

THE REPUBLIC OF THE UNION OF MYANMAR
THE PYIDAUNGSU HLUTTAW
THE NATIONAL RECORDS AND ARCHIVES LAW 20....(DRAFT)
THE PYIDAUNGSU HLUTTAW LAW NO: /20.....
THE..... WANING/WAXING DAY OF....., 13.....ME
DATE...MONTH, 20

The Pyidaungsu Hluttaw hereby enacts this law.

CHAPTER (I)

TITLE AND DEFINITIONS

1. This law shall be called the National Records and Archives Law.
2. The following expressions contained in this law shall have the meaning hereunder:
 - a) **Union** means the Republic of the Union of Myanmar.
 - b) **Government** means the government of the Republic of the Union of Myanmar.
 - c) **Record** means the writing inscriptions record in writing, palm leaf inscription, writing tablet made of cloth, paper or metal in folds, documents, documented books, printed literature, written literature, maps, photographs, microfilms, video documented clips, ink inscriptions, references copied from stone inscriptions, records made by means of electronic technology and any other facts recorded by any means, performed or written and compiled or received by any government department, government organization, any other organization or any person.
 - d) **Archive** means out of any records mentioned in sub section (c), the records that consist of references and facts with Myanmar's national value or historical value, which should have to be preserved for a long term.
 - e) **Ministry** means the Ministry of Planning and Finance.
 - f) **Supervisory Committee** means the National Records and Archive Supervisory committee formed under this law.
 - g) **Directorate** means the Directorate of National Archives.
 - h) **Director General** means the Director General of the Directorate of National Archives.
 - i) **Government Department, Government Organization** means the different levels of Union Level organizations, Union Ministries, Government Departments and Government Organizations constituted under the existing Laws of the State. Accordingly to this law it includes the respective government departments, organizations and offices under the said Departments and Organizations.
 - j) **Other Organization** means any organization or association that is non- government.

- k) **The National Archive** means the place where the records and archives as evidences for the entire nationals, for them to use for references are kept.
- l) **Records scrutinizing table/list** means the list which consists of the records, which have recorded value and needed to be preserved forever and the records which does not need to be kept, are systematically scrutinized and distinguished.

CHAPTER (2)

OBJECTIVES

3. The objectives of this law are as follows:

- a) To hand over the records and archives from Government Departments, Government Associations, to the Directorate, systematically within the designated time.
- b) To search for, collect the records and rare references, which are in the hands of any association and the public, which concerns the entire nationals interest, that can be used in State affairs, are to be handed over from those who possessed them.
- c) To protect the records and archives, which are of the State's heritage from deterioration, to be compiled and preserved in one place.
- d) By conserving the records and archives systematically, they can be used in State affairs and as references for the State and its citizens.

CHAPTER (3)

FORMATION OF THE SUPERVISORY COMMITTEE

4. The Government shall:

(a) Form a supervisory committee to implement the provisions of this law with a chairman, secretary and members with a total of minimum 5 persons and maximum 15 persons with the following persons:

- | | |
|--|-----------|
| 1. The Union Minister | Chairman |
| The Ministry of Planning and Finance | |
| 2. The Director Generals from business related
Government Departments, Government Organizations | Member |
| 3. Skilled Practitioners from other organizations | Member |
| 4. Any other suitable citizens | Member |
| 5. Director General | Secretary |
| The Directorate of National Records and Archives | |

(b) In forming the committee under sub section (a), Vice Chairman and a Joint Secretary post can be designated.

(c) The Supervisory Committee formed under sub section (a) shall be rectified and reformed, if necessary.

(d) The awarded money and allowances for the members, who are not Government servants are to be designated.

CHAPTER (4)

THE RESPONSIBILITIES AND POWER OF THE SUPERVISORY COMMITTEE

5. The responsibilities and the powers of the Supervisory Committee are as follows:
 - a) To implement policies for the management and preservation of records and archives.
 - b) To approve the records being submitted to be designated as archives, after being scrutinized by the Directorate.
 - c) To decide the matter concerning asking for, the original record or the archive that is needed for business nature to transfer back by the respective Government Department or the Government Organization.
 - d) To give instruction on the matter being put up by the Directorate whether to transfer back or to buy any record or archive, which are in the hands of a foreign country or any other organization, which is needed by the State.
 - e) To assign the Director General with the process to preserve the records and archives, is one of the responsibilities and powers of the Supervisory Committee.
 - f) To give instruction, If the Directorate presents to seek for permission for the public, organization or any person to observe the records and archives which have been secured for a long term.
 - g) To decide on the matter whether an archive is to be taken abroad or not.
 - h) To check occasionally whether the archives are secured and preserved or in perfect condition or not.
 - i) To carry on the task concerning the management, maintaining the records and archives, occasionally assign by the Union Government.

CHAPTER (5)

THE RESPONSIBILITIES AND POWERS OF THE DIRECTOR GENERAL

6. The responsibilities of the Director General are as follows:
 - a) In order to hand over the records within the specific time to the Directorate, under this law, the Director General has to communicate and perform the task with the Government Department as well as to receive them.
 - b) To negotiate to be able to hand over the records which are entirely concern with the nationals, which are possessed by the other organizations and the public, in order not to lose them.

- c) To perform the making over and maintaining of the International and Regional Agreements, Bilateral Agreements, Agreements, Memorandum of Understandings, the Laws, the Rules and Regulations, the notifications, the procedures, the manuals, the reports and the Gazettes , published by Government Departments, Government Organizations.
- d) To assist with techniques for the record maintaining process of the Government Department, Government Organization in order to be done systematically.
- e) To specify in line with the standard norms and the rules to be followed concerning the management of the records and archives.
- f) To supervise on preserving all the records and archives, being transferred from respective places and to keep them at the National Archives and if necessary to preserve them at other secured places.
- g) To take approval on the records, which are preserved at the Directorate, and to scrutinize the ones which can become archives, after they are being scrutinized and submitted to the Supervisory Committee.
- h) To destroy the records, which are in the list to be scrutinized and separated for destroying, at the Government Departments and Government Organizations, after they are being scrutinized.
- i) To maintain the records and archives which are at the Directorate, in line with the International Archives Standards by using maintaining techniques.
- j) To conduct with the pre-permission by the Chairman of the Supervisory Committee on the issue being submitted, for the public and other organization or any person to observe the records and archives, which have secured terms.
- k) To conduct with the pre-permission by the Chairman of the Supervisory Committee to return the original records on request, by the respective Government Departments, Government Organizations, who have handed over the records.
- l) To carry out the duties occasionally assigned by the Supervisory and the Ministry, concerning the records and archives for the benefit and security of the State.

7. The powers of the Director General are as follows:

- a) To perform in line with the Financial rules and regulations to receive or to buy the rare country's heritages and references, which are in possession of any person or other organization, and if necessary to perform the task with the permission given in advance by the Supervisory Committee's Chairman.
- b) To fix fees for reading and copying the records and archives.
- c) If there is an application to copy the records and archives, which are capable of copying at the Directorate, they can be permitted to copy only after paying the designated copying fees.
- d) Granting permission to observe the records and archives, which do not have any designated security limits, accordingly to observe with parameters.

- e) To scrutinize the records and archives, which have the secured status and to give permission, occasionally to read and to use as reference and if necessary for that purpose, have to seek permission in advance from the Supervisory Committee's Chairman.
- f) Out of the preserved records at the Directorate, the records which do not need to be preserved any more are to be destroyed with the consent by the respective Government Departments and Government Organizations.
- g) For the public to understand the importance of preservation and management of the records and archives, the Director General shall organize as necessary to provide trainings and knowledge sharing.
- h) To work together by communicating with the International Archives Organizations.

CHAPTER (6)

DESIGNATING THE RECORDS TRANSFERING, SECURITY STATUS AND THE TERMS

8. Regarding the transferring of records the following shall have to be carried out:

- a) The Supervisory Committee shall submit to the Governing to transfer the records from Government Departments, Government Organizations to the Directorate and to issue directives.
- b) For the maintenance of the Government Department, Government Organizations' records, the arrangements are to be made for transferring them to the Directorate.
- c) The Directorate shall negotiate for transferring the records, being performed by other organizations and any person, which are of National concern, to be maintained.

9. (a) The Government Departments, the Government Organizations shall perform as follows regarding the records, which are at their Departments and Organizations:

- 1) The records which have been kept for 10 years at the departments, organizations, shall have to be distinguished accordingly to the list, designated as of which records shall need to continue to be kept or to be handed over to the Directorate, without destroying them.
- 2) If the Government Department, Government Organization is desirous to transfer the records, which are preserved for less than 10 years, they can be transferred to the Directorate.
- 3) If the records created by electronic technology are not in use any more, those records are to be handed over to the Directorate, promptly as possible.
- 4) Although the records, which are still using and being preserved at their own department or organization for more than 10 years and after the Directorate has checked them and if they can become archives, those are to be preserved with the direction by the Directorate, and if they are not in use any more, those records are to be handed over to the Directorate.
- 5) The contracts, the Agreements, the Memorandum of Understanding made by the Government Departments, Government Organizations, after they have been

signed, either the original or the copy has to be handed over to the Directorate, within one month from the date those were signed. If a copy is handed over, the original is to be handed over to the Directorate, after the commitments in those documents had been completed.

- 6) To send at least 3 copies each of the State level ceremonies, daily news broadcast, the recorded video clips, published works, the notifications, the newspapers are to be sent to the Directorate, within 3 months from the date they are published accordingly with the designated rules, for the Directorate to be preserved as records.

(b) The Government Departments, the Government Organizations shall send the copies of the record which can become archives as of sub section (a)(4) to the Directorate. If the original record has not been handed over to the Directorate and if it is not a referential evidence accordingly to this law, the Directorate is not responsible for it and shall be deemed as the respective Government Departments, Government Organizations have agreed and accepted upon it.

10. When the respective Government Departments, Government Organizations are handling over those records to the Directive as of section 9, they are to be reexamined whether to decrease from the security status or not and shall send to the Directorate accordingly with the following categories:

- a) The records with top secret status,
- b) The records with secret status,
- c) The records with internal affairs status,
- d) The records with restricted status.

11. The different stages of the secured terms of the records, from the date after the relevant tasks have been carried out completely are as follows:

- a) If it is a top secret status archive, 30 years
- b) The secret status archive, 25 years
- c) The internal affairs status archive, 20 years
- d) The restricted archive, 5 years.

CHAPTER (7)

THE MATTERS RELATING TO VIEW AND TO USE THE RECORDS AND ARCHIVES

12. The matters relating to view and to use the records and archives shall be conducted as follows:

- a) Although the security term of the records and archives expire, the Directorate shall not allow them to be read and use as references, if necessary.

b) For copying, extracting, excerpting the records and archives at the Directorate to be used as references, the copying, the extracting, the excerption shall be permitted after the application is applied with the stipulated Form, the Director General or the person-in-charge on his/her behalf shall give permission in accordance with the procedures, rules and regulations of this law.

13. In order to read and study the security status records to be used for research purposes or to use as references, on being requested by the respective researchers and if it is attached with the recommendation letter from the respective Government Department, Government Organization's person-in-charge, the Director General shall give permission to that person with the stipulated regulations.

14. Whoever is desirous to publish or copy the records and archives at the Directorate, shall use them if they in line with the following facts:

- a) Having received the consent from the Director General,
- b) Having paid the designated fees for the cost,
- c) Obtain the pledge to follow the provisions of the existing Printing and Publishing Law for printing and publishing.

15. If the records and archives at the Directorate are used by the Courts of Law, respective Government Departments, Government Organizations as evidence(s), those evidences must have the Director General's signature, office seal or the signature of the officer-in-charge, who is acting on behalf of the Director General, position and office seal as to prove those evidences as certified copy(ies).

CHAPTER (8)

PROHIBITIONS

16. Nobody shall view or copy any record or archive, which still has validity as a secured status without the official permission by the Director General.

17. Nobody shall take out of the Directorate, any records and archives without the official permission under this law.

18. Nobody shall destroy, amend, append or make it void by any mean, any records which can be considered as an archive, to move from the original place where they are kept, after the Directorate examined them

19. Nobody shall take out any record or archive out of the country or to be abroad without the permission officially given.

20. Nobody shall violate any rules, notification, orders, directives and procedures issued under this law.

CHAPTER (9)

OFFENCES AND PENALTIES

21. Whoever violates any of the provisions under section 16 and 17, on conviction, be punished with imprisonment for a term which does not exceed 3 months or a fine of maximum 200,000 Kyats or both.
22. Whoever violates section 18 of the Prohibited provisions, on conviction, be punished with an imprisonment for a term which does not exceed 3 years, a maximum fine of one (1) million kyats or both.
23. Whoever violates section 19 of the Prohibited provisions, on conviction, be punished with an imprisonment for a term of 5 years, a maximum fine of 5 million kyats or both.
24. Whoever violates section 20 of the Prohibited provisions, on conviction, be punished with a fine of 50,000 kyats.
25. Whoever abets, attempts or conspires to commit an offence under this law, on conviction, be punished with the penalty provisions of this law.

CHAPTER (10)

MISCELLANEOUS

26. A government servant from any Government Department, Government Organization prevents, prohibits, aggravates, delays fails to transfer the records in accordance with the provisions of this law, and if the Director General reports this occurrence to the authorized person-in –charge of the Government Department, Government Organization, that person shall be taken action as necessary, under the Government servants Act.
27. The Directorate shall ask for 3 copies each, for preserving accordingly to the different kinds of books which contain National value or historical value, published by any organizations or person.
28. The terms for the preserved records and archives series at the Directorate shall be in accordance with the stipulations of the rules and regulations issued by this law.
29. The expenses and rewards for the Supervisory Committee members who are not government servants shall be borne from the Ministry's budget.
30. The orders, directives and procedures promulgated by the National Records and Archives Law (the State Law and Order Restoration Committee Law 18/1990) shall exist in effect unless they are not against any provisions of this law and until he rules and regulations are promulgated after this law is enacted.

31. The Supervisory Committee shall give exemption from abiding any provision of this law, on the top secret status and confidential status records and archives for the benefit of the State and the Public.

32. In implementing the provisions of this law:

- a) The Ministry with the consent by the Government shall issue (proclaim) rules and regulations.
- b) The Directorate and the Ministry shall proclaim notifications, orders, directives and procedures as necessary.
- c) The Directorate shall proclaim the necessary orders and directives.

31. The State law and order committee law (8/1990) is hereby repealed by this law.

I hereby sign under the constitution of the Republic of the Union of Myanmar.

President

The Republic of the Union of Myanmar