

No.: M/35
Date: 8/5/1432H

With the help of Almighty God,

We, Abdullah ibn Abdulaziz Al Saud,

King of the Kingdom of Saudi Arabia,

Pursuant to Article 70 of the Basic Law of Governance, issued by Royal Order No. (A/90), dated 27/8/1412H;

And pursuant to Article 20 of the Law of the Council of Ministers, issued by Royal Order No. (A/13), dated 3/3/1414H;

And pursuant to Article 18 of the *Shura* Council Law, issued by Royal Order No. (A/91), dated 27/8/1412H;

And upon perusal of the *Shura* Council Resolution No. (84/41), dated 29/7/1431H;

And upon perusal of the Council of Ministers Resolution No. (141), dated 7/5/1432H;

Have decreed as follows:

First: The Penal Law on Dissemination and Disclosure of Classified Information and Documents as per the attached form shall be approved.

Second: His Highness, the Deputy Prime Minister, the Ministers, and heads of independent relevant agencies, each within their jurisdiction, shall implement this Decree.

(Signed)

Abdullah ibn Abdulaziz

**Penal Law on
Dissemination and Disclosure of
Classified Information and Documents**

Royal Decree No. M/35

Dated 8/5/1432H - 12/4/2011

Article 1

- a. **Classified Documents** shall mean all media types 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 – 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 the like – even after end of service – shall not disseminate or disclose classified information or documents which he obtains or is privy to by virtue of office, if such dissemination or disclosure remains restricted.

Article 3

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

- 1- Any person employed by the Government or by any agency of a public corporate personality, whether permanently or temporarily.
- 2- Any person assigned by a government entity or any other administrative authority to carry out a certain task.
- 3- Any person 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 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 government entities, circulated by any means or kept in other than the designated places. Such documents may not be printed, reproduced or photocopied outside

government entities, except in accordance with controls issued by the National Center for Documents and Archives.

Article 5

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

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 lawfully justified cause.
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 Information or Documents.

Article 6

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

Article 7

When enforcing the punishment 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 committed – in any form or manner and by any means – for the sake of a foreign state or any person working therefor, either directly or indirectly.
- 3- If the classified information or document is important and of high level of confidentiality.

- 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 State's interest.
- 6- If the crime is committed by a person holding a position of confidential nature.
- 7- If the crime is committed by a person holding a high ranking position.

Article 8

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

Article 9

Government entities - including security agencies - shall notify the investigation authority of any of the crimes specified in this Law 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 crimes and impose punishments stipulated in this Law.

Article 11

The National Center for Documents and Archives shall issue the Implementing Regulations of this Law within ninety days from its entry into force.

Article 12

This Law shall enter into force ninety days from the date of publication in the Official Gazette.