Records and Archives Management

Government Notice No. 77 published on 30/3/2007

THE RECORDS AND ARCHIVES MANAGEMENT REGULATIONS, 2007

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THE RECORDS AND ARCHIVES MANAGEMENT ACT
(CAP. 309)

REGULATIONS

Made under section 28

THE RECORDS AND ARCHIVES MANAGEMENT REGULATIONS, 2007

PART I
PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Records and Archives Management Regulations, 2007.

2. In these Regulations:

"Act" means the Records and Archives Management Act;
"Advisory Board" means the Records and Archives Management Advisory Board;
"archival repository" means a building or part of a building in which archives are preserved and made available for consultation;
"archives" means records of enduring value selected for permanent preservation;
"Authority" means Authority responsible for records in the place of deposit;
"Board" means Advisory Board established under the Act;
"creator" means a person who made a record for the first time;
"current records" means records regularly used for the conduct of the current business of an institution or individual;
"Department" means the Records and Archives Management Department established under section 5 of the Act;
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"Director" means the Director of the Records and Archives Management Department;
"electronic record" includes record stored in an electronic media such as flash disc, floppy disc, disc, cassettes, video tapes, microfilm, microfiche and such other electronic device used for keeping such records;
"finding aids" means the descriptive media, published and unpublished, manual or electronic, created by an archives or an archival programme, to establish physical or administrative and intellectual control over records and other holdings;
"heads of public offices" means ministers or other persons responsible for directing public offices;
"Minister" means the Minister responsible for the Records and Archives Management;
"National Archives" means the archival repository in which archives of the public office of the United Republic of Tanzania are preserved and made available for consultation;
"non-current records" means records no longer needed for current business;
"paper based record" means information recorded on papers and includes books, correspondences, memorandums, documents, papers, pamphlets, works of art, models, picture, photographs, placards and maps;
"place of deposit" means a place appointed as such under section 15 of this Act;
"private records" means records other than public records specified in the Schedule to this Act;
"public office" means any institution, body or individual which creates, receives or maintains public records;
"records" means recorded information regardless of form or medium created, received and maintained by any institution or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business;
"record centre" means a building designated for the low-cost storage, maintenance and communication of semi-current record pending their eventual disposal;
"retention and disposal schedule" means a document describing the recurring records of an institution or an administrative unit thereof, specifying which records should be preserved permanently as having
enduring values as archives and authorising on a continuing basis and after the lapse of retention periods or the occurrence of specified actions or events, the disposal by destruction or other means of the remaining records;

"semi-current records" means records required only infrequently for the conduct of current business; for the purposes of this Act files and other assemblies of records on which no action has been recorded for three years shall be regarded as semi-current records;

"vital record" means the records considered critical to the ongoing operations of an organisation or the establishment of operations after an emergency of disaster;

PART II
KEEPING, MAINTENANCE AND ACCESS OF RECORDS

3.--(1) Subject to Sections 9 and 10 of the Act, each public office shall ensure safe keeping and maintenance of records for its purpose.

(2) Records to be kept and maintained by a public office under sub-regulation (1) shall be paper and electronic based records.

(3) Where a parastatal office is dissolved or disestablished, all records of the dissolved parastatal organization shall be vested in the public office under which the parastatal organization was established.

(4) Notwithstanding subregulation (3) where the ownership of a parastatal office is transferred to another owner, the new owner shall be entitled to access such records as may be necessary to carry on his activities.

(5) Where the records are damaged or destroyed by reason of natural disaster or any other reason, the creator shall within 14 days from the date of incidence notify the Director in writing specifying the destroyed or damaged records.

4.--(1) A public office shall, in keeping and maintaining records under regulation 3, identify and separate vital records to ensure they are properly kept in a safe place.
(2) Identified vital records under sub regulation (1) shall be kept in such categorization or classification depending on the sensitivity and importance of the records.

(3) A public office shall keep and maintain its records until when such records become semi-current or non-current.

5.—(1) Where records reach the stage of semi-current or non-current, a public office shall cause the records to be listed in the record centre transfer form for the purpose of effecting transfer of such records to the Department.

(2) The record centre transfer form shall be as prescribed in the First Schedule to these Regulations and shall be forwarded to the Director for facilitation of transfer of records as specified in the form.

6.—(1) The Director shall, after receiving the record centre transfer form under regulation 5—

(a) Communicate with the public office as to the appropriate time for transfer of records as requested; and

(b) Direct Public Office Officials—

(i) to collect records from the public office to the Department; and

(ii) to prepare a proper list of transferred records to be signed by both the public office and the Director.

7.—(1) The Director may, notwithstanding the submission of records centre transfer form by the Public Office, suspend the transfer of such records if—

(a) accommodation at the record centre is not available for proper keeping of the records;

(b) the record are regularly used by the public office and which wishes to retain the records for its purposes.
(2) The suspended transfer under sub-regulation (1) shall be effected any time when the accommodation of the records is available and after consultation with the public office concerned.

8.—(1) The Department shall, subject to section 11 of the Act, conduct inspection regularly regarding keeping and maintenance of records by public offices.

(2) The Director may, where a public office fails to keep and maintain semi-current or non-current records according to the acceptable standards:—

(a) require the public office to submit a list of its records for transfer to the Department;

(b) require the public office to ensure maintenance of the records according to the standards within the time as may be determined by the Director; or

(c) report the matter to the Permanent Secretary responsible for records and archives.

(3) The Permanent Secretary responsible for records and archives may, after receiving the report under subregulation (2) (c), refer the matter to the Chief Secretary for appropriate measures to be taken.

9.—(1) Where transfer of records has been effected, all such transferred records shall be in the custody of the Department which shall ensure safe keeping and maintenance of the records.

(2) Notwithstanding sub regulation (1), a public office whose records have been transferred to the Department may at any time when need arises, request for access of such records.

(3) The Department shall, where the public office requests for access of records, allow such access without payment or any fee.

10.—(1) Where the public office which is a creator of the records requests for access of records from the Department, the Public Office shall:—
(a) write a letter of application to the Department, indicating the records to be accessed and the time frame in which the records shall be in its custody;

(b) ensure the said letter of application is presented to the Department by the person authorized by the public office.

(2) The Department may within working hours after receiving a letter of application under sub regulation (1), provide the applicant with the requested records upon such terms and conditions as may be determined.

(3) Terms and conditions imposed under sub regulation (2), shall be expressed in the Record Centre Request Form prescribed in the Second Schedule to these regulations.

11.—(1) Where a public office other than a creator wishes to access records of a creator, such office shall in addition to the application for access of records submit a letter of approval from the creator of the record to be accessed.

(2) The Department shall, if it is satisfied with approval of the creator, provide the requested records to the applicant in the manner stipulated under regulation (10).

12. Notwithstanding regulations 10 and 11 a creator or third party shall not access and retain the records for more than 14 days.

13.—(1) Where a creator or third party wishes to access records for quick reference he shall:

(a) in the case of creator, access record after submitting his request in writing;

(b) in the case of third party access the requested records after submitting a letter of approval from the creator.

(2) Terms and conditions for access of records for quick reference shall be as stipulated under regulation 39.
PART III
ACQUISITION AND PRESERVATION OF ARCHIVES

14.—(1) All records which have been transferred to the Records Centre or which have been retained by a public office for reference shall be subject to acquisition by the Department.

(2) Acquisition of records under sub regulation (1), may be effected through:

(a) purchasing of records from a creator or owner;

(b) direct acquisition from a public office;

(c) gift or bequests

(3) Acquisition of records for the purposes of preservation shall be made after having regards to contents of retention and disposal schedule, which indicates the timeframe within which the record can be acquired.

15.—(1) Acquisition of private records by the Department shall be effected subject to section 26 of the Act and after consultation with the owner of the records.

(2) Where the Department intends to acquire any private record, it shall prepare an agreement or contract to be entered by the owner and the Department.

(3) An agreement or contract under sub regulation (2) shall specify the records for acquisition and various terms and conditions to be observed by both parties.

(4) No acquisition of private records shall be effected by the Department without a written agreement or contract.

16.—(1) Records of enduring value which remained with the creator as per section 9(d) of the Act shall be transferred to the Department within 20 years from date of creation.
(2) Where the creator still needs to hold records with enduring value as indicated in section 9(d) of the Act, the creator shall be given extension of the time not exceeding 10 years before acquisition by the Director.

17.—(1) Where the Public Office through retention and disposal schedule makes a selection of records with enduring value, as per section 9(d) of the Act, the records shall be acquired directly by the Director.

(2) Where a Public Office makes a selection of records with enduring value, and if the records are not transferred to the Record Centre for the grounds mentioned in section 9(d) of the Act, such records shall be transferred directly to the National Archive.

18. Public Office with records of enduring value shall be required to cause transfer or acquisition of records by the Director.

19.—(1) All archives shall be maintained in the archive repository under the control of the Director and in such other places of deposit as may by notice in the gazette be declared by the Minister.

(2) A public office which intends to be declared by the Minister as a place of deposit shall submit an application to the Director.

(3) The Director shall, after receiving the application under sub regulation (2), communicate with the Public Office on the intended place of deposit.

20.—(1) After inspection under regulation 19 the Director shall submit recommendations to the Board on the suitability of intended places of deposits.

(2) The Board shall upon the recommendation of the Director, advise the Minister to approve or disapprove the places of deposits.

(3) The Minister shall approve or disapprove the recommended places of deposits and where there is disapproval, the Director shall inform the applicants in writing stating the reasons for such disapproval.
21.—(1) The National Archives of Zanzibar shall be a place of deposit for the records and archives relating to Government, Parliament and Court of Appeal of the United Republic which are created in Zanzibar.

(2) The Director for the Zanzibar National Archives shall be responsible for managing public records and archives that are created in Zanzibar.

22.—(1) The approved places of deposits shall be declared by the Minister by notice published in the Government Gazette.

(2) The Director may, for the purpose of notifying the public on the declared places of deposits, publish the Notice under subregulation (1) in such news papers as may be determined by the Board.

23.—(1) Where a place of deposit has been established and declared as such, the Director shall:

(a) communicate with the Authority of the declared place of deposit on the standards of keeping and maintenance of records;

(b) ensure regular monitoring and supervision of management of records in the place of deposit.

(2) The Authority shall, subject to section 15(3) of the Act:

(a) prepare appropriate guides, lists of records, videos and other finding aid to the records;

(b) submit copies of documents prepared under paragraph (a) to the Director.

24. The declared place of deposits shall be managed by the authority, and have right to use the national archives seal or such other seal as may be determined by the Minister after consultation with the authority.

25.—(1) The Authority shall keep and maintain all records in the place of deposit including records and archives as may be acquired or transferred to it by the Director.
(2) The provisions of Part III of these Regulations regarding acquisition of records and archives shall apply to acquisition of records and archives in the place of deposit.

26.—(1) Where subject to section 15(4) of the Act—

(a) the Authority fails to observe standards and procedures for keeping and maintenance of records in the place of deposit; or fails to submit copies of finding aids and videos; or

(b) the place of deposit ceases to be adequately funded, the Director shall direct and require the Authority to observe standards and perform all necessary duties within such time frame as may be determined by the Director.

(2) Where the Authority fails to comply with the directions of the Director under sub regulation (1), the Director shall issue a notice of intention to revoke the place of deposit and require the Authority to state reasons within fourteen days as to why the revocation should not be effected.

(3) If the Authority fails to comply with the requirement of the notice within the prescribed time, the Director shall report the matter to the Board.

(4) The Board shall, after due consideration of the matter as reported by the Director, advise the Minister to revoke the declaration of the place of deposit.

(3) The advice of the Board to the Minister shall indicate:

(a) measures taken to rectify the situation;

(b) reasons for revocation; and

(c) proposal to transfer records and archives to such other places of deposit as may be determined by the Director.

(6) The advice of the Board under sub regulation (5), shall be submitted to the Minister by the Director through the Permanent Secretary (Establishment).
(7) If the Minister is satisfied with the advice of the Board on the revocation of the place of deposit, he shall within 30 days from the date of its decision and by notice published in the Gazette revoke the place of deposit.

(8) The Director shall, where the place of deposit is revoked, require the Authority responsible for revoked place of deposit to hand over to the Director:

(a) the seal or such other facilities of the National Archive as may be required by the Director;

(b) original copies of indices and finding aids; and

(c) all records and archives including surrogates available in the revoked place of archive for effecting transfer to such other place of deposit.

27. A person who, after the revocation of place of deposit, possesses or produces a copy of any record or archives which were available in the revoked place of deposit commits an offence.

PART IV
MAINTENANCE OF ARCHIVES

28. Subject to section 13 of the Act the Director shall:

(a) maintain records and archives in the National archives; and

(b) monitor and exercise supervision on the maintenance of records and archives in the declared places of deposit.

29.—(1) For the purpose of proper maintenance of archives, the Director shall ensure proper accessioning of the records and archives available in the Department.

(2) The exercise of accessioning of the archives under sub regulation (1), shall involve:

(a) arrangement of archives in such number of groups or units depending on their respective functions;
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(b) allocation of accession number for each group or unit; and

(c) registration of accession number in the accession book or register prepared for that purpose.

30.—(1) The Director shall ensure proper arrangement of archives in accordance with their respective provenance and original order.

(2) Notwithstanding sub regulation (1), the Director may, if the creator fails to keep and maintain records in proper order:

(a) direct that arrangement of such record be effected with new numbers or orders as may be appropriate; and

(b) ensure the original numbers or reference if available are indicated on the respective archives.

31.—(1) The Director shall, after effecting proper arrangement of archives under regulation 30, ensure location of archives in accordance with their respective groups or units and order of arrangement.

(2) After placement of location of archives, the Director shall ensure preparation of location register indicating location of archives and location labels to be placed on relevant shelves place.

32. For the purpose of facilitating access of archives, the Director shall ensure preparation of finding aids.

PART V
ACCESS TO ARCHIVES

33.—(1) Any individual or group of individuals including foreigners and institutions shall be eligible to access archives as deposited or available in the national archives or place of deposit.

(2) Notwithstanding sub regulation (1), a person shall be:

(a) eligible to access archives which have been opened for public inspection after the expiration of thirty years from their creation;

(b) required to observe such procedures and terms as may be directed by the relevant authority.
34.—(1) The Director shall, for the purpose of notifying the public on the right to access archives, issue a public notice in the newspaper or other public media.

(2) The notice under sub regulation (1), shall contain information regarding:

(a) location of Department or place of deposit;

(b) time limits within which a person shall access the archives; and

(c) such other information and conditions as may be necessary.

35. The Director or Authority shall, for the purpose of raising public awareness in the archives organize or facilitate conferences, workshops, seminars, exhibitions, radio and television programmes, websites and publications of educative documents.

36.—(1) A person who wishes to access archives shall be required to produce identification letter to the Department or to the Authority.

(2) The Director or officer may after consideration and acceptance of the identification letter produced under sub regulation (1), allow access to the archive upon payment of fees as prescribed in the third schedule to these Regulations.

37.—(1) A person who has been allowed to access archives shall:

(a) fill a request form indicating, file title number and accession of the requested archives as prescribed in the fourth schedule to these regulation;

(b) submit the duly filled request form to authorized officer.

(2) An authorized officer shall provide archives to the applicant on the basis of the archives as requested in the request form, except that an authorized officer shall not provide more than five archives at a time.

(3) Where the archives as requested in the request form are not available in the Department or place of deposit the relevant officer shall advise the applicant on the relevant place of deposit to access the archives.
(4) Person who has been provided with the archives shall before the closing hours return to the authorized officer all archives provide to him.

38.—(1) In accessing the archives, a person may, on the permission of the relevant officer produce a copy or copies of archives, except a person shall not be allowed to produce copies of the archives as a whole.

(2) If a person intends to produce a copy or copies of archive whose creator is a private person, he shall be required to observe copy right procedures and requirements.

39.—(1) A Person who is allowed to access archives shall access archives as provided to him in the search room, and shall not enter the search room with food, water or any liquid, camera, bags, pens, overcoats, jackets or any other item as may be determined by the relevant officer.

(2) A person accessing the archive in a search room shall be required to keep silence, to keep all files in a tidy condition and to handle them in a manner so as to avoid any damage of documents or papers.

(3) Where a person accessing the archives notices the damaged or destroyed pages or any missing pages from the file, he shall report the matter to the officer available in the search room.

40. The search room of archive shall be open to the public from Monday to Friday from 9.00 a.m to 3.00 pm.

PART VI

Disposition of Records and Archives

41.—(1) The Director shall subject to section 12 of the Act have powers to dispose records and archives deposited in the Department.

(2) The Authority shall after consultation with the Director have power to dispose records and archives as deposited in the place of deposit.

42.—(1) All records deposited in the Department or place of deposit shall be disposed off in accordance with the retention and disposal schedule.
(2) All archives including surrogates which have no enduring value, or have ceased to retain its enduring value, or are damaged beyond repair, shall be subject to disposal under regulation 41.

43.—(1) In disposing of records or archives under regulation 41, the Director or Authority may:

(a) in the case of private records or archives return the records to the creator or owner; or

(b) destroy the records and archives.

44.—(1) Where the Director or Authority decides to return the records of no enduring value to the owner, he shall communicate in writing to the owner on his intention to return the records and require the owner of the records to reply in writing within 30 days specifying the records to be returned to him.

(2) The Director or Authority shall, within 14 days after receiving the letter of reply from the owner return the records or archives specified in the letter or reply to the owner.

(3) Where the owner fails to reply in writing within the prescribed period, the Director or Authority may:

(a) write a demand note to the owner or creator; or

(b) take such other measures to ensure communication with the owner on the matter.

45.—(1) Where the Director decides to destroy the records or archives he shall:

(a) communicate in writing with the creator or owner on the intention to destroy the records or archives as specified in the letter;

(b) consult the Government Security Officer on records or archives to be destroyed; and

(c) report the matter to the Board for advice.
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(2) Where after communication and consultations under sub regulation (1), it is accepted that the records or archives be destroyed, the Board shall write to the Minister requesting approval for destruction of the records or archives specified in the letter.

(3) After the approval of the Minister under subregulation (2), the Director shall cause a notice to be published in the Government Gazette specifying records or archives intended to be destroyed; calling upon interested persons to submit objections if any, to the Minister within the time prescribed in the Notice.

(4) If there is no objection within the time prescribed in the Notice under subregulation (3), the Director shall destroy the records or archives either by shredding or destroying with fire through incinerator to ensure total destruction of records.

(5) Where following publication of Notice in the Gazette under subregulation (3) there is objection, then the Minister shall consider the objection and may, if the objection is reasonable suspend the destruction of relevant records or archives.

46. Subject to procedures as stipulated under regulation 45, scrutiny and specification of records to be destroyed shall be performed by senior and the skilled officials of the Department in collaboration with officials from relevant public office who shall advise and recommend on the destruction of such specific records and archives.

47. Where the records or archives have been disposed of under these Regulations, the Director shall cause to be revoked all contracts or agreements, if any, which were made in respect of any disposed of records or archives.

PART VII
EXPORT OF ARCHIVES

48.—(1) A person may subject to section 27 of the Act be allowed to export records or archives upon such conditions and terms as stipulated in the Act.
(2) Export of records or archives under sub regulation (1) may be effected for the purpose of—

(a) exhibition;
(b) research;
(c) producing evidence in the court of law outside the United Republic;
(d) presentation in international conferences, seminars, workshops or meetings.

49.—(1) An individual, group of individual or institution wishing to export records or archives shall submit an application to the Director or Authority containing list of records and reasons for exportation of such records.

(2) The Director shall:—

(a) consider the application and inspect records or archives to be exported; and

(b) if satisfied with the reasons for exportation he shall make recommendation to the Minister for approval of exportation of records or archives.

(3) Where the application is approved by the Minister, the Director shall issue the license to export records or archives which will contain terms and conditions for the exportation.

(4) Where the application is not approved, the Director shall inform the applicant in writing stating reasons as to why the application has been disapproved.

(5) Where the Minister has neither approved nor disapproved the application, but has directed otherwise, the Director shall take immediate action in accordance with the directives given by the Minister.

50. A holder of the licence issued under regulation 48 shall ensure that:—

(a) all records or archives exported are returned to the National Archives or other places of deposit upon expiration of the period for export;
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(b) the records or archives exported shall not be used other than what has been indicated on the licence;

(c) records or Archives exported shall be returned in its original form and conditions and shall not be duplicated, mutilated or reproduced in another form or media;

(d) the licence shall not be used by any other person other than the applicant.

51. Where a licence holder fails to observe terms and conditions of license issued to him under regulations 48 and 49, the Director shall revoke the licence.

52.—(1) Where the holder of licence is in default of the terms and conditions in respect of which a licence was issued, the Director may serve on the holder a default notice in writing specifying the nature of the default.

(2) Upon receipt of default notice, the holder shall make representation in writing to the Director regarding remedy or rectification of the default.

(3) Where the holder has failed to remedy or rectify the default within the time specified in the default notice or has not made a representation satisfactory to the Director, the Director shall submit to the Minister recommendation for revocation of the licence.

(4) If the Minister is satisfied that a holder of a licence is in default as provided for in sub regulation (1), he shall direct the Director to suspend or revoke the licence.

(5) A holder whose licence has been suspended or revoked may apply to the Minister for review of the decision.
# Records and Archives Management

**FIRST SCHEDULE**

(Under regulation 5 (2))

**RECORD CENTER TRANSFER FORM**

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# SECOND SCHEDULE

(Under regulation 10(3))

**RECORD CENTER REQUEST FORM**

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Reference

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Description of Record/Information Required

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Date of Despatch: Date Requested:

250
THIRD SCHEDULE

(Under regulation 36(2))

FEES FOR USERS SCHEDULE

<table>
<thead>
<tr>
<th>CATEGORY OF ARCHIVES USER FEES</th>
<th>No. of Months</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Researchers - Foreigners</td>
<td>12</td>
<td>USD. 200</td>
</tr>
<tr>
<td>Researchers - Tanzanians</td>
<td>12</td>
<td>TSH. 50,000</td>
</tr>
<tr>
<td>Tanzania (Students from higher learning Institution)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Master</td>
<td>12</td>
<td>TSH. 50,000</td>
</tr>
<tr>
<td>(b) Undergraduate and Diploma</td>
<td></td>
<td>TSH. 10,000</td>
</tr>
<tr>
<td>Secondary and Primary schools students</td>
<td>--</td>
<td>FREE</td>
</tr>
<tr>
<td>Foreign Secondary School Students and their Associations</td>
<td>12</td>
<td>USD. 20</td>
</tr>
<tr>
<td>International Organizations</td>
<td>12</td>
<td>USD. 250</td>
</tr>
<tr>
<td>Quick Reference (Foreigners)</td>
<td>NA</td>
<td>USD. 10</td>
</tr>
<tr>
<td>Quick Reference (Tanzanian)</td>
<td>NA</td>
<td>TSHS. 1000</td>
</tr>
<tr>
<td>Microfilm Copies and Reprographic Services</td>
<td>NA</td>
<td>TSH. 50</td>
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<tr>
<td>Photocopy per page</td>
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</tbody>
</table>
FOURTH SCHEDULE

(Under regulation 37(1))

RECORD CENTER REQUEST FORM

<table>
<thead>
<tr>
<th>FILE NUMBER</th>
<th>FILE TITLE/SUBJECT</th>
<th>ACCESSION NUMBER</th>
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<tbody>
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</table>

Dar es Salaam,  
23rd March, 2007

HAWA A. GHASIA,  
Minister of State, President's Office,  
Public Service Management