

# Preserve public records for **real** accountability

Archives are vital as evidence of government actions and society's collective memory.

**William Waung**

Chairman, Archives Action Group



Without archives, we would never know how policy decisions were made, such gaps in the records would make it very difficult to find out the truth in the future.

**Simon Chu**

Vice Chairman, Archives Action Group



Electronic records are easy to tamper with. We must prevent cases like the 'emailgate' in the US.

**Charles Mok**

Legislative Councillor, Information Technology



Modern countries and jurisdictions have enacted archives legislation. How long must we wait?

**Dennis Kwok**

Legislative Councillor, Legal



With no archives law, many important public records were destroyed in the past 20 years!

**Tanya Chan**

Legislative Councillor, Hong Kong Island

## How does an

# **Archives Law**

## affect me?

Public record

*Disappearing*

Records management

*Unregulated*

Public governance

*Unchecked*

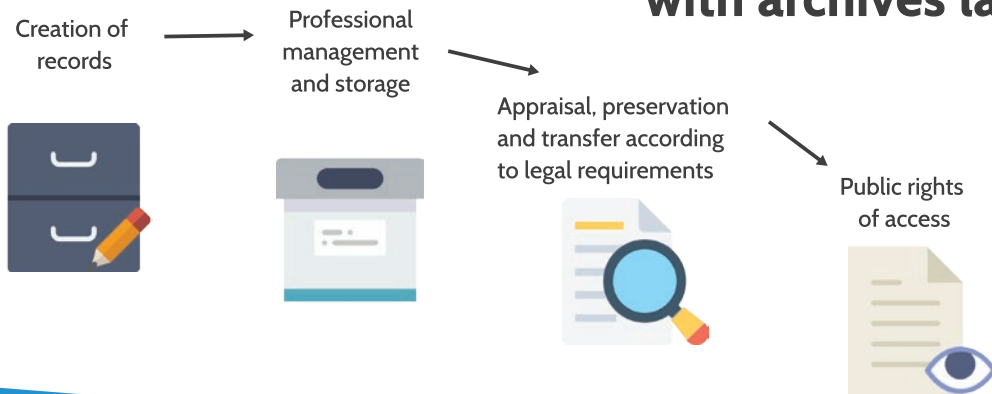


# Draft Public Records Bill At a Glance



# Lack of evidence = Crooks off the hook?

## Protecting the truth with archives law



## What is the “Draft Public Records Bill”?

Drafted by the Archives Action Group and submitted as a Private Members’ Bill by 3 Legislators, the draft Bill urges the Government to:

- Establish a statutory framework for the proper creation and management of public records and the preservation of public records of historical value
- Establish a public right of access to public records preserved as archives
- Promote, encourage and support the public in preserving archives

## The Statutory Framework

### Government Archivist

Ensures public agencies comply with recordkeeping and records management requirements.



### Public Archives & Records Authority

Responsible for record appraisal, disposal, management, preservation and provision of access.



### Archives & Records Council

Comprises professional members from different sectors; recommends appointment of Government Archivist, freezes disposal of controversial public records and handles access appeals.



## Sanctions

Unauthorized removal or destruction of public records and archives, unreasonable rejection of requests for access, and export of original public archives are liable to a **fine of HK\$100,000-HK\$500,000 and/or to imprisonment for 1-3 years.**

## Access to Public Archives

- Unclassified public archives must be available for public access in 20 years or earlier.
- Classified public archives must be reviewed for access in 20 years. Public agencies must apply for extending the records closure period if required.
- Public may apply to view closed public records and appeal access decisions.

## Electronic Records Management

Official electronic systems and devices should be used to conduct official business. If a mobile device is used, complete records must be on file within 14 days.



Learn more at  
[bit.ly/2017PRB-e](http://bit.ly/2017PRB-e)

## Do You Know...

- More than 100 countries worldwide have enacted archives law
- Hong Kong only has administrative guidelines for government departments
- Publicly-funded institutions are not obliged to keep records
- The Law Reform Sub-committee on Archives Law began its study in 2013
- Carrie Lam pledged to enact an archives law during her election campaign