

## CIRCULAR NO. 1 OF 1997

TO HEADS OF ALL GOVERNMENTAL BODIES

### COMMENCEMENT OF THE NATIONAL ARCHIVES OF SOUTH AFRICA ACT, 1996 (ACT NO. 43 OF 1996)<sup>1</sup>

1. The National Archives of South Africa Act, 1996 (Act No. 43 of 1996) came into operation on 1 January 1997 in terms of Proclamation No. R.73, 1996. The National Archives of South Africa Act was published in the Government Gazette, Vol. 376, No. 17471, 2 October Act 1996.
2. The National Archives of South Africa Act is applicable to all governmental bodies at the national level of government, a governmental body being defined as any legislative, executive, judicial or administrative organ of state (including a statutory body). Ministries are also regarded as governmental bodies. As a transitional arrangement until provincial archival legislation is promulgated, the National Archives of South Africa Act is also applicable to governmental bodies at provincial and local level.
3. The obligations of heads of governmental bodies in terms of the National Archives of South Africa Act have been set out in the revised Archives Instructions (January 1997)<sup>2</sup>, Afrikaans and English copies of which are attached for your information and use.
4. Your attention is drawn to the following specific provisions in the National Archives of South Africa Act and relevant comments. Information on the procedures to be followed in each case is contained in the Archives Instructions
  - a. The period after which public records identified in a disposal authority as having enduring value should be transferred to an archives repository, has been reduced from thirty to twenty years. (Section 11(2)).
  - b. No public record shall be transferred to an archives repository, destroyed, erased or otherwise disposed of without the written authorisation of the National Archivist. (Section 13(2)(a)). A moratorium imposed by the Cabinet on the destruction of public records, including those on which disposal authority has been issued, has been in place since December 1995. (The Director of Archives' Circular No. 1 of 1995

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<sup>1</sup> National Archives and Records Service of South Africa Act (Act No 43 of 1996 as amended)

<sup>2</sup> Superseded by the *Records Management Policy Manual*, April 2003

refers). Governmental bodies will be informed of the lifting of the moratorium by means of a circular. Applications for disposal authority will nevertheless continue to be processed in the interim.

- c. The National Archivist is to determine records classification systems to be applied by governmental bodies; the conditions subject to which records may be microfilmed or electronically reproduced; and the conditions subject to which electronic records systems should be managed. (Section 13(2)(b)). It needs to be emphasised that records created in electronic form are subject to the provisions of the Act in the same way as paper-based records. Governmental bodies therefore need to ensure that liaison with the National Archives regarding electronic records systems takes place at an early stage, preferably during the design phase.
  - d. The head of a governmental body must, subject to any law governing the employment of personnel of the governmental body concerned and such requirements as may be prescribed, designate an official of the body to be the records manager of the body. (Section 13(5)(a)). The records manager is responsible for ensuring that the governmental body complies with the requirements of the National Archives of South Africa Act and serves as a link between the body and the National Archives.
5. To facilitate liaison with governmental bodies, I would appreciate receiving the names and contact details of records managers designated in terms of section 13(5)(a) of the National Archives of South Africa Act, which should be sent to the above address by 30 June 1997.
  6. Heads of governmental bodies should provide the necessary support to records managers to enable them to ensure that sound systems of records management which comply with the requirements of the National Archives of South Africa Act are put into operation.
  7. Enquiries may be made at the above address. Telephonic enquiries may be directed to (012) 3235300. The contact persons are as follows:

The National Archives of South Africa Act in general

Mr. Verne Harris

Records management matters

Mr. Clive Kirkwood or Mrs Erna-Marie Pretorius

Transfers of public records to archives repositories and access to archives

Mrs Mandy Gilder or Mrs Letitia Calitz

8. Please bring the contents of this circular to the attention of all sub-offices under your control.
9. Please acknowledge receipt of this circular.