

**Decree No 353**

**on the Amendment of the Decree on the Application of Chapter 1, Section 7 of the Penal Code**

On the submission of the Minister for Foreign Affairs,

points 11 and 12 in section 1, subsection 1 of the Decree of 16 August 1996 (627/1996) on the Application of chapter 1, section 7 of the Penal Code are hereby amended, and

point 13 to section 1, subsection 1 is added as follows:

**Section 1**

11) such detention, serious unlawful detention, kidnapping, exposure to danger or other punishable act that amounts to an offence referred to in the European Convention on the Suppression of Terrorism;

12) such killing, act of violence, illegal detention or depredation directed against a person on board a ship or aircraft, or such hijacking, theft or causing of damage directed against a ship or aircraft or property on board such ship or aircraft that shall be regarded as piracy referred to in the United Nations Convention on the Law of the Sea; and

13) such violation of the prohibition of chemical weapons that is referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

This Decree shall enter into force on 29 April 1997.

**President of the Republic**

Minister for Foreign Affairs

Penal Code

Chapter 38: **Data and Communications Offenses**  
[21 April 1995/578]

Section 1  
*Secrecy offense* [21 April 1997]

A person who in violation of a secrecy obligation provided by an Act or Decree or specifically ordered by an authority by virtue of an Act

- 1) discloses a circumstance which should be kept secret and which he has learnt by virtue of his position or task or in the performance of a duty; or
  - 2) makes use of such a secret for the gain of himself or another
- shall be sentenced, unless the act is punishable under chapter 40, section 5, for a *secrecy offense* to a fine or to imprisonment for at most one year.

Section 2  
*Secrecy violation* [21 April 1995/578]

- (1) If the secrecy offense, in view of the significance of the act as concerns the protection of privacy or confidentiality, or the other relevant circumstances, is minor when assessed as a whole, the offender shall be sentenced for a *secrecy violation* to a fine.
- (2) A person shall also be sentenced for a secrecy violation if he has violated a secrecy obligation referred to in section 1 and it is specifically provided that such violation is punishable as secrecy violation.

---

Chapter 40: **Offenses in office and offenses by an employee of a public corporation**  
[8 September 1989/972]

Section 5  
*Breach and negligent breach of official secrecy* [21 April 1995/578]

- (1) If a civil servant or an employee of a public corporation intentionally, while in service or thereafter, unlawfully
  - 1) discloses a datum which under the provisions on the access to official documents should be kept secret, or another similar datum that he has learnt while in service and not to be disclosed according to an express provision in an Act or decree or the specific order of an authority issued by virtue of an Act; or
  - 2) makes use of such a datum to the benefit of himself or anotherhe shall be sentenced, unless a more severe penalty for the act is provided elsewhere in law, for *breach of official secrecy* to a fine or to imprisonment for at most two years. A civil servant may also be sentenced to removal from office if the offense indicates that he is manifestly unfit for his duties.
- (2) If a civil servant or an employee of a public corporation commits the act referred to in (1) through negligence or carelessness, and the act, in view of its harmful and damaging effects and the other relevant circumstances, is not of minor significance when assessed as a whole, he shall be sentenced,

unless a more severe penalty for the act is provided elsewhere in law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

---