

BILLS-SUPPLEMENT-

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**THE NATIONAL RECORDS AND ARCHIVES
BILL, 1996.**

MEMORANDUM

The object of the Bill is to establish the National Records Centre and National Archives under which all Government and public records will be managed by one single authority, and to provide for the preservation and disposal of Government and public records; and for other connected matters.

DR. E. T. S. ADRIKO,
*Second Deputy Prime Minister
and Minister of Public Service.*

THE NATIONAL RECORDS AND ARCHIVES BILL, 1996

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY.

Clause

1. Short title.
2. Interpretation.
3. Reckoning of time.

PART II—ESTABLISHMENT AND FUNCTIONS OF NATIONAL RECORDS
CENTRE.

4. Establishment of National Records Centre.
5. Functions of National Records Centre, *etc.*
6. Determination of value of records.

PART III—MANAGEMENT OF PUBLIC RECORDS.

7. Current Records.
8. Semi-current records.
9. Establishment of National Archives.
10. Functions of National Archives.
11. Transfer of Archives to Ministry responsible for public service.
12. District Records.

PART IV—GENERAL.

13. Thirty-year rule.
14. Copyright.
15. Legal validity.
16. Places of deposit.

17. Recording.
18. Official publications.
19. Export of historical documents.
20. Deferment of transfer.
21. Wilful mutilation or destruction of public records.
22. Illegal export of historical documents.
23. Consolidated Fund.
24. Regulations.
25. Repeal.

A Bill for a Statute

ENTITLED

**THE NATIONAL RECORDS AND ARCHIVES
STATUTE, 1996.**

A Statute to provide for rationalised management of all Government and other public records under one single authority, to provide for the preservation and disposal of such records, and for other connected matters.

Be it enacted by the President and the National Resistance Council as follows:

PART I—PRELIMINARY

1. This Statute may cited as the National Records and Archives Statute, 1996. Short Title.

2. In this Statute, unless the context otherwise requires— Interpre-
tation.

“archives” means records of permanent value selected for preservation in an archival institution;

“archival institution” means a place where archives are kept or where records of permanent value are kept;

“archival repository” means a building or part of a building in which archives are preserved and made available for consultation;

“current records” means records regularly used for the conduct of the current business of an institution or individual and which continue to be maintained in their place of origin;

“Director” means the Director for Records and Information Management;

“judicial records” means all records of Court which—

(a) are in the custody of any Court or of any officer of any Court in his capacity as a judicial officer; or

(b) have been transferred to any Government Repository such as the National Records Centre or the National Archives;

“Minister” means the Minister responsible for public service;

“National Archives” means the archival repository in which archives of the central institutions of the Republic of Uganda are preserved and made available for consultation;

“prescribed” means prescribed by regulations under section 24 of this Statute;

“public records” means—

(a) any and all records of Government which—

(i) are created or received in the course of Government business; or

(ii) have been transferred to any Government records repository such as the National Records Centre or the National Archives under this Statute;

- (b) any records of a prescribed corporation, society, association, institution, or organisation which—
- (i) are in the custody of that corporation, society, association, institution, or organisation; or
 - (ii) have been transferred to any Government Records Repository such as the National Records Centre or the National Archives under this Statute;

(c) any judicial records;

(d) any records of any formation or unit of the Armed Forces of Uganda or of any officer of that formation or unit;

(e) any record by any prescribed body or person;

“records” means recorded information regardless of form or medium created, received and maintained by any institution or individual in accordance with its or his obligations or in the transaction of its or his business;

“recording” means anything on which sound or images or both are fixed regardless of form;

“records centre” means a building specially designed and constructed or converted for low-cost storage, maintenance and communication of semi-current records pending their ultimate disposal;

“registry” means the place where active records of an organisation are kept for management;

“retention schedule” means a document describing the recurring records of an institution or an administrative unit, specifying those records to be preserved as having permanent value as archives and authorising on a continuing basis and after the lapse of specified retention periods or the occurrence of

specified actions or events, the disposal by destruction or other means of the remaining records;

“semi-current records” means records required only infrequently for the conduct of current business; and for the purposes of this Statute, files and other assemblies on which no action has been recorded for five years shall be regarded as semi-current records.

Reckoning
of time.

3. (1) In this Statute a period of time specified shall run from the first day of January in the next year after that in which the records were created.

(2) Where records created on different dates are for administrative purposes kept together on one file or other assembly all the records on that file or assembly shall be treated for the purposes of this Statute as having been created when the latest of those records was created.

PART II—ESTABLISHMENT AND FUNCTIONS OF NATIONAL RECORDS CENTRE

Establishment of a
National
Records
Centre.

4. (1) There is established in the Ministry responsible for public service a National Records Centre.

(2) The National Records Centre shall be managed and controlled by the Director of Records and Information Management in the Ministry responsible for public service, who shall be of the rank of Permanent Secretary.

(3) There shall be under the National Records Centre registries in each Ministry headed by such persons as may be designated by the Director.

(4) There shall also be under the National Records Centre such other records centres as the Minister may prescribe by regulations under section 16 of this Statute.

(5) All staff in records management shall—

(a) take an oath of secrecy;

(b) the official oath; and

(c) conform to any specific security requirements of any area to which their duties may require that they have access.

(6) The National Records Centre shall have an official seal which shall be judicially noticed.

5. The functions of the National Records Centre are—

Functions of
the National
Records
Centre, etc.

(a) to ensure that public offices and other institutions and individuals subject to this Statute follow good record keeping practices.

(b) to establish and implement procedures for the timely disposal of public records of no continuing value and for the transfer of those of permanent value for preservation in the National Archives or some other archival repository under the control of the National Records Centre or in such other place of deposit appointed under section 16 of this Statute;

(c) to preserve and make available for consultation, public records in the National Archives or any other archival repository under the control of the National Records Centre; and

(d) to conduct research into record storage, retrieval, rehabilitation and dissemination.

Determi-
nation of
value of
records.

6. In carrying out its functions, the National Records Centre shall be advised by the following persons in determining the values of records disposition schedules under this Statute—

- (a) the Permanent Secretary of the creating or holding Ministry who shall determine the administrative value;
- (b) a senior financial officer from the Ministry responsible for finance who shall determine the financial value;
- (c) an officer not below the rank of Senior State Attorney in the Ministry responsible for justice who shall determine the legal value;
- (d) the Government Archivist who shall determine the historical value; and
- (e) any other person that the National Records Centre may, in consultation with the Minister, appoint.

PART III—MANAGEMENT OF PUBLIC RECORDS

Current
records.

7. (1) All persons directing the records of public offices and the records of other institutions subject to this Statute shall be responsible for the establishment within their respective registries, of good records keeping practices, including—

- (a) the creation and management of current records within appropriate filing systems;
- (b) the implementation of retention schedules; and
- (c) the transfer of semi-current records into the custody of the National Records Centre.

(2) Paragraph (c) of subsection (1) of this section does not apply where the records remain classified or secret on the

ground of national security, maintenance of public order or the safeguarding of the revenue or the protection of personal privacy and the deferment of their transfer for a further specified period has been approved under regulations made under section 24 of this Statute.

(3) The Director shall be responsible for the oversight of records work within public offices, with powers of inspection, and in particular responsible for—

- (a) providing professional assistance, advice and guidance on the establishment and management of filing systems;
- (b) establishing and insuring compliance with standards for the management of public records;
- (c) advising in co-operation with the Management Services Division the heads of public offices on the numbers and qualifications of appropriate officers to be in-charge of records;
- (d) arranging the necessary training of officers in-charge of records;
- (e) drawing up general retention schedules which shall be determined in consultation with the Minister responsible for public service, and issued on the authority of the persons responsible for determining the values of records disposition under section 6 of this Statute;
- (f) ensuring that the provisions of retention schedules are implemented; and
- (g) authorising the disposal of public records as may be provided for by retention schedules.

Semi-current
records.

8. (1) The Director shall accept custody of semi-current records together with their retention schedules and maintain them within a records centre and shall, in particular—

- (a) return semi-current records temporarily from his custody to the public office or other institution which created them or to its successor in function for the purposes of current administration;
- (b) implement retention schedules in respect of semi-current records in his custody;
- (c) appraise and dispose appropriately of semi-current records which are in his custody as may be provided for by retention schedules;
- (d) arrange the transfer of records of permanent value to the National Archives or another archival repository under his control or any other place appointed under section 16 not later than thirty years from their creation.

(2) Heads of public offices and other institutions shall co-operate with the Director or any other officer authorised by the Director in the management of semi-current records and shall in particular be responsible for—

- (a) maintaining the integrity of all semi-current records returned temporarily under paragraph (a) of subsection (1) of this section;
- (b) approving access by third parties, other than authorised public officers and officers of the public office which created them or its successor in function;
- (c) maintaining semi-current records whose transfer has been deferred under section 20 of this Statute in conditions comparable to those provided by the Director in records centres under his control;

- (d) implementing retention schedules relating to semi-current records whose transfer has been deferred under subsection (2) of section 7 and transferring records of permanent value to the National Archives or any other place of deposit appointed under Section 16 not later than thirty years from their creation, except in so far as further deferment of transfer for a specified period has been approved by regulations made by virtue of section 7 of this Statute.

Establishment of National Archives

9. (1) There is established in the Ministry responsible for public service the National Archives.

Establishment of National Archives.

(2) The National Archives established in this section shall be under the control of the Director.

(3) The National Archives shall have an official seal which shall be judicially noticed.

10. The Archives are hereby transferred from the Office of the President to the Ministry responsible for public service for the smooth administration and control of the information system.

Transfer of Archives to Ministry responsible for public service.

11. (1) The functions of the National Archives are—

Functions of National Archives.

- (a) to take charge of the National Archives and any district archival repositories;
- (b) to provide in the National Archives and any other archival repositories which the Director may establish, suitable conditions for the preservation and consultation of their holdings;
- (c) to arrange and describe those holdings and provide appropriate guides, lists, indexes and other finding aids to facilitate access to them.

(2) The Director shall be responsible for the preservation of all public records of permanent value other than those whose transfer has been deferred under subsection (2) of section 7 of this Statute or held in a place of deposit appointed under section 16 of this Statute; and

shall do all such things as appear to him necessary or expedient for maintaining the utility of the National Archives and any other archival repository under his control and in particular shall—

- (a) prepare publications, and sell them and other publications or objects related to the public records;
- (b) prescribe rules to be observed by persons wishing to consult public records in the National Archives or any other archival repository under his control;
- (c) arrange exhibitions and lend public records for exhibitions subject to conditions specified by him, except that loans outside Uganda may not be made without the consent of the Minister;
- (d) dispose of public records in the National Archives or any other archival repository under his control if it seems to him they are not of permanent value, subject to the agreement of the head of the public office in which they were created or its successor in function and of the persons responsible for the determination of the values of records disposition under section 6 of this Statute;
- (e) accept non-public records by purchase, gift, bequest, deposit, negotiation, contract or loan;
- (f) enter into arrangements with other institutions for the joint management, of conservation and restoration facilities.

12. (1) There shall be established in each district of Uganda a district office of the National Records Centre.

(2) The head of the district office shall be responsible for implementing in the district the general policy of records administration and shall be responsible to the Deputy Director (Districts) on professional matters.

Statute No.
15 of 1993.

PART V—GENERAL.

13. (1) Public records in the National Records Centre or in any other archival repository or in a place of deposit appointed under section 16 of this Statute shall be available for public inspection after the expiration of a period of thirty years from their creation in so far as a longer or shorter period has not been prescribed by regulations for the purpose of subsection (2) of section 7 of this Statute or they have been disposed of in accordance with paragraph (d) of subsection (2) of section 11 of this Statute on the recommendation of the head of the public office which created the records or its successor in function.

Thirty year
rule.

(2) Public records to which members of the public had access before transfer into the custody of the National Records Centre or to a place of deposit appointed under section 16 of this Statute shall continue irrespective of their age to be available for public inspection.

14. (1) In making available for inspection or providing copies of public records in his custody the Director shall not be in breach of any private copyright in the records.

Copyright.

(2) The provision of copies of public records by the Director does not involve the transfer of any copyright in the records to the recipients.

15. A copy of or extract from a public record in the custody of the National Records Centre examined and certified as a true and authentic copy by an officer authorised by the Director and bearing its seal shall be admissible as evidence in any proceedings without any further or other proof of the record if the original record would have been admissible as evidence in those proceedings.

Legal
Validity.

Places of
deposit.

16. (1) If it appears to the Director that a place other than the National Records Centre, the National Archives or other archival repository affords suitable facilities for the safe keeping and preservation of public records of permanent value and for their consultation by the public in some other place other than the National Records Centre or the National Archives and that convenience so requires, the Director may declare that place a Government records repository and may appoint it as a place of deposit for specified public records.

(2) Where the Director declares any place to be a Government records repository, those public records as are available for non-current storage shall be transferred to that place of deposit instead of the National Records Centre or the National Archives and, the provisions of this Statute shall have effect accordingly.

(3) If a place of deposit fails to maintain suitable facilities or ceases to be adequately funded, the Director may revoke its appointment.

(4) Public records may be temporarily returned from the National Records Centre or the National Archives as the case may be, to the office that transferred them, at the request of that office.

(5) Where any public office is to be closed permanently, the responsible officer shall transmit to the Director a detailed list of all public records in that office, and shall transfer to the National Records Centre or the National Archives those records that the Director may select for storage or permanent preservation.

Recording.

17. The Director may request in writing of the producer or distributor of a recording which is not a public record but is of permanent value a copy of that recording for preservation in the National Archives and the producer or distributor shall comply with the request within six months.

18. Each public office shall deposit in the National Archives two copies of every publication which it issues, whether by sale or otherwise.

Official publications.

19. (1) The export from Uganda of public records or other documents which relate to Uganda and are in the opinion of the Minister of historical or cultural value, is prohibited except in accordance with the terms of a licence to export issued by the Minister.

Export of historical documents.

(2) The Minister may, in his discretion refuse to issue a licence if he considers that the public record is of historical or cultural value and that the export of the record is not in the national interest.

(3) A licence issued under subsection (1) of this section shall specify each document to which the licence relates and may contain such conditions as the Minister may prescribe.

(4) For the purposes of this section, the Minister may authorise the Director to establish a register of private records and archives within Uganda.

20. The Director may defer acceptance of transfers of semi-current records and archives into his custody if accommodation for them is not available or other arrangements for their reception cannot be made.

Deferment of transfer.

21. Any person who wilfully mutilates or removes any public record in the National Archives or any other archival repository under the control of the Director or in a place of deposit appointed under section 16, commits an offence and is liable on conviction to a fine as shall from time to time be prescribed by the Minister by statutory instrument.

Wilful mutilation or destruction of public records.

22. Any person who contravenes any provision of section 19 commits an offence and is liable on conviction, to a fine prescribed by the Minister by statutory instrument from time to time

Illegal export of historical documents.

and for the avoidance of doubt the fine may exceed that prescribed by section 38 of the Interpretation Decree (No. 18 of 1976).

Decree No.
18 of 1976.

Consoli-
dated Fund.

23. The funds required to carry out any of the provisions of this Statute shall be paid out of the Consolidated Fund.

Regulations.

24. (1) The Minister may, by statutory instrument, make regulations for any matter which may be prescribed or for the better carrying out of the objects and purposes of this Statute and giving full effect to the provisions of this Statute.

(2) Without prejudice to the general effect of subsection (1) of this section the Minister may make regulations under it prescribing for—

- (a) the admission of the public to the National Archives and the inspection of public records there;
- (b) the transfer of public records to the National Records Centre and the National Archives;
- (c) the responsibilities of public officers for the custody of public records;
- (d) the conditions under which documents in the National Archives may be reproduced or published or extracts made;
- (e) the fees to be paid for the use of the facilities of the archives;
- (f) any forms to be used for the purpose of this Statute; and
- (g) the preservation and protection of public records and for any other thing to be prescribed under this Statute.

25. The Records (Disposal) Act is repealed.

Repeal
Cap. 42.