

## **ARCHIVES (RECORDS MANAGEMENT) REGULATIONS, 2008**

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SCHEDULE

**S.I. 2008 No. 67**

## Archives Act

## CAP. 19B

**ARCHIVES (RECORDS MANAGEMENT) REGULATIONS, 2008**

**Authority :** These Regulations were made on 27th August, 2008 by the Minister under section 14 of the *Archives Act*.

**Commencement:** 11th September, 2008.

**Citation**

1. These Regulations may be cited as the *Archives (Records Management) Regulations, 2008*.

**Interpretation**

2. In these Regulations,

“disposal” means

- (a) the destruction of non-current records; or
- (b) the transfer of non-current or semi-current records to
  - (i) a records centre; or
  - (ii) the Archives Department;

“disposition” means any action taken with regard to records following their evaluation and appraisal by the Chief Archivist;

“disposition list” means a document on which a request is made to the Chief Archivist for final authorisation for the disposal of records;

“disposition programme” means a programme which provides for the timely and systematic removal of temporary records for later destruction and for

the designation and transfer of permanent records to the Archives Department;

“records centre” means a building for the storage of non-current or semi-current records pending their ultimate disposition;

“records management” means general administrative procedures employed for the purpose of achieving economy and efficiency in the creation, use, maintenance and the disposal of records;

“records schedule” has the meaning assigned to it in regulation 7;

“records series” means a group of records having the same physical form and one or more of the following aspects:

- (a) arrangement under a single filing system;
- (b) relation to a particular subject;
- (c) documentation of a particular transaction;
- (d) production by the same activity;

### **Custody and care of records**

**3.** The responsible officer shall be responsible for the care and custody of the public records in his office.

### **Establishment of programme for records**

**4.(1)** The responsible officer shall establish and maintain a disposition programme for records and a programme of records management.

(2) The responsible officer shall establish a disposition programme for records which shall comprise the following activities:

- (a) the preparation of a complete inventory of record series in the form provided in Part I of the *Schedule*;
- (b) the preparation of a records schedule;

- (c) the provision of file breaks for that series of records;
  - (d) the preparation of a disposition list;
  - (e) the disposal of records.
- (3) In implementing the programme for records management, the responsible officer shall utilise standard procedures and techniques for
- (a) the creation and maintenance of records;
  - (b) the storage and security of records;
  - (c) the identification and classification of records;
  - (d) the preservation of records;
  - (e) the segregation of records for transfer to the Department of Archives;  
and
  - (f) the disposition of records.
- (4) The responsible officer shall make provision for the transfer of permanent records to the Chief Archivist.

#### **Safeguards against loss of records**

5. The responsible officer shall establish safeguards against the unlawful removal or loss of records from a public office.

#### **Destruction of records**

6. The responsible officer shall notify the Chief Archivist of the destruction by any person of any records in the custody of a public office.

#### **Records schedule**

- 7.(1) The responsible officer shall prepare and maintain a records schedule for all categories of records and records series in the custody of a public office.

- (2) A records schedule shall
- (a) specify each type of record produced by a government office;
  - (b) clearly identify and describe the series of records listed;
  - (c) state the retention period for each record;
  - (d) contain instructions for the disposal of each series of records; and
  - (e) identify permanent records.
- (3) The records schedule shall be completed within one year of the implementation of the disposition programme for records.
- (4) In the case of the establishment of a new public office the disposition programme and records schedule shall be completed within a reasonable period of time, and in any event be established within five years and shall be reviewed on an annual basis to effect the changes necessary to ensure that it is kept up to date.
- (5) The responsible officer shall submit the records schedule to the Chief Archivist for review and approval.

#### **Request for disposition of records**

- 8.(1)** Where a responsible officer wishes to dispose of any records, he shall submit to the Chief Archivist an application for such disposition in the Form specified in Part II of the *Schedule*.
- (2) The responsible officer shall certify that the action indicated is, in his view, appropriate.
- (3) Where the Chief Archivist approves the application, he shall indicate his
- (a) approval of the disposition; or
  - (b) consent to the destruction of the records.
- (4) Where the Chief Archivist has reviewed and approved the records schedule, the original shall be kept as a permanent record in the Archives

Department; and an approved copy of the records schedule, with a copy of an appraisal report and instructions for implementation from the Chief Archivist, shall be returned to the public office.

(5) Notwithstanding paragraphs (1) and (2), the destruction of any class of record specified in

- (a) the First Schedule to the *Financial Management and Audit (Financial) Rules, 1971* (S.I. 1971 No. 46) requires the prior approval of the Auditor-General; and
- (b) the *Evidence Act*, Cap. 121, requires the prior approval of the Attorney-General.

#### **Minister's directions**

9. The Chief Archivist shall submit to the Minister for his directions a list

- (a) containing the information submitted in the records schedule by the responsible officer; and
- (b) identifying the records to be transferred, retained or destroyed by the public office.

#### **Extension of records retention period**

10.(1) The responsible officer shall not maintain records for a period of time longer than that specified in the records schedule without the prior written approval of the Chief Archivist.

(2) A request for extension of a retention period for records may be granted where the records are of continuing administrative, legal or fiscal value to Government operations.

- (3) The request for any records to be maintained longer than the period specified in the records schedule shall include
- (a) a concise description of the records in respect of which an extension of retention period is requested;
  - (b) a complete citation of the specific provisions of the office records schedule currently governing disposal of records;
  - (c) a statement of the period of time that the records will continue to be of use to the office;
  - (d) a statement providing evidence of the specific need for the records, including information on their continuing administrative, legal or fiscal value to Government operations; and
  - (e) a statement of the current and proposed physical location of the records, including information on whether the records have been or will be transferred to the records centre.

**Approval of request for extension of retention period and notification to offices involved**

**11.(1)** The approval of a request for extension of retention periods may apply to records in the custody of one public office or records common to several or all public offices.

(2) Where a record is applicable to more than one public office, the approval of a request referred to in paragraph (1) shall be notified in writing to all the public offices concerned.

(3) Where an extension of retention periods for records which have been or will be transferred to the records centre is granted, notification in writing thereof must be given to the centre and to the public office.

**Notification**

**12.** Upon the expiration of an approved extension of a retention period the Archives Department shall notify the public offices to observe normal records retention requirements.

**Withdrawal of disposal authorisations**

**13.(1)** Where it is in the interest of efficiency of Government operations, the Minister may suspend or withdraw directions given under regulation 9.

- (2) The suspension or withdrawal of directions may apply to
- (a) a particular item on the record schedule submitted by the responsible officer;
  - (b) a particular item on a schedule submitted by a public office; or
  - (c) a specified type of record created by any or all public offices.

**Transfer of records**

**14.** No record in respect of which a direction referred to in regulation 9 has been given shall be transferred, at the written request of the responsible officer, from one public office to the custody of another without the prior written approval of the Minister except when

- (a) they are transferred to the records centre or to the Archives Department; or
- (b) the transfer of records, functions or both is required by statute, or by specific determination made thereunder.

**Content of request for transfer of records**

- 15.** A request referred to in regulation 14 shall contain
- (a) the approximate number of files or volumes to be transferred or a concise description of the records to be transferred;
  - (b) a statement of the
    - (i) restriction on the use of records, if any;
    - (ii) number of reference requests per month made for the records with information as to the reference to the records and the purpose of such use;
    - (iii) number of persons, if any, assigned to the administration of the records;
    - (iv) current and proposed official custody and physical location of the records; and
  - (c) information as to why the proposed transfer is in the best interest of the Government.

**Records centre**

- 16.** The Chief Archivist shall establish, maintain and operate a records centre for the economical storage, processing and servicing of non-current or semi-current records of all public offices that
- (a) may not be destroyed immediately;
  - (b) are not frequently used or requested as reference material; and
  - (c) may be stored more economically in the records centre than in a public office.

**SCHEDULE**

Part I

*(Regulations 4(2)(a) and 7(a))*

**RECORD SERIES INVENTORY**

1. Public Office (Min./Dep.) of origin (please also state the current title of the public office if different from the office of origin)		2. Prepared By:		3. Date:	
4. Record Series Title:	5. Record Series Location:	6. Duplicate Record Saeries Location:		7. Alternate Record Series and Location:	
8. Storage Code:		9. Date of Placement in Storage:		10. Measurement (metres):	
11. Yearly Growth Rate:			12. File Breaks		
			Yes <input type="checkbox"/>		
			No <input type="checkbox"/>		

Name and Full Description of Record Series	Frequency of Use	Arrangement of Records	Inclusive date of Record Series (from earliest to latest volume)	Recommended Retention Period

## Part II

*(Regulation 8(1))*

<b>REQUEST FOR DISPOSITION OF RECORDS</b>			
To: Chief Archivist Department of Archives Black Rock St. James		1. From: Min./Dept. (please state the former title if different from current designation)	Job No.
		2. Div/Branch/Section	Date Received
		3. Name of Contact	Tel. No.
4. Item No.	5. Description of item and inclusive dates or retention periods	6. Sample or Job No.	7. Action

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**8. CERTIFICATE OF RESPONSIBLE OFFICER**

I hereby certify that I am authorised to act for this public office in matters pertaining to the disposal of its records, and I further certify that the records proposed for disposal in this request are not needed for the business of the office nor will they be needed after the retention periods specified in column 5 of this Form.

- A.  Immediate disposal      B.  Disposal after a specified period  
C.  Permanent retention

\_\_\_\_\_  
Signature of Responsible Officer

\_\_\_\_\_  
Title of Post

\_\_\_\_\_  
Date

**9. APPROVAL OF DEPARTMENT OF ARCHIVES**

This disposal request, including amendments, is approved except for items that may be stamped “DISPOSAL NOT APPROVED” ‘DNA’ or “WITHDRAWN” ‘WD’ in column 7 of this Form.

\_\_\_\_\_  
Chief Archivist

\_\_\_\_\_  
Date

**INSTRUCTIONS**

**GENERAL**

This form must be used to obtain authority for the disposal of records or to request permanent retention periods. The form should be prepared in quadruplicate with the original and two copies being sent to the Archives Department, Black Rock, St. James. One copy should be retained by the agency concerned. The Archives Department will return one copy to the agency to signify approval for the disposal of items. Items withdrawn or not approved for disposal will be so marked.

**SPECIFIC**

**Entries 1 & 2** should show **which** government agency has custody of the records that are identified on the form and should contain the name of the Ministry, Department, Statutory Board, and its Division, Branch or Section.

**Entry 3** should help identify and locate the person to whom enquiries regarding the records should be directed.

**Entry 4** should contain the numbers of the items of records identified on the form in sequence, i.e. 1, 2, 3, 4 etc.

**Entry 5** should indicate what records are proposed for disposal, i.e. destruction. Please indicate which agency's records are involved if all the records described on the form are not those of the same agency or if there are records created by another agency.

The types of records involved should be identified if they are other than textual records, for example, if they are photographic records, sound recordings or cartographic records (maps and plans). The series of records that are proposed for disposal or retention should be itemized and accurately identified. Each series should comprise the largest practical grouping of separately organized and logically related materials that can be treated as a single unit for purposes of disposition. Component parts of a records series may be listed separately if numbered consecutively as 1a, 1b, etc., under the general series entry.

A statement should be provided showing when disposal is to be made of the records, thus:

**If immediate disposal** is requested of past accumulations of records, the inclusive dates covering the creation and termination of the records should be stated.

**If continuing disposal** is requested for records that have accumulated or will continue to accumulate, the retention period may be expressed in terms of years, months, etc., or in terms of future actions or events. A future action or event that is to determine the retention period must be objective and definite. If disposal of the records is contingent upon their being micro-filmed or otherwise reproduced or recorded on machine readable media the retention period should read, "Until ascertained that reproduced copies or recordings have been made in accordance with regulations under the *Archives Act*, Cap. 19B, and are adequate substitutes for the paper records".

**Entry 6** should be marked with an X if samples are submitted for an item. However, samples of records are not required unless they are requested by the Archives Department. If an item has been previously submitted for disposition authority the relevant job and item number should be entered.

**Entry 7** should be left blank as well as the unnumbered entries for “Job No.” and “Date Received”, respectively which appear at the top right hand corner of the form and are intended for the use of the Archives Department.

**Entry 8** should be signed and dated on the four copies by the agency’s representative. The number of pages involved in the request should be inserted in the space provided. Box A should be marked with an X if the records are to be disposed of immediately. Box B should be marked with an X if continuing disposal authority is requested, while Box C should be marked with an X if permanent retention is requested. The boxes should be marked appropriately.

**Entry 9** provides for approval of the request by the Archives Department.