



BERMUDA

BERMUDA ARCHIVES AMENDMENT ACT 2015

2015 : 44

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WHEREAS it is expedient to amend the Bermuda Archives Act 1974;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Bermuda Archives Act 1974 ("the principal Act"), may  
2 be cited as the Bermuda Archives Amendment Act 2015.

Amends section 1

2 (1) In section 1 of the principal Act—

- (a) delete the definitions "Archivist" and "the Council";
- (b) in paragraph (a)(ii) of the definition of "public archives", after "historical" insert "or cultural";

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- (c) in the definition of “public records”, delete the words following paragraph (b);
- (d) insert in the appropriate alphabetical order the following definitions—

“accession policy” means the policy established by the Director under section 5(1)(k);

“Director” means the Director of the Department of Archives under which the Bermuda Archives operates;

“record” means any form or medium in which information is recorded, whether printed on paper, tape or film or recorded by electronic or any other means, and includes any map, diagram, photograph, film, microfilm, videotape, sound recording, or machine-readable record produced by means of equipment or a computer programme;

“records classification scheme” means a scheme established by the Director under section 5(1)(aa);

“records schedule” means a schedule established by the Director under section 5(1)(ab);”.

(2) In consequence of the amendments in subsection (1)(a) and (d), delete “Archivist” wherever it appears in the principal Act and substitute “Director”.

### Repeals section 4

3 Section 4 of the principal Act is repealed.

### Amends section 5

4 (1) In section 5(1) of the principal Act—

- (a) after paragraph (a), insert—

“(aa) shall establish, in consultation with the Records Committee, a records classification scheme for the purposes of—

- (i) appraising;

- (ii) organizing, identifying and naming;

- (iii) providing a guide for the retrieval and disposal of; and

- (iv) establishing retention periods for,

public records and judicial records held by the Bermuda Archives;

(ab) shall establish, in consultation with the Records Committee, a records schedule for the purposes of—

- (i) determining the time period in which public records and judicial records of any particular description that are included

- in the records classification scheme must be retained to meet legal, financial, administrative and fiscal requirements;
  - (ii) facilitating the transfer of public records and judicial records to the Bermuda Archives; and
  - (iii) facilitating the destruction of public records and judicial records;
  - (ac) shall review all public records and judicial records received for appraisal and scheduling purposes;”;
- (b) after paragraph (b), insert—
  - “(ba) shall establish standards and procedures for Government departments for the management and maintenance of public records and judicial records for the purposes of this Act;
  - (bb) shall assist Government departments in the—
    - (i) management and maintenance;
    - (ii) preservation, protection and restoration; and
    - (iii) selection for transfer and destruction,of public records and judicial records in accordance with standards and procedures established by the Director under section 5(1)(ba);”;
- (c) after paragraph (d), insert—
  - “(da) shall provide guidance to Government departments with regard to the storage of public records and judicial records and shall make recommendations for the suitable storage of records which are at risk of loss due to negligence, deterioration or theft;”;
- (d) in paragraph (i), delete “or the opinion of the Council is likely to be of historical value” and substitute “is likely to be of historical or cultural value”;
- (e) in paragraph (j), delete “historical value.” and substitute “historical or cultural value;”;
- (f) after paragraph (j), insert—
  - “(k) shall establish an accession policy for the purposes of—
    - (i) determining;
    - (ii) acquiring;
    - (iii) depositing; and
    - (iv) permanently preserving,

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records deemed by the Director to be historically or culturally significant.”

(2) Section 5(2) of the principal Act is repealed and replaced with the following—

“(2) For the purpose of assisting the Director in the discharge of his functions under this Act, there may be appointed such other public officers as may be necessary.”

Amends section 6

5 In section 6(3) of the principal Act, after “historical” insert “or cultural”.

Amends section 7

6 In section 7(1) of the principal Act—

- (a) delete “Council” and substitute “Director”;
- (b) after “historical” insert “or cultural”.

Inserts new sections 10A and 10B

7 After section 10 of the principal Act insert—

“Keeping of records

10A Public records and judicial records, which have been transferred to the Bermuda Archives, shall be kept secure in a vault or room which—

- (a) can be easily accessed by staff of the Bermuda Archives authorised by the Director to do so;
- (b) has adequate provision for ventilation; and
- (c) has adequate protection against fire and spread of fire.

Records in Government departments

10B Every public officer shall take the necessary steps, in accordance with the standards and procedures established by the Director under section 5, to protect all public records and judicial records in his custody and control from damage, deterioration, loss, or theft.”

Amends section 12

8 Renumber section 12 of the principal Act as subsection (1), and after that subsection insert—

“(2) No public record or judicial record may be destroyed except in accordance with a records schedule prepared by the Director under section 5(1)(ab).”

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### Consequential amendments

9 Consequentially upon the enactment of this Act—

- (a) in the First Schedule to the Government Authorities (Fees) Act 1971, under the heading “PART B - GOVERNMENT AUTHORITIES”, delete “Archives Advisory Council - established by section 4 of the Bermuda Archives Act 1974”;
- (b) in the Schedule to the Civil Establishment Act 1998, delete “Archivist” and substitute “Director of the Department of Archives”; and
- (c) in section 60(2) of the Public Access to Information Act 2010, delete “Archivist” and substitute “Director of the Department of Archives”.

[Assent Date: 11 December 2015]

[Operative Date: 11 December 2015]