

No. 208 of 1991



REPUBLIC OF CYPRUS

THE STATE ARCHIVES LAW OF 1991

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Law No. 208 of 1991

A LAW TO PROVIDE FOR THE ESTABLISHMENT
AND FUNCTIONING OF A STATE ARCHIVES AND
FOR CONNECTED MATTERS

The House of Representatives enacts as follows:

1. This Law may be cited as the State Archives Law of 1991.

Short
title.

2. In this Law, unless the context otherwise requires—

"appropriate authority" means the authority in charge of each of the bodies appearing in the Table of the Schedule to this Law:

Interpretation.

Schedule
Table.

Provided that for any body which ceased or shall cease to exist, before or after the enactment of this Law, "appropriate authority" means the Minister;

"Minister" means the Minister of Justice;

"public record" has the meaning assigned to it by the Schedule to this Law and includes not only written records but also records conveying information by any other means:

Schedule.

Provided that, where records created at different dates are for administrative purposes kept together in one file or other assembly, all the records in that file or other assembly shall be treated, for the purposes of this Law, as having been created when the latest of those records was created:

Provided further that the Council of Ministers may, by order published in the Official Gazette of the Republic, specify that any other records shall be considered as public records for the purposes of this Law:

Provided further that in case of doubt as to whether a record falls within the definition of this section, the question shall be decided by the Minister;

"State Archives" means the State Archives established under section 3;

"State Archivist" means the State Archivist who lawfully exercises the duties of this post under sections 4 and 5.

3.—(1) There shall be established a State Archives in which all public records shall be deposited and kept in the prescribed manner.

Establishment
and
management of
State Archives.

(2) The Minister shall be responsible for the supervision and functioning of the State Archives in accordance with the provisions of this Law and the Regulations made thereunder.

(3) The Minister shall accept loans and gifts of non public records or of any other kind.

(4) The Council of Ministers shall appoint an Advisory Committee which shall submit recommendations to the Minister in respect of any matter which relates to public records and the functioning of the State Archives. The composition of the Committee, the term of office and other terms of service of its members, as well as its functioning, shall be prescribed by the Council of Ministers.

4. There shall be established a permanent post of State Archivist in the Ministry of Justice, on such terms and salary scale as shall be prescribed from time to time. Any other permanent posts necessary for the smooth functioning of the State Archives shall be created in a similar manner.

State Archivist
and other posts.

Duties and
powers of the
State Archivist .

5. The State Archivist shall be responsible for the maintenance and smooth functioning of the State Archives and for the preservation of the records under his charge and for this purpose shall take all measures which he considers necessary or expedient and shall in particular—

- (a) prepare indexes, guides and comprehensive lists of the records kept in the State Archives;
- (b) make reports and announcements concerning the activities of and facilities provided by the State Archives;
- (c) regulate the inspection of public and other records as well as the use by the public of any other services offered by the State Archives;
- (d) arrange the issue and certification of copies or extracts from records required as evidence in any judicial proceedings or for other purposes;
- (e) accept for safekeeping non public records;
- (f) make the necessary arrangements for the keeping of films and other records which must be kept under special conditions; and
- (g) lend records with the approval of the Minister and on such terms as he may specify, to be used at exhibitions or for other purposes .

Selection and
preservation of
public records.

6.—(1) It shall be the duty of every person responsible for public records of any kind which are not in the State Archives or in any other place which may be appointed by the Minister for keeping public records, to make arrangements for the selection of those records which ought to be permanently preserved and for their safekeeping.

(2) The duties under this section shall be exercised under the guidance of the State Archivist who shall be responsible for co-ordinating and supervising all action taken under this section.

(3) Public records selected for permanent preservation under this section shall be transferred within a period of thirty years after their creation to the State Archives or to such other place of deposit appointed by the Minister under this Law:

Provided that any records may be retained after the lapse of the said period if it appears to the appropriate authority that they are required for administrative purposes or ought to be retained for any other special reason and provided that the Minister has been accordingly informed and has given his approval.

(4) The Minister may, if it appears to him in the interests of the proper administration of the State Archives, direct that the transfer of any class of records under this section, shall be suspended until arrangements for their reception have been completed.

(5) Public records which, following the arrangements made in pursuance of this section, have been rejected as not suitable for permanent preservation shall be destroyed or, where the Minister is not responsible for their safekeeping, disposed of in any other way approved by the Minister.

(6) Any question as to the person whose duty it is to make arrangements under this section with respect to any class of public records shall be referred to the Minister for his decision.

(7) The State Archivist and any officers of the State Archives duly authorised by him shall have the right of reasonable access to, and inspection of all public records, regardless of their location, solely for the purpose of informing the appropriate authority of any conditions that constitute a threat to the safety of the records as well as of measures that should be taken to achieve economy and improve efficiency in their maintenance, use and disposal.

7.—(1) If it appears to the Minister that a place outside the State Archives affords suitable facilities for the safekeeping and preservation of records and their inspection by the public he may, with the agreement of the authority which is responsible for that place, appoint it as a place of deposit as respects any class of public records selected for permanent preservation under this Law:

Place of deposit
of public
records.

Provided that in choosing a place of deposit and safe-keeping of the records of any Court under this section, the Minister shall take into account the fact that the records of any Court ought to be kept in the area in which the Court exercises its jurisdiction.

(2) The Minister may at any time direct that public records shall be transferred from the State Archives to a place of deposit appointed under this section or from such a place of deposit to the State Archives or another place of deposit.

(3) Before appointing a place of deposit in pursuance of this section as respects public records of a class for which the Minister is not himself responsible, he shall consult with the appropriate authority which is responsible for the said public records.

(4) Public records in the State Archives shall be in the custody of the State Archivist whereas public records in a place of deposit appointed under this Law shall be in the custody of such officer as the Minister may appoint.

(5) Public records in the State Archives or other place of deposit appointed by the Minister under this Law may be temporarily returned at the request of the authority from which they were received.

8.—(1) Public records in the State Archives, other than those to which members of the public had access before their transfer to the State Archives, shall not be available for public inspection until the expiration of a period of thirty years beginning with the 1st day of January in the year next after that in which they were created or of such other period as the Minister may, from time to time, prescribe with the consent of the appropriate authority in relation to any class of public records.

Access to public
records.

(2) Without prejudice to the generality of the foregoing subsection, if it appears to the authority responsible for any public records which have been selected under section 6 for permanent preservation that they contain

information which was obtained from members of the public under such conditions that the opening of those records to the public after the expiration of the period, as mentioned in subsection (1), would constitute a breach of good faith on the part of the Government or on the part of the persons who obtained the information, then the appropriate authority shall inform the Minister accordingly and these records shall not be available in the State Archives for inspection by the public even after the expiration of the said period except in such circumstances and on those terms as the Minister with the agreement of the said authority may approve or after the expiration of such further period as the Minister with the agreement of the said authority may appoint.

(3) Subject to the foregoing provisions of this section, as well as the enactments which prohibit the disclosure of certain information obtained from the public, and subject to the provisions of any other Law or order which contains a similar prohibition, it shall be the duty of the State Archivist to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of public records in the State Archives.

(4) The provisions of subsection (1) shall not make it unlawful for the State Archivist to permit a person to inspect any records if he has obtained special authority in that behalf given by the Minister, with the consent of the appropriate authority.

(5) The Minister shall as respects all public records in places of deposit appointed by him under this Law outside the State Archives direct that arrangements be made for their inspection by the public, and that such arrangements shall be comparable to those in force for public records in the State Archives, and subject to the restrictions contained in the foregoing subsections of this section.

9. If it appears to the State Archivist that any public records in the State Archives or any other place of deposit appointed under this Law are duplicated by other public records which have been selected for permanent preservation or that there is some other special reason why they should not be permanently preserved, he may, with the approval of the Minister and of the authority concerned for the particular records, authorise the destruction of those records or their disposal in any other way.

10. The non public records which remained in the custody of any body appearing in the Table of the Schedule to this Law for more than thirty years without being sought, may be transferred to the State Archives after the giving of directions by the State Archivist and with the approval of the body concerned and thereupon these records shall become public records for the purposes of this Law.

11.—(1) The legal validity of any record shall not be affected by its removal under the provisions of this Law or of any other Law which concern its legal custody.

(2) Any copy of or extract from a public record in the State Archives purporting to be duly examined and certified as a true and authentic copy by the appropriate officer and to be sealed with the seal of the State

Destruction of public records in the State Archives or other place of deposit.

Non public records in the custody of bodies appearing in the Table of the Schedule.

Legal validity of public records and authenticated copies.

Archives shall be admissible as evidence in any proceedings without any further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

For the purposes of this subsection, "appropriate officer" means the State Archivist or any other officer of the State Archives duly authorised by him.

12. All public records are the property of the Republic of Cyprus and shall remain in its legal and physical possession and custody.

Ownership of public records.

13. No public record shall be destroyed, nor alienated or disposed of in any manner except as prescribed in sections 6 and 9 of this Law.

Restrictions on the disposal of public records.

14.—(1) Any person who destroys, damages, alters, possesses, sells or buys or otherwise removes from the legal and physical possession and custody of the Republic of Cyprus any public record or assists others to do so, shall be guilty of an offence and shall on conviction, unless the Criminal Code provides for a heavier sentence, be liable to imprisonment not exceeding one year or to a fine not exceeding two thousand pounds or to both such penalties.

Offences.

(2) Upon the conviction of a certain person for an offence under this section, the Court shall order the return and/or delivery of the public record which was sold or bought or otherwise removed from the possession and custody of the Republic of Cyprus.

(3) Any person against whom an order has been made under the foregoing subsection who disobeys or fails to comply with such order shall be guilty of an offence and shall be liable to imprisonment not exceeding two years or to a fine not exceeding four thousand pounds or to both such penalties.

15.—(1) No public record shall be exported from the Republic of Cyprus without written authorisation by the Minister.

Export of public records.

(2) Any person who shall export or attempt to export or who shall aid, counsel or procure any other person to export or attempt to export any public record shall be guilty of an offence and shall on conviction be liable to imprisonment not exceeding two years or to a fine not exceeding four thousand pounds or to both such penalties and any public record in respect of which the offence has been committed shall be returned to the State Archives.

16. The copyright on any public record shall be regulated in accordance with the Copyright Law in force for the time being.

Copyright.
59 of 1976
63 of 1977

17. The officers of the State Archives or of any place of deposit appointed under this Law are not legally liable when they allow public access to or supply copies of or when they publish records containing matters of defamatory nature.

Privilege of the State Archives as regards liability for defamation.

Regulations.

18.—(1) The Council of Ministers may make Regulations to be published in the Official Gazette of the Republic, for the better carrying into effect of the provisions of this Law and for prescribing everything which is required to be or may be prescribed, including the regulation of the export of classes of non public records of national importance and of the fees payable for the inspection of records in the State Archives or in places of deposit appointed under this Law, for the issue of certified copies or extracts from such records and for any other services rendered by the officers of the State Archives or of any place of deposit.

(2) Regulations made under this Law shall be laid before the House of Representatives. If within sixty days of such laying the House of Representatives does not by resolution amend or annul, in whole or in part, the Regulations so laid, they shall, at the expiration of the period hereinbefore mentioned, be published in the Official Gazette of the Republic. In the event of their amendment, in whole or in part, by the House of Representatives, such Regulations shall be published in the Official Gazette of the Republic as amended by the House of Representatives.

Repeal of Law
40 of 1972.

19. The Public Record Law (No. 40 of 1972) is repealed as from the date of the commencing of this Law. Anything lawfully done under the Law hereby repealed shall not be affected, but it shall thereafter be governed by the present Law.

SCHEDULE

Section 2.

Definition of Public Records.

1. The provisions of this Schedule shall apply for determining what are public records for the purposes of this Law.

2.—(1) Public records shall be all the legislative, administrative and judicial records belonging to or in right of the Republic of Cyprus and in particular,

(a) records that belong to or are held in any Government Department, Office or Service, or

(b) records of any legislative, administrative and judicial organ, authority, commission or office, or records of a body of public utility or other body corporate, or records of a public company to which the Government of the Republic is the main shareholder,

whether these are situated in Cyprus or elsewhere.

(2) The provisions of this paragraph extend to any such body or organ that ceased or shall cease to exist before or after the enactment of this Law, including the Chief Secretary's Office.

(3) Without prejudice to the generality of subparagraph (1) of the foregoing paragraph, the legislative, administrative and judicial records of

bodies appearing in the Table following paragraph 4 below shall be public records:

Provided that the Council of Ministers may, if it appears to them necessary by an order published in the Official Gazette of the Republic, make alterations or amendments to the said Table.

(4) The State Archivist shall take custody and possession of records of any of the bodies appearing in the Table upon the termination of its existence or function.

TABLE

Office of the President of the Republic
 Council of Ministers
 House of Representatives
 Supreme Court
 Assize Court
 District Courts of Nicosia, Limassol, Larnaca, Famagusta, Paphos
 Military Court
 Military Legal Office
 Court of Admiralty
 Court of Industrial Disputes
 Rent Control Courts of Nicosia, Larnaca - Famagusta and Limassol -
 Paphos
 Family Court
 Legal Department
 Revision and Consolidation of the Cyprus Legislation Service
 Audit Office of the Republic
 Public Service Commission
 Educational Service Commission
 Central Planning Bureau
 Central Information Service
 Interlocutor's Office

Ministry of Defence - Administration
 Cyprus Army
 National Guard

Ministry of Agriculture and Natural Resources - Administration
 Department of Agriculture
 Department of Veterinary Services
 Department of Forests
 Water Development Department

Department of Geological Survey
 Meteorological Service
 Land Consolidation
 Agricultural Research Institute
 Fisheries Department
 Forestry College
 Nature Conservation

Ministry of Justice - Administration
 Prisons
 State Archives
 Service for Humanitarian Affairs
 Service of Missing Persons
 Committee for Relief of Affected Persons
 Rent Subsidization Fund

Ministry of Commerce and Industry - Administration
 Department of Co-operative Development
 Mines Service
 Registrar of Companies and Official Receiver
 Department of Trade
 Department of Industry
 Quality and Prices Control and Consumers' Protection Service

Ministry of Labour and Social Insurance - Administration
 Department of Labour
 Social Insurance Services
 Welfare Services
 Hotel and Catering Institute
 Cyprus Productivity Centre
 Higher Technical Institute

Ministry of the Interior - Administration
 District Administration of Nicosia - Kyrenia
 District Administration of Limassol
 District Administration of Larnaca
 District Administration of Famagusta
 District Administration of Paphos
 Police
 Fire Service
 Town Planning and Housing Department
 Migration

Registration Service

Department of Lands and Surveys

Press and Information Office

District Land Offices of Nicosia, Famagusta, Larnaca, Limassol, Paphos

Special Service for the Care and Rehabilitation for Displaced Persons

Ministry of Foreign Affairs - Administration

Foreign Services: Diplomatic and Consular Authorities of the Republic.

Missing Persons Committee

Service for Overseas Cypriots

Ministry of Finance - Administration

Treasury

Department of Customs and Excise

Inland Revenue Department

Department of Statistics and Research

Department of Government Purchasing and Supply

Public Administration and Personnel Service

Printing Office of the Republic of Cyprus

Data Processing Services

Ministry of Education - Administration

Cultural Services

Cyprus Research Centre

Paedagogical Institute

Paedagogical Academy

Department of Higher and Tertiary Education

Secondary Education

Technical Education

Primary Education

Schools of Secondary Education

Technical and Vocational Schools

Primary Schools

School for the Blind

"Evangelismos" School for Trainable Children

School for Deaf Children

Service of Educational Psychologists

Counselling and Guidance Service

Museum of National Struggle

Ministry of Communications and Works - Administration**Public Works Department****Department of Antiquities****Civil Aviation Department****Department of Merchant Shipping****Department of Postal Services****Road Transport Department****Electrical and Mechanical Services****Ministry of Health - Administration****Medical and Public Health Services****Psychiatric Services****Dental Services****Pharmaceutical Services****General Laboratory****Government Hospitals and Health Centres****Cyprus Sports Organization****Cyprus Land Development Corporation****Cyprus Tourist Organization****Cyprus Airways Ltd****Cyprair Tours Ltd****Cyprus Development Bank Ltd****Cyprus Tourism Development Company Ltd****Cyprus Land Development Corporation Ltd****Agricultural Insurance Organization****Cyprus Milk Industry Organization****Housing Finance Corporation****Planning Board****Cyprus Broadcasting Corporation****Cyprus Olive Marketing Board****Cyprus Potato Marketing Board****Cyprus Carrots and Beetroots Marketing Board****Sewerage Boards of Nicosia, Limassol, Larnaca****Vine Products Commission****Licensing Authority****Reviewing Licensing Authority**

Industrial Training Authority
Air Transport Licensing Authority
Electricity Authority of Cyprus
Cyprus State Fairs Authority
Cyprus Ports Authority
Cyprus Telecommunications Authority
Cyprus International Conference Centre

Local Authorities:

Municipalities of Nicosia, Limassol, Larnaca, Famagusta, Paphos,
Kyrenia and Morphou

Rural Municipalities
Improvement Boards
Village Commissions

Cyprus Grain Commission
Lottery Committee
Loan Commissioners
Cyprus Forest Industries Ltd
Theatrical Organization of Cyprus
Cyprus Organization for Standards and Control of Quality
Central Bank of Cyprus
Central Slaughterhouse Board
Co-operative Central Bank
School Committees
The Board of Management of the English School
Council of Registration for Architects and Civil Engineers
Council for the Registration and Control of Building and Civil
Engineering Contractors
Medical Council
Pest Control Products Board
Water Boards of Nicosia, Limassol, Larnaca, Famagusta, Paphos
Drugs Council
Cyprus Petroleum Refinery Ltd
United Nations Supply Office