities, or provide public services, as well as those employed by companies to whose capital the State contributes.
4. An arbiter or expert who is designated by the Government or by any other judicial authority.
5. Chairmen and members of board of directors of companies provided for in paragraph (3) of this Article.

Article 4

A classified document may not be taken outside the premises of government entities, nor may they be circulated by any means, kept in other than the designated places, or printed, reproduced, or photocopied outside such entities, except in accordance with rules issued by the National Center for Documents and Archives.



Article 5

Without prejudice to any harsher penalty prescribed by law, the following acts shall be punished by imprisonment for a period not exceeding 20 years or a fine not exceeding one million riyals, or by both penalties:

1. Disseminating or disclosing classified information or documents.
2. Entering or attempting to enter a place without authorization, with the intent of obtaining classified information or documents.
3. Obtaining classified information or documents by illicit means.
4. Possessing or becoming privy, by virtue of office, to official classified information or documents, and disclosing, communicating or disseminating the same without a legally justifiable reason.
5. Willfully destroying or misusing classified documents, knowing that such classified documents relate to the State's security or public interest, with the intent of undermining the State's military, political, diplomatic, economic, or social status.
6. Failing to maintain confidentiality of classified information or documents.

Article 6

Any person participating in any of the crimes stipulated in this Law shall be subject to the penalties provided for in Article 5, and any person who knowingly agrees to, instigates, or assists in committing such crimes shall be deemed an accomplice if such crime is committed on the basis of such agreement, instigation, or assistance.

Article 7

When imposing the penalty stipulated in Article 5 of this Law, proportionality between crime and punishment as well as extenuating or aggravating circumstances shall be taken into consideration. The following shall be deemed aggravating circumstances:

1. If the crime is committed during wartime.
2. If the crime is directly or indirectly committed for the sake of a foreign state or any person working therefor regardless of the form or manner in which it was committed.
3. If the information or document is important and highly confidential.
4. If disclosure of classified information or documents results in substantial damage to the State.
5. If the crime is committed with the intent to prejudice the State's interest.
6. If the crime is committed by a person who holds a position the nature of which is confidential.
7. If the crime is committed by a person who holds a high-ranking position.



Article 8

The competent investigation authority shall investigate and prosecute before the competent judicial authority the crimes provided for in this Law.

Article 9

Government entities, including security agencies, shall notify the investigation authority if any of the crimes provided for in this Law is committed, and shall also notify the government entity where the suspect is employed, in accordance with Article 3 of this Law.

Article 10

The competent court shall decide on the crimes and impose the penalty stipulated in this Law.

Article 11

The National Center for Documents and Archives shall issue the implementing regulations of this Law within 90 days from its entry into force.

Article 12

This Law shall enter into force 90 days following its date of publication in the Official Gazette.