

The National Records and Archives Law
(The Pyidaungsu Hluttaw Law No. 40, 2019)

The 2nd Waxing Day of Pyatho, 1381 M.E.

(27 December 2019)

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 in this Law shall have the meanings given below:
 - (a) **State** means the Republic of the Union of Myanmar;
 - (b) **Government** means the Union Government of the Republic of the Union of Myanmar;
 - (c) **Records** means the permanent inscription, palm leaf inscription, parchment script, document, publication, printed script, manuscript, maps, photographs, microfilms, audio-visual records, evidence copied from the ink and stone inscription, electronic records and particulars recorded by any other means which are made or written and compiled or received by any government department, government organization, other institution or person;
 - (d) **Archives** means a record out of the records in subsection (c), which should be preserved for a long time as it contains the supportive evidence and particulars related to the national or historical value of the State;
 - (e) **Ministry** means the Ministry of Planning, Finance and Industry of the Union Government;
 - (f) **Supervisory Body** means the National Records and Archives Supervisory Body which is formed under this Law;

- (g) **Department** means the Department of National Archives;
- (h) **Director General** means the Director General of the Department of National Archives;
- (i) **Other organization** means any organization or association which is the non-governmental department and government organization;
- (j) **National Archives** means a place preserving the national records and archives for taking reference as evidence;
- (k) **Records disposal schedule** means the record classification schedule, which scrutinizes systematically the records that are needed to preserve permanently and that are not needed to preserve continuously including the archival value.

Chapter II

Objectives

3. The objectives of this Law are:
 - (a) to transfer the records and archives systematically from the government departments and government organizations to the Department within the prescribed period;
 - (b) to collect and acquire the national records and scarce heritage documents possessed by other organizations and the public for the purpose of using them in the affairs of the State;
 - (c) to prevent the loss of records and archives which are the evidence of the national heritage by preserving them in one place;
 - (d) to use the records and archives as evidence for the affairs of the State and for the interests of the State and citizens by preserving them systematically.

Chapter III

Formation of the Supervisory Body

4. The Government:

(a) shall form the Supervisory Body with no more than 15 persons as follows:

- | | | |
|-------|---|-------------|
| (i) | Union Minister
Ministry | Chairperson |
| (ii) | Directors General from the relevant government departments and government organizations | member |
| (iii) | Citizen experts from other organizations | member |
| (iv) | Other suitable citizen experts | member |
| (v) | Director General
Department | Secretary |

(b) may designate the vice-chairperson and joint secretary if necessary in forming under subsection (a).

(c) may re-form the Supervisory Body formed under subsection (a) if necessary.

Chapter IV

Duties and Powers of the Supervisory Body

5. The duties and powers of the Supervisory Body are as follows:

- (a) laying down the policies for the management and preservation of records and archives;
- (b) confirming the records to be recognized as archives submitted by the Department;
- (c) deciding on the request of retransferring the records or archives by any relevant government department or government organization according to the functional need;

- (d) giving guidance if the Department submits that any record or archive possessed by any foreign country or other organization or person is required to acquire or purchase for the State;
 - (e) assigning duties to the Director General in respect of the preservation of records and archives;
 - (f) giving guidance if the Department submits to allow any other organization, public or person to study the records with the security grade or archives with the tenure of the security grade;
 - (g) deciding as to whether any archive is allowed to be taken abroad;
 - (h) inspecting as to whether the archives are preserved safely not to be lost;
 - (i) carrying out the functions and duties assigned by the government regarding the management and preservation of records and archives from time to time;
 - (j) stipulating the remuneration and allowance for members of the Supervisory Body, who are not civil service personnel.
6. The Supervisory Body may confer any duty or power in subsections (c), (d), and (e) of section 5 to the chairperson of the Supervisory Body.

Chapter V

Duties and Powers of the Director General

7. The duties of the Director General are as follows:
- (a) communicating with the government departments and government organizations for transferring records to the Department within the prescribed period, and accepting them under this Law;
 - (b) cooperating to transfer and acquire the national records that are in possession of other organizations and the public not to be lost;

- (c) transferring, accepting and preserving the international and regional agreements which have been signed by the State, bilateral treaties, contracts between the government departments and government organizations, agreements, memoranda of understanding, laws, rules, regulations, by-laws, notifications, procedures, manuals, reports and gazettes published by the government departments and government organizations;
- (d) providing techniques for the preservation of records of the government departments and government organizations;
- (e) determining the requirement for the management of records and archives in accordance with the criteria;
- (f) preserving all records and archives transferred by this Law in the national archives, and causing to preserve and supervise them in other safe place if necessary;
- (g) submitting the records that can be archives among the records preserved in the Department to the Supervisory Body after scrutinizing and getting the approval from it;
- (h) scrutinizing the records to be destroyed in the record disposal schedule in relation to the records of government departments and government organizations, and causing to destroy them;
- (i) preserving the records and archives preserved in the Department by using techniques in accordance with the criteria of international archives;
- (j) carrying out under the guidance of the Supervisory Body when submitting to allow any other organization, public or person to study the records with the security grade or archives with the tenure of the security grade;

- (k) carrying out the decision of the Supervisory Body if it is requested to return the original records transferred by the relevant government department and government organizations;
 - (l) carrying out the duties assigned by the Supervisory Body for the interests and security of the State regarding the records and archives from time to time.
8. The powers of the Director General are as follows:
- (a) carrying out to accept and purchase the scarce heritage documents of the State possessed by any person or other organization, after scrutinizing, in accordance with the financial regulation and carrying out the guidance of the Supervisory Body if necessary;
 - (b) prescribing the fees in respect of allowing to read and copy the records and archives;
 - (c) allowing to copy after subscribing the prescribed fees in case of applying to copy any record or archive allowed to copy at the Department;
 - (d) allowing to study the records and archives for which no security grade in accordance with the stipulations;
 - (e) allowing to reference the records with the security grade and archives with the tenure of the security grade after scrutinizing them from time to time and obtaining the prior permission of the Supervisory Body if necessary;
 - (f) destroying the records among the records preserved in the Department that are not needed to preserve continuously, with the approval of the relevant government departments and government organizations;

- (g) providing training and giving awareness of the importance of the preservation and management of records and archives to the public;
- (h) coordinating with international archives organizations.

Chapter VI

Transfer of Records, Classification of the Security Grade and Tenure of Records

9. With regard to the transfer of records:
 - (a) the Supervisory Body shall report to the government to issue directions for transferring records from the government departments and government organizations to the Department;
 - (b) the Department shall carry out to transfer and acquire the records of the government departments and government organizations for preservation;
 - (c) the Department shall negotiate to transfer and acquire the national records preserved by any other organizations or person for preservation.
10. The government department and government organizations, with regard to their records:
 - (a) shall transfer the records that are needed to preserve continuously in accordance with the stipulations in the record disposal schedule among the records that have completed 10 years to the Department without destroying them;
 - (b) may transfer the records that have not completed 10 years to the Department if they want to transfer them;
 - (c) shall transfer the records created by the electronic technology to the Department immediately if they are not used;

- (d) shall preserve the records in accordance with the instruction of the Department that could be archives according to the examination of the Department among those are being used continuously although they have completed 10 years and shall transfer those to the Department if they are not used. When the original record cannot be sent, the certified copy shall be sent;
- (e) shall transfer an original or a copy of treaty, agreement, memorandum of understanding to the Department within 30 days from the date of signing. The original of them shall be transferred after completing the works of the treaty if the copy of them is transferred;
- (f) shall send at least three copies of the national level ceremonies and daily newscast records of the State-owned media department, published books, gazettes and newspapers to the Department within 90 days from the date of publishing or broadcasting in accordance with the stipulation for preservation.

11. The relevant government departments and organizations shall, when transferring the records to the Department under section 10, classify as follows and send the security grade of those records after scrutinizing:

- (a) records of the strictly confidential grade;
- (b) records of the confidential grade;
- (c) records of the private grade;
- (d) records of the restricted grade.

12. From the date of completion of the relevant work, the tenure of the security grade of archives are as follows:

- (a) 30 years in the case of archives of the strictly confidential grade;
- (b) 25 years in the case of archives of the confidential grade;

- (c) 20 years in the case of archives of the private grade;
- (d) 5 years in the case of archives of the restricted grade.

Chapter VII

Access to Records and Archives

13. With regards to access records and archives:
- (a) the Department shall allow to access the published records and the archives that the tenure of the security grade is expired in section 12 to any other organization or public or person. However, the archives that the tenure of the security grade is expired may not be allowed to study and use for the interests of the State and citizens if necessary;
 - (b) the Director General or person in charge on behalf of him may, in accordance with regulations, by-laws and procedures issued by this Law, allow to copy and extract from the records and archives of the Department for reference if it is applied by the prescribed form.
14. The Director General may allow the departmental researchers to study, research or refer the records with the security grade and archives with the tenure of the security grade in accordance with the prescribed conditions when it is requested with the approval of the head of the relevant government department and government organization.
15. Whoever may publish or copy the records and archives of the Department if they are in conformity with the following facts:
- (a) the approval of the Director General has been obtained;
 - (b) the prescribed fees have been paid;

- (c) it has an affirmation to abide by the provisions of the Printing and Publishing Law for publication.

16. If the records and archives of the Department are used as exhibits in the courts, relevant government departments and government organizations, the Director General shall sign and stamp the office seal on them to be the certified copies.

Chapter VIII

Prohibitions

17. No one shall, without permission, study or copy any record of the security grade or any archive in which the tenure has not yet expired.

18. No one shall, without permission, take any record or archive out of the Department.

19. No one shall alter, add, invalidate in any manner, destroy without permission or move from its original preserved place, any archive or any record which can be archives according to the examination of the Department.

20. No one shall take or send any record or archive abroad without permission.

21. No one shall violate any prohibition of rules, regulations, by-laws, notifications, orders, directives and procedures issued by this Law.

Chapter IX

Offences and Penalties

22. Whoever violates any prohibition of section 17 or 18 shall, on conviction, be punished with imprisonment for a term not exceeding three months or with a fine not exceeding five hundred thousand kyats or with both.

23. Whoever violates the prohibition of section 19 shall, on conviction, be punished with imprisonment for a term not exceeding two years or with a fine not exceeding two million kyats or with both.

24. Whoever violates the prohibition of section 20 shall, on conviction, be punished with imprisonment for a term not exceeding five years or with a fine not exceeding five million kyats or with both.

25. Whoever violates the prohibition of section 21 shall, on conviction, be punished with a fine from a minimum of one hundred thousand kyats to a maximum of three hundred thousand kyats.

26. Whoever abets or attempts to commit any offence of this Law shall, on conviction, be punished with the punishment provided for such offence in this Law.

Chapter X

Miscellaneous

27. The Department may request to donate each of three books which has the national value or historical value in the books and records published by any organization or person to the Department for preservation.

28. The tenure of the files of record and archive preserved in the Department shall be as of the term prescribed in the rules and procedures issued by this Law.

29. The allowances and remuneration for members of the Supervisory Body who are non-civil service personnel shall be incurred from the budget of the Ministry.

30. The Supervisory Body may exempt any provision of this Law with regard to the records or archives of the strictly confidential grade or confidential grade in the interests of the State or public if necessary.

31. In implementing the provisions of this Law:

- (a) the Ministry may issue rules, regulations and by-laws with the approval of the government;
- (b) the Supervisory Body and the Ministry may issue the necessary notifications, orders, directives and procedures;
- (c) the Department may issue the necessary orders and directives.

32. The National Archives and Mawgun Law (The State Law and Order Restoration Council Law No.18/1990) is repealed by this Law.

I hereby sign in accordance with the Constitution of the Republic of the Union of Myanmar.

(Sd.) Win Myint
President
Republic of the Union of Myanmar