



**THE ESTABLISHMENT OF THE ZANZIBAR INSTITUTE OF
ARCHIVES AND RECORDS 2008**

ARRANGEMENT OF SECTIONS

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SCHEDULE



ACT NO. 3 OF 2008

I ASSENT


(AMANI ABEID KARUME)
PRESIDENT OF ZANZIBAR
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

12th MARCH, 2008

**AN ACT TO REPEAL THE NATIONAL ARCHIVES ACT NO. 7 OF 1988
AND TO ESTABLISH THE ZANZIBAR INSTITUTE OF ARCHIVES
AND RECORDS 2008 AND FOR MATTERS RELATING THERETO**

ENACTED by the House of Representatives Zanzibar 2008.

**PART I
PRELIMINARY PROVISIONS**

Short title and commencement.

1. This Act may be cited as the Establishment of the Zanzibar Institute of Archives and Records 2008 and shall come into operation on such date as the Minister may by notice in the Gazette appoint.

Application..

2. This Act shall apply in the control and preservation of records and archives of the Government Institutions, and other archives and records which are outside the Government System.

Interpretation.

3. In this Act unless the context requires otherwise:-

"Advisory Board" means an advisory Board of the Institute of Archives and Records as established under section 8 of this Act;

"Archives" means records which have been evaluated and found to have enduring value to be preserved in the Archive Building;



"Archive Building" means a building or part of a building where national archives are preserved and research services are provided;

"Centre of Semi-current records" means a special building intended for low cost preservation of semi-current records before they are transferred to the Archive building or destroyed and for providing research services;

"Centre for preservation of archives" means a centre other than the Archive Building established for preserving national archives;

"Current records" means an information used in the daily activities of the Institute or private individual;

"Director" means an Officer in Charge of archives and records in Zanzibar as appointed under section 11 of this Act;

"Government" means the Revolutionary Government of Zanzibar;

"Head of Public Institutions" means officers in charge or those with authority to manage Public Institutions;

"Head of Registry" means an officer appointed as in charge of registry activities;

"Institute" means a department responsible for keeping, preserving, and delivery of archives and records service;

"Minister" means a minister responsible for service of preserving archives and records;

"President" means the President of Zanzibar and Chairman of Revolutionary Council;



"Private records" means other records which are outside the Government System;

"Public Institution" means the House of Representatives, Court, Ministry, Department, Parastatal, Institute, Committee or Board established or which shall be established in the service of Government of Zanzibar;

"Public Records" means all records from Government Institutions as explained in Part III of this Act;

"Records" means any information or news recorded without regard to the nature of recording, received and preserved by an Institute or public officer in exercise of his official duties which give evidence of performance of duties of an institute concerned;

"Registry" means a place of preserving current records and providing services related thereto;

"Schedule of Valuation of records" means a schedule showing the type of records kept and period to be kept in the Institute or destroyed according to the value of those records;

"Semi-current records" means records which are closed and occasionally used in the daily administrative activities;

"Time" means a time counted from 1st of January of the year in which the record was created or for operation reasons if records on the file or collection of records are produced on different dates, the counting would start on the date of last record on the file or such collection;



PART II ESTABLISHMENT OF THE INSTITUTE AND ADVISORY BOARD

Establishment
of the Institute.

4.(1) It is hereby established an Institute of Archives and Records within the Authority of Zanzibar Government.

(2) The Institute shall have its own seal which shall be under the authority of the Director and shall be used for the duties of the Institute.

(3) The Institute shall be responsible to the Minister who shall be advised by the Advisory Board of Archives and Records.

Duties of
the Institute.

5.(1) The Institute shall have the duty to assist in bringing efficiency and good performance of the duties of the Government by doing the following:-

- (a) to ensure the Public Institutions initiate and follow the system of preserving records;
- (b) to initiate and supervise special procedures of destroying the records which do not have permanent importance;
- (c) to initiate and supervise the procedure of transferring public records of enduring value to be preserved at Archives Building or at centers of preservation as the law directs;
- (d) to advise and initiate the system of preserving records in the Government Institutions.

(2) The Institute shall preserve and provide reference and research services from the archives preserved at Archives Building or at centres under the Authority of the Director.

Buildings of
the Institute.

6.(1) The Institute shall have buildings which shall be used for discharging its duties. Those buildings shall include the centres for semi-current records.



(2) Public Institutions may establish centres for preserving semi-current records after getting the consent of the Director who shall have the authority to inspect them.

Institute to be provided with a copy of publication.

7. The Institute shall be provided without payment, with any publication of the Government, House of Representatives, High Court of Zanzibar and publication and thesis written by using archives of Zanzibar.

Establishment of Advisory Board.

8.(1) It is hereby established an Advisory Board of Archives and Records.

(2) The Board shall be composed of the following members:-

- (a) A chairperson appointed by the President;
- (b) Director of Institute of Archives and Records;
- (c) Three members appointed by the Minister due to their skills and experience in preserving records or research in the archives.

(3) The members appointed in the Advisory Board shall serve for a period of three years and may be reappointed for another term of three years.

(4) The members of the Board shall be paid allowances as shall be decided by the Minister in consultation with the Advisory Board.

Duties of the Advisory Board.

9. The Advisory Board shall have the following duties:-

- (a) Advise the Minister on matters related to the preservation of records and archives in Zanzibar;
- (b) Advise and assist the Director in the daily activities;
- (c) Advise on other matters as the Minister shall direct.



Meeting of
the Board.

10.(1) The Advisory Board shall meet twice a year and the quorum shall be more than half of the members.

(2) The Board shall elect one of their members to be the vice chairperson, and shall regulate its own procedures of conducting meetings.

Director.

11.(1) There shall be a Director of the Institute of Archives and Records whose service together with other employees of the Institute shall be in the service of the Government of Zanzibar.

(2) A person may be appointed as a Director of Archives and Records if he at least has a degree in archives and records.

Duties of
the Director.

12.(1) The Director shall have the following duties:-

- (a) to implement policies of the Institute which has been authorized by the Minister;
- (b) to perform the daily activities of the Institute;
- (c) to perform other duties authorized under this Act or directed by the Minister.

(2) The Director shall submit to the Minister an annual performance report of the Institute within three months after the end of the financial year.

(3) The Director or any officer dealing with secret record of Public Institutions after taking oath of secrecy, shall complete all requirements related to the preservation of secret records including taking an oath of secrecy and the Director or that officer shall have the power to allow any person to see the secret records of Public Institution.

(4) The Director in consultation with the Advisory Board may do anything which is important in strengthening the service and buildings under his authority.



(5) The Director may prepare an exhibition or allow borrowing of archives for exhibition in another place in accordance with the procedures. However borrowing of National Archives outside Zanzibar shall not be done without the consent of the Minister who shall be advised by the Advisory Board.

(6) The Director may, after agreeing with producing Institution and the Minister on the advice of the Advisory Board, destroy archives which according to his standard do not have enduring value.

(7) The Director may receive private archives and records as gift or wakf and also may buy private archives in order to preserve them.

(8) The Director may enter into an agreement with other institutions for the purpose of restoring affected archives, initiating technical services and preservation of archives.

PART III DUTIES ON PRESERVATION OF PUBLIC RECORDS

Duties of the Head of Public Institutions in preserving current records.

13.(1) The Head of Public Institutions, on the directions of the Director, shall have the duties of initiating system of preserving their records by doing the following:-

- (a) to initiate and supervise the preservation of records of their institutions through the system of record preservation through registry;
- (b) to cooperate with the Director in preparing the draft schedule of valuation of records related to their institutions;
- (c) to supervise the implementation of the plan for valuation of records;



- (d) to transfer the valued semi-current records to the Archives Building except those which continue to be secret for the reasons of:-
- (i) National Security;
 - (ii) Preservation of peace and security of citizen;
 - (iii) Control of revenue;
 - (iv) Preservation of liberty or secret of a living private individual;
 - (v) Continuing to remain in the control of relevant institution by the consent of the Minister,
- (e) To appoint a qualified officer to be the Regulator of the system of preserving records in the Department or Ministry.

(2) The Head of Public Institutions shall have the duty to cooperate with the Director in preserving the semi-current records by:-

- (a) Supervising and preserving semi-current records temporarily taken as prescribed in section 15 of this Act;
- (b) Authorising the viewing of the records of different Institution by other person other than its employees or employees of the Institution or part of the section of the department in which they have been transferred;
- (c) Supervising semi-current records which were not transferred by reasons prescribed in paragraph (d) of section 13(1) of this Act, together with the authority conferred on the Director relating to centres of preserving semi-current records;



- (d) Supervising the implementation of schedule of valuation of semi-current records which were not transferred according to section 13(1)(d) of this Act and transferring records of enduring value in the Archives Building or in other centres of preservation which have more than 20 years since the file was opened except where other decision of keeping them was given.

Other duties of the Director in preserving current records.

14. The Director shall have the following duties:-

- (a) to supervise the system of preserving current records in the Public Institutions and inspecting them;
- (b) to give directions and professional advice on the establishment of systems of preserving records in the registry;
- (c) to initiate and supervise standards of preserving records;
- (d) to recommend a courses to employees of records cadre who are in the Public institutions;
- (e) prepare the schedule of valuation of records;
- (f) cooperate with heads of public institutions in preparing the schedule of valuation of records of every institution concerned;
- (g) ensuring that schedule of valuation of records is followed and implemented;
- (h) authorizing the destruction of current records which have not been listed in the schedule of valuation of records;
- (i) ensuring that on the authority of the Director the schedule of valuation of records is reviewed and amended every ten years or earlier.



Preservation of semi-current records.

15. The Director shall receive semi-current records which need temporary preservation in the centres of preserving semi-current records, in performing this task the Director shall have the following duties:-

- (a) to keep the records preserved in the centre in a place of:-
 - (i) preserving secret records;
 - (ii) making references of records for authorized officers from the originating institution;
- (b) temporarily return the current records to originating institution for the purpose of reference for their administrative activities and work;
- (c) to supervise implementation of schedule of semi-current records valuation under his authority;
- (d) to do valuation and destruction of semi-current records which have not been listed in the schedule of valuation of records;
- (e) to prepare the transfer of records of enduring value to the Archive Building or other Centres of preservation as prescribed in section 19 of this Act whose age is not less than 20 years;
- (f) inspect and advise the Minister on the standard and quality of the place to be used for preserving semi-current records which are not transferred as prescribed in section 13(1)(d) of this Act.

Preservation of Archives.

16. The Director shall have the duty of preserving all records of enduring value other than those not transferred in accordance with section 13(1)(d) of this Act or not preserved in the centres of preservation, those duties shall include:-

- (a) preparing a place and safe environment for preservation and reference for research on the preserved archives;



- (b) arranging, listing and preparing indices and guide for easy referencing of the archives;
- (c) ensuring the availability of copies to the readers of archives preserved in the Archives Building and other centres;
- (d) ensuring good preservation of archives together with preparing of good strategies of reviving affected archives by using relevant tools, ways and technology;
- (e) preparing tools and good environment for authorized employees of Public Institutions to visit and make copies of archives of their institutions when needed in Archive Building or other Centres;
- (f) preparing publications relating to records and archives;
- (g) initiating procedures to be followed by all users of archives.

Preservation of records of Regional Governments.

17.(1) The Director shall establish branches of the Institute for the purpose of serving region or regions of Zanzibar.

(2) The Head of the branch shall be accountable to the Director in implementing the policy relating to the preservation of semi-current records and archives in the region under his supervision.

(3) The duties of preserving archives created, received and preserved in the regional registry shall be under the head of those institutions of Regional Government except duties prescribed in section 15 and 16 of this Act, shall be under the Head of the branch of the Institute.



(4) The Centres of preserving semi-current records and archives established in the region shall be under the authority of the Director.

(5) In the event there is no centre opened in the region under the branch of the Institute, the Director may transfer those archives to the Archive Building or in other centre of archives under his authority until the centre of archives has been opened to serve the region or those regions.

Preservation of records of United Republic of Tanzania.

18. Without prejudice to section 3 of the Records and Archives Management Act, No. 3 of 2002 of the Tanzania Mainland, the Zanzibar Archive Building shall be an official place of preserving archives of the Institutions of the United Republic of Tanzania which are in Zanzibar.

Other Centres of preservation of records.

19.(1) When the Minister on the advice of the Advisory Board sees the need of establishing a centre of preservation other than the Archive Building or other centre of archives under the Director, and that centre is a relevant place for preserving archives and doing reference for readers of archives, and the centre is financial capable of running on its own, may declare the centre as a centre of preserving archives.

(2) Before the Minister declares that centre and immediately after that decision the Director shall have the power to inspect such centre and submit official report to the Board and Minister on the real condition of the centre.

(3) The Head concerned with the supervision of archives in the special centre, shall prepare indices relating to the archives and submit to the Director.

(4) In the event the centre of preservation is unable to meet the primary conditions or to send the copy of indices of its archives or fail to manage itself, the Minister on the advice of the Advisory Board may close such centre.



PART IV THE USE OF DOCUMENTS

30 years
condition.

20.(1) Subject to any written law prohibiting the disclosure, the records or documents preserved in the Archive Building or Centre of preservation under the Director or centre in accordance with section 17 of this Act, shall be open for reference and research after thirty years since they were created, except when the Minister has by regulation made prescribe procedures for increasing or decreasing the period of viewing at the request of the head of a public institution.

(2) After thirty years as prescribed in subsection (1) of this section, the records or documents of enduring value which are secret shall cease to be secret unless the National Security Act directs otherwise.

(3) A longer period of more than thirty years could be increased on a document to be viewed on the following reasons:-

- (i) National Security;
- (ii) Preservation of Peace and Security of Citizen;
- (iii) Controlling revenues;
- (iv) Preserving liberty or secret of the private living individual.

(4) Records and archives which the citizens were able to see or use before they were transferred to the Director or centre of preservation in accordance with section 18 and 19 shall be open for the use of all people without regard to age.

PART V FINANCIAL MATTERS

Revenue and
expenditure of
the Institute.

21.(1) The Revenue of the Institute shall be derived from:-



- (a) the sums of money authorized by the House of Representative for the use of the Institute;
- (b) any sum of money from the sale, entrance fee or other services;
- (c) fee charged for photocopying service, authentication of copies or other services rendered by employees of the Institute;
- (d) any sums of money paid or granted to the Institute as a gift, grant or wakf.

(2). The money collected shall be deposited in the Bank Account to be known as the Development of Historical and Heritage Fund.

Accounts.

22.(1) The Director shall keep proper records of the accounts related to the revenue and expenditure of the Institute.

(2) Books of accounts of the Institute shall be audited annually by the office of the Controller and Auditor General.

Annual estimates.

23. The Director shall prepare an annual estimate of revenue and expenditure for the following financial year three months before the start of the financial year.

PART VI OFFENCE AND PENALTY

Moving,
destroying,
tearing and
removal of
archives.

24. Any person who moves the records or archives without the official authorization of the Director or who intentionally destroys or tears the records and archives in the registry, centre of preserving semi-current records, Archive Building or Centre of preservation, shall be guilty of an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or imprisonment for a period of not less than 12 months or both.



Taking the historic archives out of Zanzibar.

25.(1) Any person who contravenes section 29 of this Act, shall be guilty of an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings or imprisonment for a term of not less than 12 months or both.

(2) The apprehended archives shall be taken and delivered to the Director who shall preserve them as directed by this Act if those archives are not in the list of National Archives.

PART VII MISCELLANEOUS PROVISIONS

Copyright.

26.(1) The Director shall, in providing facilities for people to view and make copies of archives under his authority considers the copyright of private Individuals.

(2) The permission to make copies of archives does not transfer the copyright of those archives to the person making copies.

(3) It is prohibited to send by fax, quote the written conversation or translating word by word the archives under Departments which has the copyright of Zanzibar Government without the written consent of the Director in accordance with the provided procedures and on special payment prescribed.

Conditions for submitting a copy of publication.

27.(1) Public Institutions shall submit to the Archive Building two copies of every issued publication.

Private archives.

28.(1) In the event that the Minister is satisfied that private archives or part of those archives have national importance and its availability is for National interest, may after consultation with the owner of those archives take those archives or part of those archives and declare them to be National Archives in accordance with the provisions of this Act.



(2) The Minister responsible for Finance after consultation with the Director shall pay acceptable compensation for the archives, the compensation shall be paid out of Consolidated Fund.

(3) The amount and procedure of compensation shall be provided by the Minister responsible for Finance after consulting the owner.

Permit for movement of national archives out of Zanzibar.

29.(1) A person shall not be allowed to move the national archives out of Zanzibar except on the special movement permit issued by the Director on the consent of the Minister.

(2) The permit issued under subsection (1) shall show a complete list of each document permitted together with conditions issued by the Director.

(3) For the purpose of implementing section 28 and 29 of this Act, the Director may establish a register of archives and records in Zanzibar.

Regulations.

30.(1) The Minister may, after consulting the Advisory Board, make regulations for the purpose of affecting the objectives and purpose of this Act.

Transitional Provisions.

31.(1) Archives and all other matters under the authority of the Director responsible for Archives shall be transferred to the Director under this Act immediately after this Act comes into force.

(2) The Director may refuse to take them temporarily or give directions to the institution concerned of preserving the semi current records and archives when he does not have enough space for preserving them or other tools of preservation.

Repeal of Act, No. 7 of 1988.

32.(1) The National Archives Act, No. 7 of 1988 and Regulations made thereunder are hereby repealed.



(2) Notwithstanding the repealed Act under sub section (1) of this section, the archives and records which were preserved under the repealed law shall be valid and deemed to have been preserved under this Act.

(3) The copy or part of a document issued or authenticated under the repealed law shall be deemed to have been issued or authenticated under this Act.

SCHEDULE

With the exception of records of Administrator General and Wakf which relates to the property trust and Wakf of private individuals, the following records shall be taken to be public records:

The records and archives of Government activities created, received and preserved in the:-

- (a) Office of the President of Zanzibar and Chairman of Revolutionary Council;
- (b) Ministry, Department, Commission, Committee or Office;
- (c) Any post under the service of the Zanzibar Government out of Zanzibar or servant occupying that post;
- (d) Any unit of Special Department of Zanzibar or office of that unit;
- (e) House of Representatives, Zanzibar Electoral Commission, or committee or office of that organ;
- (f) High Court or any other Court within the jurisdiction of Zanzibar and judge, Magistrate and Offices of those Courts;
- (g) Regional Administration, District or Municipality, District/Town Council and offices of those organs.

PASSED by the House of Representatives on 30th day of January, 2008.

{ **IBRAHIM MZEE IBRAHIM** }
CLERK OF HOUSE OF REPRESENTATIVES
ZANZIBAR.