

THE ARCHIVES ACT

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SCHEDULE

THE ARCHIVES ACT

[18th January, 1983.]

Act
20 of 1982.

1. This Act may be cited as the Archives Act.

Short title.

2. In this Act—

Interpre-
tation.

“archives” means all official records no longer in current use and adjudged by the Committee to be worthy of permanent preservation in the Jamaica Archives for reference and historical purposes;

“Committee” means the Archives Advisory Committee established under section 3;

“Jamaica Archives” means the office known as the Jamaica Archives established under section 4;

“official records” means all papers, documents, records, registers, printed material, maps, plans, drawings, photographs, microfilms, cinematograph films and sound recordings of any kind whatever, officially received or produced by any public organization for the conduct of its affairs or by any officer or employee of a public organization in the course of his official duties.

“public organization” means any ministry, department, commission, committee, board, corporation, agency or other organization of the Government of Jamaica or a local government authority.

3.—(1) For the purposes of this Act there is hereby established a body to be known as the Archives Advisory Committee.

Establish-
ment and
functions of
Archives
Advisory
Committee.

Schedule.

(2) The provisions of the Schedule shall have effect with respect to the constitution and operations of the Committee and otherwise in relation thereto.

(3) The Committee shall, with a view to the proper carrying out of the provisions and objects of this Act, advise the Minister on any matter within its knowledge or on which the Minister may seek its advice.

Establishment of Jamaica Archives.

4.—(1) For the purposes of this Act there is hereby established an office to be known as the Jamaica Archives with as many branches as the Minister may deem necessary or convenient and in which shall be preserved such archives as are transferred there or acquired by the Archivist under the provisions of this Act.

(2) The Minister may from time to time, by order, direct that official records deposited in any particular place or custody specified in the order shall be under the charge and control of the Archivist.

(3) The provisions of this Act shall apply in relation to official records referred to in subsection (2) and their custody in the same way as if they had been placed under the charge and control of the Archivist by this Act.

Seal of the Jamaica Archives.

5. The Archivist shall cause to be prepared and shall keep and use a seal bearing the impression of the Arms of Jamaica, and having inscribed in the margin thereof the words "Office of the Jamaica Archives".

Appointment and functions of Archivist.

6.—(1) There shall be an Archivist for the purposes of this Act, who shall be a public officer.

(2) The Archivist shall be responsible for—

- (a) the custody, preservation, arrangement, repair and rehabilitation of archives;

- (b) such duplication and reproduction of archives as may be necessary or appropriate; and
- (c) the preparation and publication of inventories, indexes, catalogues and other finding-aides or guides facilitating the use of archives.

7.—(1) Subject to subsection (2), the Archivist, or any officer of the Jamaica Archives authorized by him, has the power to examine any official records which are in the custody of any public organization and to advise such organization as to the care, custody and control thereof.

Examination of official records and transfer of such records to the Jamaica Archives.

(2) Nothing in this section shall authorize the Archivist or any officer referred to in subsection (1), to examine any official record relating to matters which by Statute are forbidden to be communicated to him.

(3) Official records in the custody of any public organization shall be transferred periodically to the Jamaica Archives in accordance with regulations made under this Act.

8. The Archivist may require by gift, purchase or loan, all such original records, documents, books, and other historical material, of any nature whatsoever, or copies or replicas thereof, as he may think necessary or desirable to secure for the Jamaica Archives.

Acquisition of private records by Archivist.

9.—(1) Every person responsible for the custody of official records of any description which are not in the Jamaica Archives shall make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.

Acquisition of official records by Archivist.

(2) Every person required to make arrangements pursuant to subsection (1), shall do so under the guidance of the Archivist or any officer of the Jamaica Archives autho-

rized in that behalf by the Archivist and the Archivist shall be responsible for co-ordinating and supervising all action taken under this section.

(3) Subject to subsection (4), official records selected for permanent preservation under this section shall be transferred not later than thirty years after their creation to the Jamaica Archives.

(4) Official records may be retained in any public organization after the period stated in subsection (3) if, in the opinion of the person who is responsible for them, they ought to be retained for any special reason.

Access to
official
records.

10.—(1) Official records in the Jamaica Archives shall not be available for public examination until they have been in existence for thirty years, or such longer or shorter period, as the Committee with the approval of the Minister may specify as respects any particular class of official records or any individual official record.

(2) Notwithstanding subsection (1), where it appears to the person responsible for any official records which have been selected for permanent preservation that they contain information which was obtained under such conditions that the opening of such records to the public after the period prescribed under subsection (1), might constitute a breach of good faith on the part of the Government or on the part of the person who obtained the information, the person responsible for such records shall inform the Archivist accordingly and those records shall not be available in the Jamaica Archives for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Archivist after consultation with that person, may approve.

(3) Subject to the provisions of this section and of any other enactment which prohibits the disclosure of information obtained from the public, and subject to any