Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 1 *of* 1963

OFFICIAL SECRETS ACT 1963

REVISED

Updated to 15 April 2021

This Revised Act is an administrative consolidation of the *Official Secrets Act 1963*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Residential Tenancies Act 2021* (5/2021), enacted 30 March 2021, and all statutory instruments up to and including the *European Communities (Reception Conditions) (Amendment) (No. 2) Regulations 2021* (S.I. No. 178 of 2021), made 15 April 2021, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ACTS REFERRED TO

Official Secrets Acts, 1911	1911, c. 28
Official Secrets Acts, 1920	1920, c. 75
Offences Against the State Act, 1939	1939, No. 13
Police (Property) Act, 1897	1897, c. 30
Telegraph Act, 1869	1869, c. 73
Wireless Telegraphy Act, 1926	1926, No. 45

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OFFICIAL SECRETS ACT 1963

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AN ACT TO PROVIDE FOR THE SAFEGUARDING OF OFFICIAL INFORMATION. [5*th February*, 1963.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I

PRELIMINARY

Short title.

1.—This Act may be cited as the Official Secrets Act, 1963.

Interpretation.

2.—(1) In this Act—

"document" includes part of a document;

"Minister" means a member of the Government;

"model" includes design, pattern or specimen;

"official document" includes a passport, official pass, permit, document of identity, certificate, licence or other similar document, whether or not completed or issued for use, and also includes an endorsement thereon or addition thereto;

"official information" means any secret official code word or password, and any sketch, plan, model, article, note, document or information which is secret or confidential or is expressed to be either and which is or has been in the possession, custody or control of a holder of a public office, or to which he has or had access, by virtue of his office, and includes information recorded by film or magnetic tape or by any other recording medium;

"public office" means an office or employment which is wholly remunerated out of the Central Fund or out of moneys provided by the Oireachtas, or an appointment to, or employment under, any commission, committee or tribunal set up by the Government or a Minister for the purposes of any inquiry, but does not include membership of either House of the Oireachtas.

"sketch" includes a photograph or other mode of representing any place or thing;

"State authority" means the Attorney General, the Comptroller and Auditor General, the Revenue Commissioners, the Commissioners of Public Works in Ireland or the Irish Land Commission.

(2) In this Act—

expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part and whether the sketch, plan, model, article, note, document or information itself or the substance, effect or description thereof only be communicated or received;

expressions referring to obtaining or retaining any sketch, plan, model, article, note or document include the copying or causing to be copied of the whole or any part of any sketch, plan, model, article, note or document; and

expressions referring to the communication of any sketch, plan, model, article, note or document include the transfer or transmission thereof.

(3) A certificate given by a Minister under his seal that any official code word or password or any sketch, plan, model, article, note, document or information specified or indicated in the certificate is secret or confidential shall be conclusive evidence of the fact so certified.

Repeals.

3.—The Official Secrets Acts, 1911 and 1920, are hereby repealed.

PART II

OFFICIAL INFORMATION

Disclosure of official information.

4.—(1) A person shall not communicate any official information to any other person unless he is duly authorised to do so or does so in the course of and in accordance with his duties as the holder of a public office or when it is his duty in the interest of the State to communicate it.

(2) A person to whom *subsection (1)* applies shall take reasonable care to avoid any unlawful communication of such information.

(3) A person shall not obtain official information where he is aware or has reasonable grounds for believing that the communication of such information to him would be a contravention of *subsection (1)*.

(4) In this section "duly authorised" means authorised by a Minister or State authority or by some person authorised in that behalf by a Minister or State authority.

Disclosure of confidential information in official contracts.

5.—(1) A person who is or has been—

(a) a party to a contract with a Minister or State authority or with any person on behalf of a Minister or State authority, or

(b) employed by such party,

shall not communicate to any third party any information relating to the contract and expressed therein to be confidential.

(2) A person to whom *subsection (1)* applies shall take reasonable care to avoid any unlawful communication of such information.

(3) It shall be a good defence to a prosecution for a contravention of this section to prove that the communication was authorised in writing by the Minister or State authority or by the party contracting on behalf of the Minister or State authority.

Retention of documents and articles.

6.—(1) A person shall not retain any official document or anything which constitutes or contains official information when he has no right to retain it or when not required by his duty as the holder of a public office to retain it.

(2) A person shall comply with all directions issued by a Minister or the Secretary of a Department or any person authorised by a Minister under seal as to the return or disposal of any official document or anything which constitutes or contains official information and which is in his possession or under his control and is specified or indicated in such directions.

(3) The Taoiseach may give directions as to the return or disposal of any original documents specified or indicated in such directions which constitute or contain official information and which are in the possession or under the control of any person who formerly held office as a Minister or Parliamentary Secretary and any such person shall comply with all such directions.

(4) *Subsections (1)* and *(2)* shall not apply to a person who formerly held an office to which *subsection (3)* applies.

Offences relating to official dies, seals and stamps.

7.—F1**[**...**]**

Forgery, etc., of official documents.

8.—F2**[**...**]**

PART III

COMMUNICATION OF INFORMATION TO THE PREJUDICE OF THE SAFETY OR PRESERVATION OF THE STATE

Acts contrary to safety or preservation of State.

9.—(1) A person shall not, in any manner prejudicial to the safety or preservation of the State—

(a) obtain, record, communicate to any other person or publish, or

(b) have in his possession or under his control any document containing, or other record whatsoever of,

information relating to—

(i) the number, description, armament, equipment, disposition, movement or condition of any of the Defence Forces or of any of the vessels or aircraft belonging to the State,

(ii) any operations or projected operations of any of the Defence Forces or of the Garda Síochána or of any of the vessels or aircraft belonging to the State,

(iii) any measures for the defence or fortification of any place on behalf of the State,

(iv) munitions of war, or

(v) any other matter whatsoever information as to which would or might be prejudicial to the safety or preservation of the State.

(2) Where a person is charged with a contravention of this section it shall be a good defence to prove that the act in respect of which he is charged was authorised by a Minister or by some person authorised in that behalf by a Minister or was done in the course of and in accordance with his duties as the holder of a public office.

Communication with foreign agents or members of unlawful organisations.

10.—(1) Where a person is charged with a contravention of *section 9*, the fact that he has (whether within or outside the State) been in communication with or attempted to communicate with a foreign agent or with a member of an unlawful organisation shall be evidence that the act in respect of which he is charged has been done in a manner prejudicial to the safety or preservation of the State.

(2) A person shall, unless he proves the contrary, be deemed to have been in communication with a foreign agent or a member of an unlawful organisation if he has (whether within or outside the State) visited the address of a foreign agent or a member of an unlawful organisation or consorted or associated with such agent or member, or if (whether within or outside the State) the name or address of or any other information regarding a foreign agent or a member of an unlawful organisation has been found in his possession or has been supplied by him to any other person or has been obtained by him from any other person.

(3) Any address (whether within or outside the State) reasonably suspected of being an address used for the receipt of communications intended for a foreign agent or a member of an unlawful organisation, or any address at which such a person 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 a foreign agent or a member of an unlawful organisation and communications addressed to that address to be communications with a foreign agent or a member of an unlawful organisation.

(4) In this section—

"foreign agent" includes any person who is or has been or is reasonably suspected of being or having been employed by a foreign power either directly or indirectly for the purpose of committing an act (whether within or outside the State) prejudicial to the safety or preservation of the State, or who has or is reasonably suspected of having (whether within or outside the State) committed or attempted to commit any such act;

"member of an unlawful organisation" means any person who is or has been or is reasonably suspected of being or having been a member of an unlawful organisation within the meaning and for the purpose of the Offences Against the State Act, 1939.

Harbouring offenders and failure to report offences.

11.—(1) A person shall not knowingly harbour any person whom he knows or has reasonable grounds for supposing to have contravened or to be about to contravene *section 9*.

(2) A person who becomes aware that there has been or is about to be a contravention of *section 9* shall forthwith disclose to a member of the Garda Síochána or of the Defence Forces any information in relation thereto which it is in his power to give.

Proceedings *in camera*.

12.—If in the course of proceedings, including proceedings on appeal, for an offence under *section 9* or for an offence under *Part II* committed in a manner prejudicial to the safety or preservation of the State, application is made by the prosecution, on the ground that the publication of any evidence or statement to be given or made during any part of the hearing would be prejudicial to the safety or preservation of the State, that that part of the hearing should be *in camera*, the court shall make an order to that effect, but the verdict and sentence (if any) shall be announced in public.

PART IV

LEGAL PROCEEDINGS AND SUPPLEMENTARY PROVISIONS

Offences.

13.—(1) A person who contravenes or attempts to contravene any provision of this Act shall, without prejudice to any other enactment, be guilty of an offence under this Act.

(2) A person shall be triable summarily for any offence under this Act and on conviction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both.

(3) A person shall be triable on indictment for any offence under *section 9* or for any offence under *Part II* committed in a manner prejudicial to the safety or preservation of the State, and on conviction shall be liable to imprisonment for a term not exceeding two years or to penal servitude for a term not exceeding seven years.

Restriction on prosecution.

14.—(1) Proceedings for any offence under this Act shall not be instituted except by or with the consent of the Attorney General.

(2) Before such consent is obtained a person charged with an offence under *section 9* may be arrested, or a warrant for his arrest may be issued and executed, and he may be remanded in custody or on bail, but not in any case to a date later than eight days after he has been first remanded, and no further proceedings shall be taken until such consent is obtained.

Arrest without warrant.

15.—F4**[**...**]**

Search warrants.

16.—(1) On his being satisfied that reasonable grounds exist for suspecting that there has been or is about to be a contravention of *section 9* a justice of the District Court may issue a warrant to any member of the Garda Síochána to search any premises, place, vessel or aircraft.

(2) Where an officer of the Garda Síochána not below the rank of chief superintendent has reasonable grounds for believing that in the interest of the State immediate action is necessary, he may issue a search warrant having the same effect as a search warrant issued by a justice of the District Court.

(3) A search warrant issued under this section shall be expressed and shall operate to authorise a member of the Garda Síochána (not below the rank of inspector) named in the warrant together with any other persons named in the warrant and any other members of the Garda Síochána to enter, within one week from the date of the warrant and if necessary by force, any premises, place, vessel or aircraft named in the warrant and search the same and every person found therein and seize any document or thing found therein or on such person which such member reasonably believes to be evidence of or to relate, directly or indirectly, to a contravention or intended contravention of *section 9*.

(4) A member of the Garda Síochána acting under the authority of a search warrant issued under this section may—

(a) demand the name and address of any person found in the premises, place, vessel or aircraft named in the warrant, and

(b) arrest without warrant any such person who refuses to give his name and address, or gives a false name or a false address.

(5) Any document seized under this section may be removed and retained for so long as the Minister for Justice thinks proper, and any other thing so seized may be removed and retained for a period of one month from the date of its seizure or, if proceedings are commenced within such period for an offence under this Act, until the conclusion of the proceedings, and thereafter the provisions of the Police (Property) Act, 1897, shall apply to the thing so seized in the same manner as that

Act applies to property which has come into the possession of the Garda Síochána in the circumstances mentioned in that Act.

(6) Every person who obstructs a member of the Garda Síochána or other person acting under the authority of a search warrant issued under this section shall be guilty of an offence.

Obtaining information as to suspected offences.

17.—(1) Where an officer of the Garda Síochána not below the rank of chief superintendent has reasonable grounds for suspecting that an offence under *section 9* has been committed and for believing that any person is able to furnish information as to the offence or suspected offence, he may apply to the Minister for Justice for permission to exercise the powers conferred by this subsection and, if such permission is granted, he may authorise a member of the Garda Síochána not below the rank of inspector to require the person believed to be able to furnish information to give any information in his power relating to the offence or suspected offence and if a person required in pursuance of such an authorisation to give information fails to comply with the requirement or knowingly gives false information he shall be guilty of an offence.

(2) Where any such officer has reasonable grounds for believing that in the interest of the State immediate action is necessary, he may exercise the powers conferred by *subsection (1)* without applying for or being granted the permission of the Minister for Justice, but if he does so shall forthwith report the circumstances to the Minister.

Power to require the production of telegrams.

18.—F5**[**...**]**

Number 1 *of* 1963

OFFICIAL SECRETS ACT 1963

REVISED

Updated to 15 April 2021

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.