



Department of National Archives

DNA/7 Confidential Records Division

Guidelines for the transfer of Presidential Commission and Ministerial Committee records to the National Archives of Sri Lanka

Topic	Guidelines for the transfer of Presidential Commission and Ministerial Committee records to the National Archives of Sri Lanka
Relevant Laws	Sections 11 & 16 of the National Archives Law No. 48 of 1973
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It is the responsibility of the secretary to a presidential commission or ministerial committee to hand over all records to the Department of National Archives. These guidelines explain the legal background, management of records and procedures of transfer to ensure the integrity and authenticity of the documentation produced by the commission or committee, and the efficient accrual of such documents by the Department of National Archives.

1. Legal background

1.1 Under section 11 of the National Archives Law No. 48 of 1973 (as amended), 'It shall be the duty of the Secretary of any Commission of Inquiry appointed under the Commissions of Inquiry Act or any Committee of Inquiry appointed by a Minister to deposit all records relating to such Commission or Committee, as the case may be, at the National Archives within three months of the rendering of the final report of such Commission or Committee.'

1.2 As per paragraph 02 of the regulations framed under section 16 (d) of the National Archives Law pertaining to public access to public archives as per the Gazette No. 15 of 15th December 1978, records accrued in terms of section 11 of the law, can be closed for public inspection until the lapse of 30 years after their creation by the commission/committee, or until the lapse of such time that they have been closed for public inspection by the secretary to the commission/committee.

1.3 However, it is necessary to note that the Right to Information Act No. 12 of 2016 has introduced a new legal regime in relation to access to information. For example, if evidence was provided in confidence, such records can be closed for access up to a period of ten years under Sections 5(1) and 5(2) of the Right to Information Act No. 12 of 2016.

1.4 Accordingly, it is advisable to arrive at an informed decision on whether the records can be open to the public, or for how long the records should be closed, together with the members of the commission/committee. If all the proceedings or a part of them were public, this should also be considered when deciding on the question of access. Selected records can be made available to the public.

2. Records management prior to transfer

2.1 First, it is essential to assign a responsible staff officer for the management of the records created by the commission/committee. This senior official should ensure that the integrity of the records is always protected.

2.2 It is recommended that a clear file coding system is utilised. Ensure that documents are filed in their relevant files and not haphazardly. Give suitable short titles that clearly identify the contents of the file/record with all the essential information. Avoid naming files as simply 'Miscellaneous' or 'Evidence'. Furthermore, all 'marked documents' should be clearly described with the source and further description of the document.

2.3 If deemed necessary to bind records, please do so in a way that will facilitate production of a clear scanned copy of the material.

2.4 Each page of a file should be numbered, giving separate numbers for each side of a page. Minute sheets should be numbered separately in roman numbers and empty minute sheets should be removed. The total number of pages in a file should be entered in the preliminary records survey form mentioned below.

2.5 Documents in box files should be transferred to normal files, and all staple pins and paper clips should be carefully removed from records at the point of transfer to the National Archives.

2.6 Photographs must be enclosed in numbered dockets or envelopes (preferably acid-free) and captions should be as descriptive as possible.

2.7 Please note that no hard drives/HDD of desktop computers or laptops will be accepted and that all records from such hard drives must be transferred to the National Archives in external hard drives and/or CD/DVD drives. External hard drives must not be encrypted or password protected. Under no circumstance should such digital hardware be sealed at the point of transfer.

3. Handing over of records

3.1 The commission/committee must allow for sufficient time (at least three months) to hand over its records to the National Archives after the rendering of the final report.

3.2 The responsible officer should provide two copies of the duly filled preliminary records survey form, RM/RS/II, provided with this guideline (Annex A). All forms submitted to the National Archives should be prepared on Microsoft Excel. As soon as the final report has been rendered, two copies of the form should be handed over to this department. The form can be prepared in batches as per the categorisation of the documents.

3.3 The original of the final report must be handed over to the Department of National Archives. The secretary to the commission/committee must sign each page of the final report with a short signature at the point of transfer.

3.4 After examination of the duly filled RM/RS/II form, the commission/committee will be advised on the final transfer list by the National Archives and asked to transfer the selected records to the department on a date and time discussed between the two parties. At that point, a second form, RM/RT/II, will be provided and must be submitted with the records approved for transfer.

3.5 At the point of transfer the physical records will be examined by officers of the National Archives in the presence of senior officers of the commission/committee. Depending on the volume of records, senior officers of the commission/committee must be present for a few days at the Department of National Archives for checking of these documents.

3.6 After the records have been checked, the RM/RT/II transfer form will be finalised and signed in duplicate together with the form on access to records (IC/FR/II) by both the secretary to the commission/committee and an official of the National Archives. Each page of the transfer lists must be signed by both parties. One set of originals of these final forms can be retained by the secretary to the commission/committee. The soft copy of the finalised RM/RT/II lists should be provided to the National Archives.

3.7 On completion of the process, it is advisable that the secretary to the commission/committee informs the secretary to the president or secretary of the relevant ministry as the case may be of the records that have been handed over to the National Archives.

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