

Framework for National Archives and Records Management Legislation

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Committee to Revise National Archives Law No. 48 of 1973

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<p>AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A DEPARTMENT KNOWN AS SRI LANKA NATIONAL ARCHIVES; TO PROVIDE FOR THE SYSTEMATIC MANAGEMENT, PRESERVATION AND ACCESSIBILITY OF ARCHIVES AND RECORDS; TO ENSURE THE TRANSFER OF PUBLIC RECORDS TO SRI LANKA NATIONAL ARCHIVES; TO REPEAL THE NATIONAL ARCHIVES LAW NO. 48 OF 1973; AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH.</p>	<p>Long title</p>
<p>WHEREAS it has become necessary to ensure the systematic management, preservation and accessibility of archives to protect national identity, promote accountability, safeguard the collective memories of the nation and to enable persons to exercise their fundamental rights;</p> <p>AND WHEREAS the widespread importance of archives and records as evidence of the actions, transactions and decisions of public authorities, persons and organisations must be promoted by the Sri Lanka National Archives in the public interest;</p> <p>AND WHEREAS it has become necessary to strengthen legal provisions for the management of public records of Sri Lanka and to safeguard, select and transfer all public records of enduring value to the Sri Lanka National Archives for preservation, access and use;</p> <p>AND WHEREAS it is the shared responsibility of persons in Sri Lanka to support efforts in the public and private sectors to preserve and make accessible for current and future generations all archives and records representing the collective labour of the nation;</p> <p>NOW THEREFORE BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:</p>	<p>Preamble</p>
<p>1.</p> <p>(1) This Act may be cited as the National Archives and Records Management Act No. XX of 2024.</p> <p>(2) The provisions of this Act shall come into operation on the date on which the certificate of the Speaker is endorsed in respect of this Act in terms of Article 79 of the Constitution.</p>	<p>Short title and date of operation</p>

<p>2.</p> <p>The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law relating to the management of archives and records, which includes selection and transfer, disposal, access, preservation, issuing guidance and other related matters.</p>	<p>The provisions of this Act to prevail in case of any inconsistency</p>
<p>PART I</p> <p>THE SRI LANKA NATIONAL ARCHIVES</p>	
<p>3.</p> <p>There shall be established a Department known as the Sri Lanka National Archives (hereinafter referred to as the “National Archives”).</p>	<p>The Sri Lanka National Archives</p>
<p>4.</p> <p>(1) There shall be an official seal of the National Archives of a design recommended by the National Archivist and approved by the Minister.</p> <p>(2) The seal shall be in the custody of the National Archivist or in the custody of any staff officer as authorized by the National Archivist.</p> <p>(3) Subject to subsection (1), the seal may be altered in such manner and format as may be determined by the National Archivist;</p> <p>(4) The seal shall be affixed by the National Archivist or by any staff officer authorized by the National Archivist in that behalf to any instruments and documents, including copies or extracts of archives referred to in section 37 of this Act.</p> <p>(5) The National Archives shall maintain registers of all instruments and documents provided under section 37 of this Act to which the seal has been affixed.</p>	<p>Seal of the National Archives</p>

<p>5.</p> <p>The objects of the Act shall be to—</p> <ul style="list-style-type: none"> (a) ensure the inviolability, inalienability and imprescriptibility of archives and records in the custody of the National Archives; (b) uphold the principles of accountability, equality, participation and diversity at the National Archives; (c) ensure the long-term management, preservation and accessibility of archives and records irrespective of form and medium; (d) promote the unrestricted accessibility to open archives and encourage the use of such archives by the public; (e) improve records management practices in the public sector by promoting standardized processes and technologies for creating, capturing, maintaining, describing, retrieving and preserving records; (f) promote the role of archives and records management in representing the diverse cultures, heritages and communities in the country. 	<p>Objects of the Act</p>
<p>6.</p> <p>Subject to the provisions of this Act, the National Archives shall exercise, perform and discharge all or any of the following powers, duties and functions:</p> <ul style="list-style-type: none"> (a) serve as an institution collecting, preserving and providing access to information, evidence and the memories of the nation; (b) ensure and monitor the transfer of public records with enduring value to the National Archives under the provisions of this Act; (c) adopt all such measures as are necessary to appraise, arrange, describe, translate, retrieve and enable the use of archives and records; (d) issue guidelines and codes of practice, enforce regulations and encourage compliance with standards across public authorities on the management of records in order to ensure that comprehensive records of decisions, actions and transactions are created and managed 	<p>Powers, duties and functions of the National Archives</p>

according to the provisions of this Act;

(e) make open archives in the custody of the National Archives accessible to any person, including providing copies of public archives to promote knowledge creation, dissemination of information, innovation, societal progress and to encourage the greatest possible use of and engagement with such archives by the public, including among marginalized persons in society;

(f) monitor and enforce compliance with the provisions of this Act on the governance of archives and records management;

(g) cooperate with networks, organisations and experts in the field of archives and records management within and outside Sri Lanka to share resources, expertise and best practices and utilize expertise as may be necessary, for the proper management of archives and records in the custody of the National Archives and other public authorities with the approval of the Minister;

(h) promote, document and preserve intangible cultural heritage;

(i) proactively document and collect evidence relating to events, peoples, sectors and processes in the public interest which may reflect wider representation, inclusivity and diverse experiences, subject to any written law;

(j) assist independent private archival institutions by providing training and resources, if such requests are made to the National Archives;

(k) develop and implement capacity building and accreditation services to enhance skills and expertise in archives and records management, including digital records management and promote the development of an archives and records management sector and relevant professional qualifications in Sri Lanka;

(l) raise public awareness about the positive impact of archives and records management, and promote public engagement in archival initiatives at all levels of society;

(m) examine and instruct on the protection of any records or archives containing references to Sri Lanka or which had its origin in Sri Lanka but is lying outside Sri Lanka, with a view to securing either on loan or by purchase or recovering such archives and records by replevin or a duplicate thereof;

<p>(n) promote and adopt accepted standards promulgated by national or international organisations relating to archives and records management;</p> <p>(o) ensure consistency of electronic document and records management systems (EDRMS) procured by or developed for public authorities with characteristics and specifications outlined by accepted standards;</p> <p>(p) conduct studies to understand the challenges to and requirements for the systematic management of archives and records, recommend necessary programmes of action, and implement such programmes with the involvement of subject experts, as and when required;</p> <p>(q) conduct consultations, research and other services related to public archives and any other matters provided for in this Act;</p> <p>(r) recruit volunteers and assign duties subject to such volunteers signing a confidentiality agreement, following a code of ethics and other relevant contracts regulating their conduct at and obligations to the National Archives and the authorities or organisations with which it may work;</p> <p>(s) deposit on a temporary basis any specified class or description of public records at places other than the National Archives pending their transfer to the National Archives;</p> <p>(t) produce, edit, print or make any other public use of any archives transferred to or acquired by the National Archives subject to the provisions relating to copyright under the Intellectual Property Act No. 36 of 2003;</p> <p>(u) hold exhibitions and expositions of public archives, private archives or printed matter deposited in the National Archives, either in the premises of the National Archives or elsewhere;</p> <p>(v) do all such acts and things as are necessary or incidental or conducive to the carrying out of the attainment of the objects of this Act.</p>	
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<p>7.</p> <p>(1) There shall be appointed a National Archivist, at the level of Director General, who possesses professional experience and advanced qualifications in archives and records management or history referred to in Schedule 1 of this Act.</p> <p>(2) There shall be appointed a Deputy National Archivist at the level of Additional Director General who has professional experience and advanced qualifications in the field of archives and records management.</p> <p>(3) There shall be appointed such other officers and servants as may be required from time to time to assist the National Archivist in carrying out the powers, duties and functions conferred on, imposed on or assigned to the National Archivist as may be necessary for the purposes of this Act.</p>	<p>Appointment of the National Archivist, Deputy National Archivist and officers</p>
<p>8.</p> <p>(1) The National Archivist shall, subject to the provisions of this Act—</p> <p>(a) be charged with the exercise, performance and discharge of the powers, duties and functions of the National Archives and perform all such other acts not inconsistent with the provisions of this Act or any other written law, as are necessary for the promotion of the objects of this Act;</p> <p>(b) hold authority over the National Archives and custody of the archives deposited therein;</p> <p>(c) appoint special committees or working groups comprising professionals with relevant expertise to issue recommendations and carry out work, voluntarily or with remuneration as approved by the Director General Establishments, when necessary to investigate any matter dealt with in this Act and to perform any functions assigned under this Act;</p> <p>(d) conduct a records survey in the manner as may be specified by rules in response to a complaint made by a records officer under section 29 (c) of this Act.</p> <p>(2) For the purposes of paragraph (d) the National Archivist may transmit such survey report to the relevant public authority with copies to the secretary of the relevant line ministry and the Auditor General.</p>	<p>Powers, duties and functions of the National Archivist</p>

<p>9.</p> <p>(1) The National Archivist may delegate in writing to the Deputy National Archivist or any staff-grade officer any power, duty or function conferred on or, imposed or assigned to the National Archivist under this Act as may from time to time be considered necessary.</p> <p>(2) The Deputy National Archivist or any staff grade officer authorized by the National Archivist, to whom, any power, duty or function has been delegated under subsection (1) shall exercise, perform and discharge such power, duty or function subject to the directions of the National Archivist and established codes of conduct adopted by the National Archives.</p> <p>(3) The National Archivist shall, notwithstanding any delegation made under subsection (1), have the right to exercise, perform or discharge any power, duty or function so delegated.</p> <p>(4) The officers shall perform all powers, duties and functions delegated by the National Archivist and act at all times according to the directions of the National Archivist and codes of conduct adopted by the National Archives.</p>	<p>Delegation of powers</p>
<p>PART II</p> <p>NATIONAL ARCHIVES ADVISORY COUNCIL</p>	
<p>10.</p> <p>(1) There shall be a continually functioning council called the “National Archives Advisory Council” (hereinafter referred to as the “Advisory Council”) appointed by the Minister by Order published in the Gazette consisting of—</p> <p>(a) the following ex-officio members—</p> <p>(i) The National Archivist appointed under this Act who shall be the chairperson of the council;</p> <p>(ii) secretary of the ministry assigned the subject of public administration or an additional secretary nominated by such secretary;</p> <p>(iii) the Director General of the Right to Information Commission of</p>	<p>Appointment of National Archives Advisory Council</p>

<p>Sri Lanka appointed under the Right to Information Act No. 12 of 2016 or their representative;</p> <p>(iv) the Director General of the Data Protection Authority appointed under the Personal Data Protection Act No. 9 of 2022 or their representative;</p> <p>(v) secretary of the ministry assigned the subject of technology or an additional secretary nominated by such secretary.</p> <p>(b) not less than five and no more than seven members appointed by the Minister on the recommendations of the National Archivist.</p> <p>(2) In making recommendations under paragraph (b), the National Archivist shall ensure that the persons who are being recommended are persons who have distinguished themselves in public life with proven knowledge, experience and eminence in one or more of the fields of archives and records management, information management, digital humanities, law, governance, finance, public administration or any related field among whom, at least two members, if any, had served in a previously appointed Advisory Council.</p> <p>(3) The Deputy National Archivist or in their absence any professional staff officer of the National Archives recommended by the National Archivist shall be appointed by the Minister as the secretary of the Advisory Council.</p> <p>(4) The Advisory Council shall not be invalidated by a change in government or reassignment of the National Archives to any Ministry and the members thereof shall continue to serve their term subject to sections 11 and 13 of this Act.</p>	
<p>11.</p> <p>A person shall be disqualified from being appointed or continuing as a member of the Council, if such person—</p> <p>(a) is or becomes, a member of Parliament, a Provincial Council or any Local Authority;</p> <p>(b) is not, or ceases to be, a citizen of Sri Lanka</p> <p>(c) is, under any law in force in Sri Lanka or in any other country, found or declared to be of unsound mind;</p> <p>(d) is adjudged insolvent by a court of competent jurisdiction;</p> <p>(e) is serving or has served, a sentence of imprisonment imposed by any court in Sri Lanka or any other country.</p>	<p>Disqualification for appointment as member of Advisory Council</p>

<p>(f) has any financial or other interest that is likely to affect prejudicially the discharge of his or her functions as a member of the Advisory Council;</p> <p>(g) is a candidate at any election held under any written law: or</p> <p>(h) is an office bearer of any registered political party.</p>	
<p>12.</p> <p>(1) The functions of the Advisory Council shall be to -</p> <p>(a) oversee the effective implementation of the provisions of this Act;</p> <p>(b) advise and to provide recommendations to the Minister on all matters relating to the National Archives;</p> <p>(c) advise and make recommendations to the National Archivist on the internal policies of the National Archives and the matters specified in sections 19(3), 30(5), 36(3), 41(1), and any other matter relating to the National Archives.</p> <p>(2) The Advisory Council may appoint committees from amongst its members and may assign to any committee so appointed such of its functions as it may consider necessary:</p> <p style="padding-left: 40px;">Provided that the Advisory Council shall not be divested of any function which it has so assigned and may amend or revoke a decision of such a committee.</p> <p>(3) The Advisory Council may, where it considers it necessary, appoint external advisors to assist in the discharge of its functions.</p>	<p>Functions of the Advisory Council</p>
<p>13.</p> <p>(1) A member of the Advisory Council except an ex-officio member appointed under section 10 shall, unless he or she vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his or her appointment and shall be eligible for reappointment.</p> <p>(2) Every other member of the Advisory Council shall hold office so long as such member holds office by virtue of which such member has been appointed to the Advisory Council.</p> <p>(3) A member of the Advisory Council may, at any time, resign from his or her office by letter to that effect addressed to the Minister with a copy to the</p>	<p>Term of office and removal of members of Advisory Council</p>

<p>National Archivist and such resignation shall take effect upon it being accepted in writing by the Minister.</p> <p>(4) The Minister may, by Order published in the Gazette, remove any member of the Advisory Council from office on the recommendation of the National Archivist for reasons assigned.</p> <p>(5) A member of the Advisory Council who is removed from office under subsection (4), shall cease to hold office from and after the date of publication of such Order in the Gazette.</p> <p>(6) A member of the Advisory Council who, without leave of the National Archivist being obtained, absents himself or herself from three consecutive meetings of the Advisory Council shall be deemed to have vacated their office with effect from the date of the third of such meetings and such vacation of post shall be informed in writing by the National Archivist with a copy to the Minister.</p> <p>(7) In the event of vacation of office of any member by reason of death, resignation or removal, the Minister shall appoint another person having regard to the provisions of paragraph b of subsection (1) of section 10 to hold office for the unexpired period of the term of office of the member whom they succeed.</p>	
<p>14.</p> <p>(1) The National Archivist shall preside at all meetings of the Advisory Council.</p> <p>(2) The quorum for a meeting shall be three members including the National Archivist.</p> <p>(3) All questions for decision at any meeting of the Advisory Council shall be decided by a majority of the members present at the meeting. In the event of an equality of votes, the National Archivist, in addition to his or her vote, shall have a casting vote.</p> <p>(4) The Advisory Council shall meet at least once in three months or as often as may be necessary when called upon by the National Archivist.</p> <p>(5) The Advisory Council may discharge its functions notwithstanding any vacancy among its members and any defect in the appointment of any such member.</p>	<p>Meetings of Advisory Council</p>

<p>(6) The Minister may, if he considers it necessary, request the chairperson or secretary to summon a meeting of the Advisory Council.</p> <p>(7) The Advisory Council shall submit to the Minister reports of its recommendations.</p> <p>(8) The Advisory Council shall cause minutes of all proceedings of its meetings to be entered in records maintained for that purpose.</p>	
<p>15.</p> <p>A member who is directly or indirectly interested in any decision that is to be taken on any matter by the Advisory Council shall disclose the nature of such interest at the meeting of the Advisory Council where such decision is being taken, and such disclosure shall be recorded in the minutes of the meetings of the Advisory Council and such member shall not take part in any deliberation or decision of the Advisory Council with regard to that matter, and shall withdraw from such meeting while such deliberation is in progress or such decision is being made.</p>	<p>Members of Advisory Council to disclose any interest</p>
<p>16.</p> <p>(1) Members of the Advisory Council shall be paid such remuneration under any applicable written law or subject to approval by the Director General Establishments as the case may be.</p> <p>(2) The provisions of subsection (1) shall <i>mutatis mutandis</i> apply to the members of any committee or special committee appointed by the National Archivist or the National Archives Advisory Council.</p>	<p>Remuneration for Advisory Council and Special Committees</p>
<p>PART III</p> <p>ACCESS AND PRESERVATION</p>	
<p>17.</p> <p>(1) The National Archivist shall, in order to ensure compliance with the provisions of Article 14A of the Constitution and the objects of this Act, provide independent access to public and private archives in the custody of</p>	<p>Access, use and reuse of archives</p>

the National Archives.

(2) Notwithstanding the provisions of subsection (1), access to public or private archives may be restricted or denied as the case may be—

- (a) to the extent provided for in any written law prohibiting or limiting the disclosure of any information;
- (b) where providing access to archives is considered by the National Archivist to be detrimental to the safety or preservation of such archives:

Provided however, the National Archivist shall take all efforts as are necessary, including restoration and the provision of digital surrogates in order to provide access to archives referred to in paragraph (b).

- (c) where prior agreements on restrictions on access have been entered into with private entities under section 12 of the repealed act and subsisting on the date of coming into operation of this Act.

(3) Notwithstanding prior agreements on restrictions on access to private archives deposited at the National Archives entered into with private entities under section 12 of the repealed act and subsisting on the date of coming into operation of this Act such restrictions shall be renegotiated by the National Archivist with the relevant private entities in the best interests of the user.

(4) No archives referred to in paragraph (b) of subsection (2), irrespective of form and medium, shall be deaccessioned, except under the provisions of section 24, notwithstanding the creation of digital surrogates of such archives.

(5) Subject to subsection (2), a user may obtain copies or extracts of public archives and private archives in the National Archives:

Provided however that making copies of private archives shall not be deemed to prejudice the legitimate interests of the copyright owner.

(6) The National Archivist shall establish procedures to enable free, equal and fair terms of access of all open archives in the National Archives to all users regardless of nationality, religion, ethnicity, status and profession or any other factor of difference, subject to section 39.

(7) Public records to which members of the public had access before their transfer to the National Archives or to an archives repository appointed under

<p>section 22 (8) of this Act shall continue to be open for public access and use.</p> <p>(8) In order to facilitate accessibility to archives, the National Archivist shall create and make available finding aids appropriate to the formats of archives in the custody of the National Archives.</p> <p>(9) Public archives, when open for access, may be copied by way of digitisation or any other means of copying for the purpose of providing access to such copies to all users of the National Archives and to both local and international institutions under such terms and conditions determined by the National Archivist to facilitate widespread access to such archives.</p> <p>(10) The National Archivist shall proactively promote access to archives by cooperating with other institutions, disseminating information about archives and accommodating the needs of users.</p> <p>(11) Subject to subsection (6), while ensuring free access to all open archives, there shall be charged fees as may be imposed by way of rules made under this Act for incremental costs of additional services related to access, use and reuse provided by the National Archives.</p> <p>(12) Monitoring and auditing of access and usage shall be conducted periodically by the National Archives to detect and rectify any potential breaches or unauthorized activity.</p>	
<p>18.</p> <p>(1) The National Archivist shall—</p> <ul style="list-style-type: none"> (a) ensure that all public records deposited in the repositories of the National Archives are arranged and described according to established archival principles and standardized descriptive practices to facilitate their discoverability, interpretability, retrievability and usability; (b) ensure that all unprocessed and inadequately described collections are efficiently processed and redescribed with information provided to the public on the status of such work; (c) provide archival description of collections in all official languages; (d) maintain an automated archival information retrieval system of all public archives at a national level, including registers of private archives; <p>(2) For the purposes of subsection (1), the National Archivist may—</p>	<p>Arrangement and description of archives and records</p>

<ul style="list-style-type: none"> (a) direct public authorities to comply with the specific descriptive standards as may be prescribed in order to facilitate efficient transfer of records to the National Archives; (b) provide guidance and training to public authorities and the public on the use of specific descriptive standards; (c) under section (8)(1)(c) of this Act, appoint a special committee of archivists, records managers and other information professionals for the development of descriptive standards based on archival principles and the periodic review of such standards. 	
<p>19.</p> <p>(1) The provisions of section 5(1) of the Right to Information Act No. 12 of 2016 shall <i>mutatis mutandis</i> apply in respect of the classification of public archives in the National Archives as confidential archives under this Act:</p> <p style="padding-left: 40px;">Provided that, if there is no legal provision to restrict public access, such archives shall be classified as open archives.</p> <p>(2) Where the responsible officer of a public authority is required to restrict the use of records which are to be transferred to the National Archives, pursuant to the provisions of subsection (1), he or she shall attach their opinion to that effect in the manner as may be prescribed.</p> <p>(3) The National Archivist, on the recommendations of the National Archives Advisory Council and having considered also the opinion of the responsible officer, may classify such archives as confidential and stipulate a period of confidentiality of such archives in accordance with subsections (1) and (5) and section 17(7) of this Act.</p> <p>(4) The responsible officer of the public authority concerned shall abide by the decision of the National Archivist as per subsection (3), if any copies of such archives have been retained in that public authority.</p> <p>(5) All confidential archives referred to in subsection (1) shall continue to be confidential for a period of up to thirty years from the creation of such archives unless otherwise provided by or under any written law:</p> <p style="padding-left: 40px;">Provided that a maximum confidentiality period of up to 110 years shall apply where the date of death of the data subject is unknown, unless</p> <ul style="list-style-type: none"> a) the National Archivist determines that the larger 	<p>Confidential archives and records</p>

<p style="text-align: center;">public interest justifies the disclosure of such information, or</p> <p style="text-align: center;">b) the person concerned has consented in writing to such disclosure.</p> <p>(6) Any access restrictions imposed on public archives under sections 9(2), 16 and 18 of the repealed act and existing on the date of coming into operation of this Act, shall be deemed to be invalid under the provisions of this section:</p> <p style="text-align: center;">Provided that the National Archivist may classify such archives as confidential under subsections (1) and (5) of this section.</p> <p>(7) The reasons for the classification as confidential with reference to the relevant provisions of any written law shall be provided on request to any person.</p> <p>(8) For the purposes of this section any officer involved in the management and handling of confidential archives and records shall receive appropriate education and training to familiarize themselves with the importance of confidentiality, including provisions in all relevant laws, their respective responsibilities, and the consequences of non-compliance with established guidelines.</p> <p>(9) The Minister may make regulations in respect of the appropriate handling, access, and disposal of confidential archives and records including the identification of breaches of confidential archives and records.</p>	
<p>20.</p> <p>(1) Where a request made by a citizen to access archives classified as confidential under section 19 is rejected by a information officer of National Archives, such citizen may prefer an appeal under Part VI of the Right to Information Act No. 12 of 2016.</p> <p>(2) Where a citizen has been granted access under the provisions for appeal of the Right to Information Act No. 12 of 2016 to archives earlier classified as confidential, such ruling will be considered as lifting such restrictions of access permanently to all persons.</p> <p>(3) Notwithstanding the provisions of section 19 of this Act, access shall be provided to the public authority which transferred records, law enforcement</p>	<p>Access during confidentiality period</p>

<p>authorities, any judicial body, individuals who authored such archives and to satisfy the purposes of any other written law.</p> <p>(4) Notwithstanding access restrictions imposed under section 19, authorized staff of the National Archives and its entities with whom agreements have been entered into shall have the right to carry out archival processing and preservation tasks on such confidential archives to ensure their long-term accessibility and usability.</p> <p>(5) Authorized staff of the National Archives who handle confidential archives shall, before entering upon duties connected with such confidential archives, sign a declaration in the form as may be prescribed to the effect that they shall not disclose any information received by them, or coming to their knowledge, in the exercise and the discharge of his or her powers and functions under this Act, except for the purpose of giving effect to the provisions of this Act.</p>	
<p>21.</p> <p>(1) Public archives shall not be removed from the National Archives to any other place for any purpose whatsoever except under the control and custody of the National Archivist.</p> <p>(2) The provisions of subsection (1) shall not apply to copies of archives referred to in subsection (9) of section 17.</p>	<p>Removal of public archives</p>
<p>22.</p> <p>(1) For the purposes of preservation of archives and records the National Archivist shall—</p> <p>(a) deposit all public and private records received, donated, purchased or provided on loan for preservation at the National Archives;</p> <p>(b) take all measures and develop the facilities necessary to ensure the safe custody and preservation of archives and records in all formats at the National Archives;</p> <p>(c) direct public authorities to preserve all public records created, received and accumulated, including such records stored on digital communications applications used for official business;</p>	<p>Preservation of archives and records</p>

(d) recommend to the Minister regulations on relevant standards and policies to ensure the proper preservation of archives and public records in all public authorities.

(2) Sections 14, 15, 16 and 26 of the Personal Data Protection Act, No. 9 of 2022, shall not apply to personal data processed for archiving purposes in the public interest to the extent that the application of those provisions would prevent or seriously impair the purposes of archiving in the public interest, including affecting the authenticity, reliability, integrity, usability and durability of archives:

Provided that the National Archivist shall make provision for any written request or letter of objection submitted by an aggrieved person in relation to their rights as data subjects to be included with the catalogue or accession record of the collection to which the request or objection pertains.

(3) Where personal data is processed for archiving purposes in the public interest, the National Archivist shall ensure the implementation of technical and organisational safeguards to protect personal data referred to in section 10 of the Personal Data Protection Act No. 9 of 2022;

(4) If an emergency or disaster imperils the archives in the custody of the National Archives or public records located at a public authority, the National Archivist shall -

(a) be provided immediate access to all premises to assess the risks to archives and records;

(b) propose and enact without delay special preservation measures;

(c) where necessary, in consultation with the Minister, immediately identify a suitable public authority or private archives repository for the safe-keeping, accessibility, inspection and preservation of public archives;

(d) recommend to the Minister the appointment of such an authority or archives repository as a temporary place of deposit for any public archives and other types of material selected for preservation.

(e) take all steps as are necessary to transfer public archives to such authority or archives repository as well as to ensure their safekeeping;

(f) ensure the return of all public archives to the National Archives or

<p>public records to the public authority when it is safe to do so.</p> <p>(5) The National Archives shall provide an efficient preservation service offering conservation, restoration, digitisation and related training and accreditation services to the public and private sectors, upon the payment of fees as may be specified in the fee schedule by way of rules.</p> <p>(6) The National Archivist shall compile and have published by way of regulations a list in the Gazette within two years from the date of coming into operation of this Act of archives missing from the repositories of the National Archives on the date of coming into operation of this Act with a view to recovering such archives by requesting cooperation from members of the public.</p> <p>(7) The list referred to in subsection (6) shall be updated annually.</p> <p>(8) The Minister may, on the recommendations of the National Archivist, prescribe the establishment of archives repositories and temporary records centres under the control of the National Archivist for the custody and preservation of public archives and records as may be necessary.</p>	
<p>23.</p> <p>Notwithstanding the provisions of the Intellectual Property Act No. 36 of 2003, copyright subsisting in any archives deposited at the National Archives shall not be infringed by the reproduction or migration to another medium of such work, from time to time, as may be required and in any format, for accessibility and preservation purposes under the directions of the National Archivist, whilst preserving the authenticity of such archives as far as possible for the purposes of this Act.</p>	<p>Copyright</p>
<p>24.</p> <p>(1) Where public archives, regardless of form and medium, are in an advanced state of deterioration beyond all methods of repair or recovery and therefore rendered completely uninterpretable or unusable, the National Archivist shall take the following measures—</p> <p>(a) reappraisal by special committee appointed by the National Archivist under 8(1)(c) according to criteria specified by way of rules in order to determine and document provenance, ownership and the extent of damage or degradation;</p>	<p>Reappraisal and deaccessioning</p>

<p>(b) make known to the creating institution or donor and the general public by way of print or electronic media that such public archives are being reappraised due to their condition;</p> <p>(c) take all manner of action pertaining to the repair or recovery of such public archives where it is feasible;</p> <p>(d) decide on deaccessioning subject to the recommendations of the special committee referred to in paragraph (a) if paragraph (c) has been fulfilled;</p> <p>(e) publish a notice in the Gazette which shall include the decision to deaccession, the provision of a period of 14 days from the date of publication of the notice to submit objections to deaccessioning if any and such other relevant particulars;</p> <p>(f) deaccession such public archives by way of transfer, return, sale or destruction, notwithstanding anything in any other provision of this law or any other law.</p> <p>(2) Where any objection to deaccessioning such public archives is received under paragraph (e) from any person it shall be referred to the special committee referred to in paragraph (a) for further review and public notice of the final decision shall be published in the Gazette.</p> <p>(3) In implementing subsection (1), the National Archivist shall—</p> <p>(a) deaccession public archives in accordance with the manner prescribed by regulations for the transfer, return, sale or destruction of such public archives;</p> <p>(b) maintain information on reappraisal decisions and on deaccessioned public archives for future reference;</p> <p>(c) ensure that matters relating to pecuniary or personal interest, prejudice or any kind of external interference or pressure shall not determine reappraisal and deaccessioning decisions.</p>	
<p>PART IV</p> <p>MANAGEMENT OF PUBLIC RECORDS</p>	
<p>25.</p> <p>Every public authority shall be required to create complete and accurate records documenting its decisions, actions and transactions.</p>	<p>Duty to create records.</p>

<p>26.</p> <p>(1) Where a public record is created, received and maintained by a public authority in Sri Lanka, such a public record shall be deemed to be a public property within the meaning of the Offences Against the Public Properties Act No. 12 of 1982.</p> <p>(2) It shall be the duty of all public servants to assist the process of ensuring the effective management of public records in the exercise, performance and discharge of powers, duties and functions conferred on them.</p> <p>(3) Every public authority shall have one or more record rooms as are necessary, which shall be in the custody of a Records Officer appointed under section 28 subject to such standards as may be prescribed.</p>	<p>Ownership and care of public records</p>
<p>27.</p> <p>(1) The National Archivist shall have access to any place of deposit of public records and shall have the power to examine such records with a view to listing or collecting information there from or to taking such steps as are necessary for their systematic appraisal and transfer to the National Archives for preservation in the manner as may be specified by rules.</p> <p>(2) It shall be the duty of the responsible officer of any public authority or any other person for the time being having custody of any public records—</p> <ul style="list-style-type: none"> (a) to afford the National Archivist or any other officer authorized by him in writing or a committee duly appointed by him, all facilities for the examination, selection and appraisal of such public records for preservation and for the transfer of such records to the National Archives; (b) to keep in safe custody in such public authority any class or description of public records selected by the National Archivist or by such other officer pending the transfer of such records to the National Archives; (c) to perform such duties in connection with the selection and listing of such public records, including notification to the National Archivist of all modes of creating, retrieving and receiving digital records in their custody; (d) to transfer to the National Archives in the manner as may be prescribed such public record— 	<p>Selection and transfer of public records to the National Archives</p>

i) being a record not less than twenty years from the date of its creation or receipt;

ii) being a record identified under subsection (2) of section 30 or;

iii) being a record as required by the National Archivist for preservation due to its enduring value:

Provided that subsection (2) (d) shall not be deemed to affect any public record which is less than one hundred years old and which is maintained under any enactment specified in the Second Schedule hereto.

Provided, however, that the transfer of any public records to the National Archives may be temporarily deferred and such records retained in the office of origin for administrative or other purposes for such period as may be agreed upon in writing by the responsible officer of such public authority and the National Archivist, and in every such case a comprehensive list of the records so retained shall be transmitted to the National Archivist by the responsible officer.

Provided further that notwithstanding subsection (2)(d), the transfer of public records may be approved by the National Archivist or prescribed before they have been in existence for 20 years, particularly in connection with digital records.

(3) Where any public authority is due to be closed down, the responsible officer of such public authority shall transmit to the National Archivist a complete list of all public records in that office and shall make arrangements to deposit in the National Archives such records as the National Archivist may select or require for preservation in the National Archives.

(4) In the event the functions of a public authority shall be taken over by another public authority as provided by law, the second-mentioned public authority shall

- (a) notify the National Archivist of the receipt of such public records
- (b) provide certified copies of all transfer schedules as may be prescribed to the National Archivist after the transfer of such public records.

(5) The National Archivist shall, for the purpose of preservation, at the times and in the manner that he or she considers appropriate, proactively or otherwise make copies of all modes of creating, retrieving and receiving

<p>digital records maintained by public authorities that are of public interest and accessible to the public without restriction through the internet or any similar medium.</p> <p>(6) It shall be the duty of the—</p> <p>(a) responsible officer of any public authority to transmit to the National Archivist a copy of every annual report or any other publication in any form, whether printed or otherwise, and whether intended for sale or distribution to the public or intended for circulation only amongst officials, issued by such public authority, within thirty days of such issue;</p> <p>(b) Postmaster-General to transmit to the National Archivist a specimen of each new postage stamp and revenue stamp, first-day cover and bulletin, special covers with bulletin, international reply coupon, money order form, post card and any other postal stationery issued to the public, within thirty days of such issue;</p> <p>(c) Governor of the Central Bank of Sri Lanka to transmit to the National Archivist a cancelled specimen of every new denomination of currency note and a specimen of every new coin issued by the Central Bank, within thirty days of such issue;</p> <p>(d) Surveyor-General to transmit to the National Archivist a copy of every map, plan, chart or other publication issued by the Surveyor General for sale to the public as per required format, within thirty days of such issue.</p>	
<p>28.</p> <p>(1) For the purposes of efficient records management and of giving effect to the provisions of this Act, every public authority shall—</p> <p>(a) appoint one or more executive level officers as records officers;</p> <p>(b) ensure such appointment takes place within three months of the date of coming into operation of this Act.</p> <p>(2) Until such time that a records officer is appointed under subsection (1), the head of the public authority shall be deemed to be the records officer of such public authority, for the purposes of this Act;</p> <p>(3) A records officer may, seek the assistance of any other officer or officers as they may consider necessary, with the approval of the head of the public</p>	<p>Appointment of records officers in public authorities</p>

<p>authority, for the proper discharge of the duty imposed on them under this Act, and where assistance is sought from any such officer, it shall be the duty of such officer to provide the required assistance.</p>	
<p>29. For the purpose of efficient records management, all records officers shall—</p> <ul style="list-style-type: none"> (a) systematically manage all public records created, received and maintained by the respective public authority in accordance with such guidelines as may be prescribed; (b) function as focal points for coordination with the National Archives on all matters governed by this Act; (c) report in the manner and the form as may be prescribed to the National Archivist on records management and disposal practices in such public authority including information of any obstruction to their duty or any non-compliance with the rules and regulations prescribed under this Act by the public authority; (d) maintain and provide public access to certified copies of the inventory of all records and inventory of disposed records or deferred transfers of the public authority in the form as may be prescribed, the original of which inventory shall be in the custody of the head of the public authority or the records officer; (e) dispose of confidential records securely and permanently when authorized and prevent unintended access or retrieval of confidential records upon reaching the end of their disposal period in the manner as may be prescribed; (f) obtain certifications as records professionals; (g) collaborate and participate in monitoring and compliance mechanisms introduced by the National Archives in order to ensure adherence to records management guidelines by the public authority. 	<p>Duties of records officers</p>
<p>30.</p> <p>(1) Notwithstanding anything contrary in any other written law, no public authority shall destroy, render inaccessible or authorize the destruction of public records except in such manner and subject to such conditions as may be prescribed.</p> <p>(2) The National Archivist shall oversee the creation, amendment and implementation of disposal schedules made under this Act, that provide for the timely disposal of records, by—</p>	<p>Disposal of public records</p>

(a) transfer of public records to the National Archives;

(b) transfer to a records centre, temporary or otherwise, including a digital data centre;

(c) permanent retention in the public authority

(d) review

(e) destruction:

Provided that where public records created before the year 1972 are in the custody of public authorities such public records shall not be destroyed under disposal schedules as are prescribed under this section.

(3) Where the functions of a public authority have been subcontracted, the disposal action of all records related to that function as the case may be shall be included in such disposal schedules.

(4) The National Archivist shall appoint committees consisting of archivists, experts, records officers and officers representing the relevant public authorities including the Right to Information Commission appointed under the Right to Information Act No. 12 of 2016 and the Data Protection Authority appointed under the Personal Data Protection Act No. 9 of 2022, for inspection of records in public authorities and to formulate, examine and amend disposal schedules issued under this section.

(5) The National Archivist shall recommend to the Minister disposal schedules after consultation with public authorities, the public, the Advisory Council and on the recommendations of the committee appointed for the purpose of creating and revising disposal schedules under subsection (4).

(6) All such disposal schedules shall be in compliance with the Right to Information Act No. 12 of 2016 and the Personal Data Protection Act No. 9 of 2022 and as provided for in this Act and by other written law.

Provided that no decision on erasure of personal data shall be made with regard to records identified or not yet identified as the case may be for transfer to the National Archives under this Act without referring such a request from a data subject to the National Archivist for approval.

(7) The Minister shall prescribe disposal schedules subject to subsection (5).

(8) Any public record, regardless of form and medium, in an advanced state

<p>of deterioration beyond all methods of repair or recovery and therefore rendered completely uninterpretable or unusable shall be subject to actions prescribed by the Minister.</p>	
<p>PART V</p> <p>SPECIAL CATEGORIES OF PUBLIC RECORDS</p>	
<p>31.</p> <p>(1) It shall be the duty of the secretary or responsible officer of any Commission of Inquiry appointed under the Commission of Inquiry Act No. 17 of 1948 and the Special Presidential Commission of Inquiry Law No. 7 of 1978 or any committee of inquiry appointed by a Minister or task forces or committees appointed by the President or Prime Minister or any other public authority established under any written law as the case may be to -</p> <p>(a) consult the National Archives on the systematic management of all records created, received and maintained;</p> <p>(b) safeguard all records created, received and maintained in the manner as may be prescribed;</p> <p>(c) transfer in the manner as may be prescribed all records relating to such commission or committee or task force or any other public authority with a temporary mandate to the National Archives immediately after rendering of the final report;</p> <p>(d) create, update and submit to the National Archives a comprehensive inventory the format of which may be as prescribed of all records created, received and maintained;</p> <p>(e) report to the National Archives the destruction, loss, transfer, and mismanagement of any record created, received and maintained immediately after receiving information of such;</p> <p>(f) deposit all original interim and final reports at the National Archives contemporaneously to submitting those reports to the President, Prime Minister or Minister.</p> <p>(2) For the purposes of this section “public authority” shall include a project</p>	<p>Commissions, committees of inquiry and other public authorities</p>

office.	
<p>32.</p> <p>(1) All records created, received or maintained by the Executive President of Sri Lanka shall be systematically managed under Part IV of this Act by a records officer appointed under section 28 of this Act.</p> <p>(2) Notwithstanding anything in any other provision of this law or any other law, it shall be the duty of the Secretary to the President to arrange for the transfer of all public records in the office of the President to the National Archives up to three months before a Presidential Election if the incumbent has not been nominated, or within three months of a Presidential Election if the incumbent President is not re-elected or within three months of the death, resignation or impeachment of the incumbent.</p> <p>(3) The National Archivist shall act under a disposal schedule created under section 30 for presidential records.</p> <p>(4) Authorized officers of the National Archives shall be allowed entry into the office of the President to carry out transfer activities within timeframes as given in subsection (2). The records officer shall assist the staff of the National Archives at all times.</p> <p>(5) The National Archivist shall accrue all such records relating to any event in the official or personal life of a President as are received, by donation or otherwise by the National Archives and include such records among the archives of the President.</p> <p>(6) The National Archivist shall at the times and in the manner that he or she considers appropriate, proactively or otherwise make copies of all modes of creating, retrieving and receiving digital records maintained by a President during his or her term of office that are of public interest and accessible to the public without restriction through the internet or any similar medium.</p> <p>(7) The National Archives shall maintain the duly catalogued archives of each incumbent President, and take steps for the preservation and digitisation of such archives.</p>	<p>Presidential archives and records</p>

<p>PART VI</p> <p>PRIVATE ARCHIVES AND RECORDS</p>	
<p>33.</p> <p>(1) Any individual or the head of any organisation in possession of private archives or records who has reason to believe that they have enduring value may notify the National Archivist of such archives or records.</p> <p>(2) Any individual or the head of any organisation in possession of private archives or records, who has reason to believe that they have enduring value and being such archives or records over fifty years from the date of creation, shall notify the National Archivist of the existence of such archives and records.</p> <p>(3) The National Archivist may, on his or her own accord, or on receipt of such information inquire into the existence of archives and records of enduring value in the possession of individuals or heads of organisations.</p> <p>(4) Upon receipt of such notice under subsections (1) or (2) or upon inquiry by the National Archivist under subsection (3) the National Archivist or any other authorized officer or duly appointed committee of experts authorized by him or her shall examine such archives and records in private possession and where such archives and records are found to be of enduring value such archives and records shall be listed, recorded or digitized and shall render such technical assistance as may be necessary for the preservation, conservation, and restoration of such archives and records.</p> <p>(5) Every individual or head of any organisation referred to in subsections (1), (2) or (3) shall afford the National Archivist or any other authorized officer or duly appointed committee of experts authorized by him or her all facilities to examine such archives and records under subsection (4).</p>	<p>Notification of archives and records of private organisations and individuals</p>
<p>34.</p> <p>(1) Where the National Archivist has identified private archives and records to be of enduring value under section 33, the National Archivist shall take steps to maintain a national register of such private archives and records in a digital form or otherwise:</p>	<p>Registration of private archives and records</p>

<p>Provided that disclosure of information relating to the ownership shall only be included with written consent obtained from the individuals and organisations having ownership and custody of such private archives and records.</p> <p>(2) In the event of a change of ownership or possession of such private archives and records referred to in subsection (1) such individual or the head of the organisation and the new owner or possessor thereof shall notify the National Archivist, within a period of three months of such change of ownership or possession in the mode and manner including such particulars as may be prescribed.</p>	
<p>35.</p> <p>(1) The National Archivist may acquire by purchase, donation, bequest, contract, or otherwise or obtain on loan, subject to restrictions on access and use as may be applicable under any written law, any private archives and records which in the opinion of the National Archivist have enduring value and which cannot be appropriately preserved by another institution:</p> <p style="padding-left: 40px;">Provided that any restrictions on access shall not apply in perpetuity.</p> <p>(2) Any individual or the head of any organisation who has notified the National Archivist under subsection (1) or (2) of section 33 or upon inquiry by the National Archivist under subsection(3) of section 33 may if agreed upon by the National Archivist deposit at the National Archives under subsection (1) such archives or records.</p> <p>(3) The candidate for national elections, provincial council elections or local authority elections shall transmit to the National Archivist a copy of any records of election-related activity issued by or on behalf of such candidate for public circulation, within thirty days of such issue.</p>	<p>Deposit of private archives and records</p>
<p>36.</p> <p>(1) Any person or author resident in Sri Lanka who is engaged in the production and exhibition of films in cinemas under the provisions of section 5 of the National Film Corporation of Sri Lanka Act No. 47 of 1971 either alone or in collaboration with any other organisation or person, shall provide the National Archivist with a copy of such audiovisual record and any</p>	<p>Deposit of audiovisual records</p>

<p>connected material in the manner, form and within such time as may be prescribed under this Act.</p> <p>(2) The person in charge of a private broadcasting station licensed under the Sri Lanka Broadcasting Corporation Act No. 37 of 1966 or the person in charge of a private television broadcasting station established or operated under the Sri Lanka Rupavahini Corporation Act No. 6 of 1982, shall provide such programmes or television programmes respectively to the National Archivist in such manner, form and and within such time as may be prescribed.</p> <p>(3) The National Archivist, in consultation with the National Archives Advisory Council and subject to copyright law, may make by rules on -</p> <ul style="list-style-type: none"> (a) the use of audiovisual records deposited under subsections (1) and (2); (b) the time at which or the circumstances in which users may use such records; (c) the restrictions on the number of users who may use such records at any one time. <p>(4) All cinemas registered under the National Film Corporation of Sri Lanka Act No. 47 of 1971 shall inform producers of their obligation under subsection (1) of this Act.</p> <p>(5) For the purposes of this section, audiovisual records mean film, programme and television programme.</p>	
<p>PART VII</p> <p>GENERAL</p>	
<p>37.</p> <p>(1) A copy of or an extract from any archives or printed matter deposited in the National Archives purporting to be duly certified as true and authenticated by the National Archivist or any other officer authorized by them in writing for the purpose and having impressed thereon the official seal of the National Archives, shall be admissible in evidence in any proceeding in any court of law in like manner and to the like extent the original or public archive would have been admissible.</p> <p>(2) The official seal shall not be affixed to any copy of an extract of a public</p>	<p>Production of a copy or extract in a court of law</p>

<p>archive except after careful scrutiny with the original record by a staff officer of the National Archives.</p>	
<p>38.</p> <p>(1) No citizen, public authority or private organisation shall, except on the authority of a permit issued in such mode and manner as may be prescribed, remove out of Sri Lanka, temporarily, any archives and records over fifty years old, which are of enduring value produced of a tangible medium in the only available original format:</p> <p style="text-align: center;">Provided that the National Archivist may refuse to issue a permit if the National Archivist is of the opinion that such archives and records are of such enduring value that their removal shall not be in the public interest.</p> <p>(2) Where a citizen, non-citizen, public authority or private organisation intends to remove any archives and records out of Sri Lanka on a permanent basis, the National Archivist shall issue a certificate of no objection in a manner as may be prescribed if such archives and records are over fifty years old, and are not of enduring value.</p> <p>(3) For the purpose of issuing a permit under subsection (1) or a certificate of no-objection under subsection (2), the National Archivist shall request in a manner as may be prescribed a comprehensive listing of the archives and records to which the permit or certificate relates and may impose further conditions regarding custody, use, preservation and the return of such archives and records.</p> <p>(4) A citizen, non-citizen, public authority or private organisation aggrieved by the refusal of the National Archivist to issue any permit or certificate of no objection under this section may appeal against such refusal to the Minister in the manner prescribed within fourteen days of the communication of such refusal and the decision of the Minister shall be communicated to the aggrieved person in writing within twenty-one days from the date of such appeal.</p> <p>(5) A citizen or non-citizen, public authority or private organisation aggrieved by the decision of the Minister made under subsection (4) may appeal against such decision to the Court of Appeal within one month of the date on which such decision was communicated.</p>	<p>Restrictions on exportation of or unauthorized removal of archives and records.</p>

<p>39.</p> <p>(1) Any person who—</p> <ul style="list-style-type: none"> (a) knowingly defaces, marks, harms, causes damage, conceals, prevents access to or destroys any public archives and records or any other material in the custody of the National Archives or any public authority, or aids and abets or causes to commit the same, except in accordance with the provisions of this Act or any rule or regulation made thereunder or; (b) prevents the transfer of records under section 27 of this Act or; (c) prevents a records officer from carrying out their duties under section 29 of this Act; <p>commits an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty thousand rupees.</p> <p>(2) Any person who without any authorization discloses or mishandles any confidential archives and records shall commit an offence under this Act, and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding two hundred and fifty thousand rupees.</p> <p>(3) Any person who contravenes subsections (1) and (2) of section 36, shall commit an offence under this Act and shall on conviction after summary trial by a Magistrate be liable to a fine not exceeding fifty thousand rupees and be required to allow entry to the National Archivist for examination of audiovisual records and deposit copies of such records as may prescribed.</p> <p>(4) The National Archivist may refuse to allow any person convicted of an offence in terms of subsection (1)(a) and subsection (2) access to the public archives and private archives at the National Archives for such period as they may deem fit.</p> <p>(5) A prosecution under this Act shall be instituted by the National Archives and shall be triable by a Magistrate’s Court notwithstanding the limitation of its ordinary jurisdiction.</p>	<p>Offences</p>
<p>40.</p> <p>(1) The Minister may make regulations, on the recommendations of the National Archivist for matters in respect of which regulations are authorized</p>	<p>Regulations</p>

<p>to be made or prescribed under this Act.</p> <p>(2) Every regulation made under this Act shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in the regulation.</p> <p>(3) Every regulation made under subsection (1) shall, forthwith after its publication in the <i>Gazette</i> be brought before Parliament for approval and any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.</p> <p>(4) The date on which any regulation is deemed to be so rescinded shall be published in the <i>Gazette</i>.</p>	
<p>41.</p> <p>(1) The National Archivist may make rules on the recommendations of the National Archives Advisory Council and special committees appointed under section 8(1)(c) in respect of the matters for which rules are authorized or required to be made by this Act.</p> <p>(2) In particular and without prejudice to the generality of provisions of subsection (1), the National Archivist may make rules on all or any of the following matters:-</p> <p style="padding-left: 40px;">(a) use of research rooms and other facilities by members of the public at the National Archives;</p> <p style="padding-left: 40px;">(b) codes of practice for the proper and effective implementation of this Act</p> <p>(3) No rule made by the National Archivist shall have effect until it has been approved by the Minister.</p> <p>(4) Every rule so approved shall be published in the Gazette.</p>	<p>Rules</p>
<p>42.</p> <p>The National Archives Law No. 48 of 1973 is hereby repealed (hereinafter referred to as the repealed Act.)</p>	<p>Repeal of the National Archives Law. No. 48 of 1973.</p>

<p>43.</p> <p>(1) Notwithstanding the repeal of the National Archives Law No. 48 of 1973—</p> <p>(a) the person who, immediately prior to the day preceding the date of coming into operation of this Act, performed the functions of Director General National Archives under the repealed act, shall continue in office as the National Archivist appointed under this Act from the date of coming into operation of this Act;</p> <p>(b) all contracts, and agreements other than the agreements on confidentiality entered into under sections 9(2), 16 and 18 of the repealed act entered into by or with the Department of National Archives under the repealed act and subsisting on the day preceding the date of coming into operation of this Act, shall, with effect from the date of coming into operation of this Act, be deemed to be contracts and agreements entered into by or with the Sri Lanka National Archives in so far as they are not inconsistent with the provisions of this Act;</p> <p>(c) all actions and proceedings instituted by or against the Department of National Archives under the repealed act and pending on the day preceding the date of coming into operation of this Act, shall, with effect from the date of coming into operation of this Act, be deemed to be actions and proceedings instituted by or against the Sri Lanka National Archives as the case may be, and may be continued and completed accordingly;</p> <p>(d) all movable and immovable property vested in the Department of National Archives under the repealed Act on the day preceding the date of coming into operation of this Act, shall with effect from the date of coming into operation of this Act, vest in the Sri Lanka National Archives;</p> <p>(e) all officers and servants of the Department of National Archives under the repealed act holding office on the day preceding the date of coming into operation of this Act shall with effect from the date of coming into operation of this Act be deemed to be officers and servants of the Sri Lanka National Archives;</p> <p>(f) the members of the Advisory Council appointed under the repealed act and functioning on the day preceding the date of coming into operation of this Act shall if such members consent to continue to be</p>	<p>Transitional provisions</p>
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<p>members of such council deemed to be members appointed under section 10(1)(b) from the date of coming into operation of this Act;</p> <p>(g) all judgments and orders made in favour or against the Department of National Archives and remaining unsatisfied on the date preceding the date of coming into operation of this Act, shall, with effect from the date of coming into operation of this Act, be deemed to be judgments and orders made in favour of, or against, the Sri Lanka National Archives, as the case may be, and may be enforced accordingly;</p> <p>(h) all regulations made under section 16 of the repealed Act, and in force on the day preceding the date of coming into operation of this Act, in so far as they are not inconsistent with any written law relating to the disclosure of information, shall continue to be in force until such time as they are amended or repealed by regulations made under this Act.</p>	
<p>44.</p> <p>In this Act, unless the context otherwise requires—</p> <p>“access” means the right and ability to find and retrieve archives and records for use;</p> <p>“Advisory Council” means the National Archives Advisory Council appointed and constituted under section 10 of this Act;</p> <p>“appraisal” means a process specified by rules or approved by the National Archivist of determining if records have enduring value;</p> <p>"archives" mean records of enduring value in the custody of an archives repository.</p> <p>“archives repository” means any facility established according to the provisions of this Act or managed by individuals or other private organisations to deposit and preserve records of enduring value;</p> <p>“confidential archives” refers to archives that are restricted for access under section 19 of this Act;</p> <p>“custody” means the protection, preservation and control of records based upon their physical possession;</p>	<p>Interpretation</p>

<p>“data subject” means, an identified or identifiable natural living person to whom the personal data relates;</p> <p>“disposal schedule” means a written authority issued in terms of section 30 of this Act;</p> <p>“enduring value” means the significance of a record based on appraisal criteria as determined by the National Archivist which justifies its preservation;</p> <p>“head of a public authority” means the chief executive officer of a public authority or the duly-appointed person who is acting as such;</p> <p>“intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.</p> <p>“local authority” means a Municipal Council, Urban Council or a Pradeshiya Sabha and includes any authority created or established by or under any law to exercise, perform and discharge powers, duties and functions corresponding or similar to the powers, duties and functions exercised, performed or discharged by any such Council or Sabha;</p> <p>“manuscript” means any handwritten record made of paper, ola leaf, copper, silver, gold, or other material except granite or any form of stone;</p> <p>“Minister” means, the Minister assigned the subject of archives and records management under Article 44 or 45 of the Constitution;</p> <p>“National Archivist” includes the acting National Archivist;</p> <p>“Sri Lanka National Archives” means the department established under section 3 of this Act;</p> <p>"private archives" mean private records of enduring value that may be deposited at the National Archives under sections 35 and 36 of this Act or managed by individuals or private organisations;</p> <p>“open archives” means archives that have not been classified as confidential under section 19 of this Act;</p> <p>“personal data” has the same meaning as assigned to it under the Personal Data Protection Act No. 9 of 2022;</p>	
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<p>“prescribed” means prescribed by regulations made under this Act;</p> <p>“printed matter” means any book, magazine, leaflet, newspaper, or any other paper containing information printed by any mechanical or by any other process;</p> <p>“private record” means a record created, received and maintained by a private organisation or individual and does not include a public authority;</p> <p>“public archives” mean all public records of enduring value that are accessioned at the National Archives for preservation, access and use;</p> <p>“public authority” means,</p> <ul style="list-style-type: none"> (a) any body or office created or established by or under the Constitution (b) a Ministry, any Department or Provincial Council, local authority, statutory body or any institution established by any written law other than the Company’s Act No. 07 of 2007 and the Trusts Ordinance No. 9 of 1917 (as amended), (c) or a Ministry, any Department or other authority or institution established or created by a Provincial Council; (d) all courts, tribunals and institutions created and established for the administration of justice; <p>“public record” means a record officially created, received and maintained by any public authority whether before or after the date of coming into operation of this Act;</p> <p>“record” means recorded information, regardless of form, medium or characteristics, or whether an original or a copy, of any paper, digital or analogue machine-readable file or any other material, except stone, but which includes any printed matter, report, manuscript, letter, map, chart, plan, document, drawing, register, picture, photograph, or any other record or part thereof, either handwritten, drawn, printed or produced in any other way, created, received and maintained by an institution or individual in pursuance of legal obligations or in the transaction of business and providing evidence of the performance of those obligations or that business transaction;</p> <p>“records officer” means a records officer appointed under section 28 of this Act;</p> <p>“regulation” means any regulation made under this Act;</p> <p>“responsible officer” with reference to any public authority, means the head of that authority or the officer for the time being discharging the duties and</p>	
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<p>functions of the head of that office.</p> <p>“rule” means any rule made under this Act.</p>							
<p>45.</p> <p>In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.</p>	<p>Sinhala text to prevail in case of inconsistency.</p>						
<p>Schedule 1 [Section 7(1)]</p> <p>Indicative provisions relating to appointment of National Archivist</p> <p>(1) Institutions involved: Cabinet of Ministers, Ministry assigned the subject of archives and records management under Article 44 or 45 of the Constitution, Sri Lanka National Archives.</p> <p>(2) Appointing authority: Cabinet of Ministers</p> <p>(3) Particulars of the Category of Service: Senior Executive</p> <p>This category of service is designated with discretionary power and assigned with the direct portfolio inclusive of policy formulation, direction and decision-making.</p> <p>(4) Nature of the Position/Positions: Permanent and pensionable (subject to policy decisions taken in respect of the pensions scheme by the government in future.)</p> <p>(5) Salary: SL 03</p> <p>(6) Post/posts belonging to category of service: National Archivist, Grade I</p> <p>(7) Method of recruitment:</p> <table data-bbox="297 1465 630 1640"> <tr> <td>Open</td> <td>100%</td> </tr> <tr> <td>Limited</td> <td>-</td> </tr> <tr> <td>Merit</td> <td>-</td> </tr> </table> <p>Educational qualifications:</p> <p>Should possess a postgraduate degree in archives and records management or in information science</p>	Open	100%	Limited	-	Merit	-	
Open	100%						
Limited	-						
Merit	-						

<p>or</p> <p>Should possess a doctoral degree in history, from a university recognized by the University Grants Commission, or a degree awarding body recognized by the University Grants Commission.</p> <p>and</p> <p>Should have passed English/General English at the G.C.E. (A/Level) Examination with a credit pass or has read for the postgraduate degree in English medium.</p> <p>Professional and other qualifications:</p> <p>Should have at least five (5) years of experience in archives and records management at an executive level in a recognized institution.</p> <p>and</p> <p>Should have published two (2) articles in indexed, peer-reviewed journals of international standing in archives and records management or history.</p> <p>Other:</p> <p>Shall be a citizen of Sri Lanka.</p> <p>Shall be of excellent character.</p> <p>Shall have satisfied all the requirements prescribed in all respects by the date prescribed in the notification/gazette calling for applications.</p> <p>Interview for recruitment:</p> <p>An interview to evaluate suitability by a Board of Interview appointed by the Public Service Commission with representation from all institutions involved.</p> <p>Interview to evaluate suitability: Additional postgraduate qualifications in archives and records management or history (50), relevant professional qualifications (45), skills displayed at the interview (05).</p>	
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<p>Seniority and merit shall not be taken into consideration at the interview.</p>	
<p>Schedule 2 [Section 27(2)]</p> <p>Adoption of Children Ordinance (Cap. 61).</p> <p>Births and Deaths Registration Act (Cap.110).</p> <p>Registration of Death (Emergency Provisions) Ordinance (Cap.111).</p> <p>Marriage Registration Ordinance (Cap.112).</p> <p>Kandyan Marriage and Divorce Act (Cap.113).</p> <p>Kandyan Succession Ordinance (Cap.114).</p> <p>Muslim Marriage and Divorce Act (Cap.115).</p> <p>Foreign Marriage Ordinance (Cap.116).</p> <p>Registration of Documents Ordinance (Cap.117).</p> <p>Sannases and Old Deeds Ordinance (Cap.118).</p> <p>Registration of Old Deeds and Instruments Ordinance (Cap.119).</p> <p>Land Registers (Reconstructed Folios) Ordinance (Cap.120).</p> <p>Registrars' Proceedings Validation Ordinance (Cap.121).</p> <p>Power of Attorney Ordinance (Cap.122).</p>	