

[CENTER][B]A

BILL

to[/B]

Provide a clear and practical approach to the classification of materials sensitive to National Security and the proper functioning of Government.[/CENTER]

[I][B]The people of the Commonwealth of Redmont,[/B] through their elected Representatives in the Congress and the force of law ordained to that Congress by the people through the constitution, do hereby enact the following provisions into law:[/I]

[B]1 - Short Title and Enactment[/B]

(1) This Act may be cited as the ‘Classified Materials Act’.

(2) This Act will be enacted immediately upon its signing into law.

(3) This Act has been authored by Rep. gwiis and Speaker Omegabiebel.

(4) This Act has been co-sponsored by Rep. X.

[B]2 - Reasons[/B]

(1) Some materials pose a threat to National Security or the proper functioning of Government and therefore need to be legally prevented from being disclosed until it is safe and in the Public Interest to do so.

(2) The Classification Act fails to provide adequate protections for classified materials which are made vulnerable during the transition of power at the end of a term of office

(3) The separation of powers should be maintained as much as possible, this should extend to the materials that each branch deems it necessary to classify.

[B]3 - Repeal of the Classification Act[/B]

(1) The Classification Act will be repealed in full thirty (30) days after the signing of this Act into law.

(2) Until its repeal, the aforementioned Act will remain in force solely for the purposes of managing legacy classifications and clearances in accordance with the provisions of this Act.

[B]4 - Classification Designations[/B]

(1) Classified materials must be given one of the following designations:

(a) SECRET - Reserved for material that, if disclosed, has the potential to cause significant harm to National Security or the Government.

(b) RESTRICTED - Reserved for material that, if disclosed, has the potential to cause moderate harm to National Security or the Government.

(c) OFFICIAL - Reserved for material that, if disclosed, has the potential to cause minor harm to National Security or the Government.

(d) PUBLIC - Material that has not been assigned a classification or that has been lawfully declassified, publicly announced, or distributed.

(2) With the exception of PUBLIC materials, a classification may include scope tags written after the designation in square brackets. These tags shall be the recognised abbreviations of a government body, agency, or department and will restrict access to individuals holding office or employment in the relevant body.

(3) A classification without a tag is accessible to any individual with the appropriate clearance level.

(4) Materials shall not be given a classification that is unreasonably high.

[B]5 - Security Clearance[B]

(1) The security clearance awarded to an individual will determine which designations of classified material they are able to access.

(2) The recognised security clearance levels are as follows:

(a) SC-1 - Authorised to access SECRET, RESTRICTED and OFFICIAL materials;

(b) SC-2 - Authorised to access RESTRICTED and OFFICIAL materials;

(c) SC-3 - Authorised to access OFFICIAL materials;

(3) All persons shall be authorised to access PUBLIC materials.

(3) An individual may have different security clearances

[B]6 - Classification Procedure[/B]

(1) A document, file, message, or Discord channel must be explicitly marked by an authorised individual for classification to be enforceable. The designation, tags, scope, and duration of the classification must be written down in the appropriate list.

(2) The Primary Classification Officer (PCO) shall be the highest authority for classification within a given area including but not limited to a Governmental branch, body or agency. PCOs shall:

(a) Be immune from the need for adequate security clearance within their area;

(b) Have the power to classify and declassify materials within their area, subject to the appropriate rules and regulations;

(c) Give and revoke temporary and permanent clearances within their area subject to the appropriate rules and regulations;

(d) Keep a list of materials classified under their authority, including those classified by individuals to whom they have delegated authority;

(e) Keep a list of individuals to which they have delegated their authority; and

(f) Keep a list of individuals to which they have given a security clearance.

(3) A Secondary Classification Officer (SCO) shall be an individual delegated the authority of a PCO, at said PCO's discretion and within the limits set by that PCO and the appropriate rules and regulations.

(a) Provisions applying to PCOs shall apply to SCOs mutatis mutandis.

(i) An SCO shall use the lists of the PCO which has delegated them their authority.

(4) The following shall be the only Primary Classification Officers:

(a) The President shall be the PCO for the Executive;

(b) The Chief Justice shall be the PCO for the Judiciary;

(c) The Presiding Officers of Congress shall be the PCO for their respective Chambers and jointly for the Legislature;

(d) The Executive Secretaries shall be the PCO for their Department;

(e) The Federal Reserve Board shall jointly be the PCO for the FRB;

(f) The Presiding Judicial Officer of a court shall be the PCO for material regarding their case;

(g) The Presiding Officer of a congressional hearing or impeachment trial shall be the PCO for material regarding the hearing or impeachment trial.

(5) An individual may only apply a classification to materials within the scope and level of their current security clearance;

(6) Judicial deliberations will be designated as at least RESTRICTED [JUD] by default for the duration of a case, unless otherwise specified by the PCO of that case. This classification will lapse only and automatically upon the delivery of a verdict, unless extended by the Supreme Court.

[B]7 – Declassification and Succession of Office[/B]

(1) A classification shall remain in force until it:

(a) Reaches the expiry time set at the moment of classification;

(b) Is revoked or amended by a PCO or someone with their delegated authority;

(c) Is revoked or amended by the courts;

(d) Is automatically declassified under this section.

(2) If the office that issued a classification becomes vacant, a grace period of seven (7) days shall apply, during which the classification remains enforceable.

(3) At the end of the grace period, the classified materials are automatically declassified to PUBLIC unless, within the grace period:

(a) An individual has assumed, in an acting or confirmed capacity, an office with the authority to manage the classified material and has the necessary security clearance to do so; or

(b) A superior officeholder has reaffirmed the classification under their own authority.

[B]8 - Freedom of Information[/B]

(1) Where National Security and the proper functioning of Government outweigh the legitimate interests of the Public, classified materials will, within reason as determined by the Judiciary, not be released.

(2) Any individual or entity may submit a Freedom of Information (FOI) request for access to material held by any government entity. FOI requests must receive a response within seven (7) days indicating:

(a) Approval and eventual release of the material; or

(b) Denial on the grounds of an unreasonable request.

(3) An FOI request will be deemed unreasonable if:

(a) It seeks information clearly beyond the jurisdiction or knowledge of the office addressed;

(b) It seeks access to material whose disclosure to the requesting individual or entity would clearly pose a risk to National Security or to the lawful operation of Government such that it outweighs public interest; or

(c) It is so vague or broad as to be unfulfillable in practical terms;

(4) FOI requests will be handled by the following parties:

(a) The Attorney General for Executive and General FOI requests;

(b) The Speaker of the House for Congressional FOI requests;

(c) The Chief Justice for Judicial FOI requests;

(d) The Reserve Governor for requests made to the FRB.

(5) The Government is obligated to comply with all reasonable FOI requests to the fullest extent possible, including through partial releases, redactions, or summaries where full disclosure would be unlawful or harmful.

(6) Where an FOI request is denied or has failed to receive a response within seven (7) days, the requester may appeal this as follows:

(a) If the request was made to the Executive or Congress, the appeal shall be lodged in the Federal Court in the first instance. The Judiciary shall order the full or partial release of the material if it determines that the request was reasonable. The Court may impose redactions or conditions on any such disclosure.

(b) If the request was made to the Judiciary, the appeal shall be lodged in Congress. A joint closed and classified congressional hearing shall review the request and order the release of material where it finds that the request was reasonable by simple majority vote. Congress may impose redactions or conditions on any such disclosure by simple majority vote.

(7) An individual who discloses classified material without authorisation may claim protection as a whistle blower under the Whistleblowers Act (or subsequent similar Act) where all of the following apply:

(a) The disclosure served a clear and compelling public interest;

(b) No effective or reasonable internal route existed for raising the concern or when this route was used no significant action was taken; and

(c) The individual acted in good faith and not for personal or political gain.

(8) Classification may strictly not be applied for any of the following reasons:

(a) To cover up breaches of laws, rules or regulations;

(b) To prevent or reduce reputational damage, negative publicity or public backlash;

(9) A Court may issue a subpoena to order the disclosure of classified material to a closed or open court as determined by the Judicial Officer.

(10) A Chamber of Congress may issue a subpoena to order the disclosure of any classified material by a Motion to Subpoena with a simple majority vote. The motion must mention if the disclosure is public or limited to a certain group.

[B]9 - Breach of Integrity[/B]

(1) The disclosure of materials classified by this Act by an unauthorised individual or entity will constitute the crime of breach of integrity, unless done so under the protections afforded to whistle blowers.

(2) Responsibility for a breach lies with the individual who first disclosed the material without proper clearance, unless otherwise exempt under law.

[B]10 - Provisions for Transition[/B]

(1) There will be a transition period of thirty (30) days to allow for the replacement of classifications from the rescinded Classification Act with classifications valid under the provisions of this Act.

(2) Existing classifications shall be automatically converted as follows:

(a) Materials designated as SECRET will remain SECRET and may be prepended with a prefix as necessary.

(b) Materials designated as OFFICIAL will remain OFFICIAL and may be prepended with a prefix as necessary.

(c) Materials designated as CABINET will be converted to RESTRICTED and assigned the branch prefix EXEC-.

(3) Any classification that is not reviewed, converted, and recorded in accordance with this Act shall be automatically declassified to PUBLIC at the end of the transition period.

(4) The Chief of Staff shall be responsible for coordinating the review and conversion of all Executive classifications which will be carried out by the PCOs within the Executive; Presiding Officers shall do so for Congressional classifications; the Chief Justice shall do so for Judicial classifications; and the Reserve Governor shall do so for classifications within the FRB. Each shall ensure accurate records of all converted classifications are maintained.

(5) Security clearances held under the repealed Classification Act will be superseded by the clearances and procedures established in Section 5 of this Act. Any legacy clearances not aligned with the new system will be considered void after the transition period unless reaffirmed under the provisions of this Act.