

BILL

No. 141

An Act respecting the Provincial Archives of Saskatchewan, Public Records Management and making consequential amendment to other Acts and Regulations

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			PART VIII
			Coming into force
		48	Coming into force

(Assented to _____)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Archives and Public Records Management Act*.

Interpretation

2 In this Act:

“administrative record of a court” includes a record created by, received by, deposited with or held by a court to support the court’s operations, but does not include a court record;

“approved records schedule” means a records schedule approved by the Public Records Committee and includes a record schedule respecting court records that is the subject of an order made pursuant to section 28;

“board of directors” means the board of directors of the Provincial Archives of Saskatchewan appointed pursuant to section 12;

“court” means the Court of Appeal, the Court of Queen’s Bench or the Provincial Court of Saskatchewan;

“court record” means a record that is filed with a court or that is received by a court or created or maintained in support of an application to the court and includes a docket record, a transcript, a record of proceedings and a search warrant issued by a court, but does not include an administrative record of a court;

“government institution” means a government institution within the meaning of *The Freedom of Information and Protection of Privacy Act*;

“minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

“ministerial record” means a record created or received by a minister of the Government of Saskatchewan that relates to the office of that minister and to the administration of the public affairs of Saskatchewan, but does not include:

- (a) a record that is of a personal or political nature; or
- (b) a record that pertains to constituency business;

“Officer of the Legislative Assembly” means:

- (a) the Advocate for Children and Youth;
- (b) the Chief Electoral Officer;
- (c) the Conflict of Interest Commissioner;
- (d) the Information and Privacy Commissioner;

- (e) the Ombudsman;
- (f) the Provincial Auditor for Saskatchewan; or
- (g) the Public Interest Disclosure Commissioner;

“prescribed” means prescribed in the regulations;

“Provincial Archives of Saskatchewan” means the Provincial Archives of Saskatchewan continued pursuant to section 3;

“Provincial Archivist” means the Provincial Archivist appointed pursuant to section 17 and includes any acting Provincial Archivist appointed pursuant to that section;

“public record” means:

- (a) a record made or received by a government institution in carrying out that government institution’s activities;
- (b) a ministerial record;
- (c) a record made or received by the Legislative Assembly, the Legislative Assembly Service or an Officer of the Legislative Assembly;
- (d) a court record; or
- (e) an administrative record of a court;

but does not include a prescribed record;

“Public Records Committee” means the Public Records Committee continued pursuant to section 20;

“record” means a record of information in any form and includes information that is written, photographed, recorded or stored in any manner, but does not include a computer program or other mechanism that produces records;

“records schedule” means a formal plan that identifies the public records that are subject to the plan, that establishes a classification system and retention periods for those public records and that provides for their disposition.

PART II

Provincial Archives of Saskatchewan

Provincial Archives of Saskatchewan continued

- 3(1) The Archives Board continued pursuant to *The Archives Act, 2004* is continued as the Provincial Archives of Saskatchewan.
- (2) The Provincial Archives of Saskatchewan is a corporation.

Objects and functions

- 4 The objects and functions of the Provincial Archives of Saskatchewan are the following:
 - (a) to acquire and preserve public records and private records of significance to Saskatchewan and to facilitate access to those records;
 - (b) to be the permanent repository of public records;

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- (c) to ensure that public records are managed, kept and preserved in a usable format;
 - (d) to promote and facilitate good records management respecting public records in order to support accountability, transparency and effective operations;
 - (e) to encourage and support archival activities and the archival community.

Offices

5 The Provincial Archives of Saskatchewan shall maintain offices at any place or places in Saskatchewan designated by the Lieutenant Governor in Council for the safekeeping, classification, indexing and public use of and access to all public records and other materials that have been deposited with or acquired by the Provincial Archives of Saskatchewan pursuant to this Act or any former *Archives Act*.

General powers and responsibility to minister

6(1) For the purposes of fulfilling its objects and carrying out its functions, the Provincial Archives of Saskatchewan may:

- (a) enter into agreements with any person, body or organization within or outside Saskatchewan that the Provincial Archives of Saskatchewan considers necessary to fulfil its objects and to carry out its functions;
 - (b) exercise any powers and fulfil any duties given to it by this Act or by any other Act; and
 - (c) do all of those things that it considers necessary, incidental or conducive to fulfilling its objects and carrying out its functions.
- (2) The Provincial Archives of Saskatchewan is responsible to the minister in exercising its powers, fulfilling its objects and carrying out its duties and functions.
- (3) The minister may give directions that must be followed by the Provincial Archives of Saskatchewan, the Provincial Archivist or both in exercising their powers and fulfilling their duties and purposes pursuant to this Act and the regulations.

Transfer of public records

7(1) All public records are to be transferred to the care and control of the Provincial Archives of Saskatchewan:

- (a) pursuant to any agreement for the transfer of public records between the Provincial Archives of Saskatchewan and the Legislative Assembly, the Legislative Assembly Service, the Officer of the Legislative Assembly, the government institution, the minister of the Government of Saskatchewan or the court responsible for the public records; and
 - (b) in accordance with an approved records schedule.
- (2) Except as otherwise directed by the Lieutenant Governor in Council, the Provincial Archives of Saskatchewan has the care and control of all public records of any government institution whose functions have ceased.
- (3) Public records, other than records made or received by the Legislative Assembly, the Legislative Assembly Service or an Officer of the Legislative Assembly, that have been transferred to the care and control of the Provincial Archives of Saskatchewan are the property of the Crown in right of Saskatchewan.

(4) With the agreement of the Provincial Archivist, the Clerk of the Legislative Assembly may order that any sessional papers made or received by the Legislative Assembly be transferred to the Provincial Archives of Saskatchewan.

(5) The Provincial Archives of Saskatchewan has the care, control and custody of the records transferred pursuant to subsection (4), but those records remain the property of the Legislative Assembly.

Power to acquire other historical material

8 The Provincial Archives of Saskatchewan may acquire from any person by gift, devise, bequest or in any other manner printed documents, manuscripts, private papers and any other record or material that have a bearing on the history of Saskatchewan and that the Provincial Archivist has determined to be of archival value.

Custody of transferred records

9 The Provincial Archives of Saskatchewan is the custodian of all records that are transferred to it pursuant to this Act or any former *Archives Act*.

Power to make grants

10(1) Subject to subsection (2), to support archival activities and the archival community, the Provincial Archives of Saskatchewan may make grants, on any terms or conditions that it considers appropriate, to any person, agency, organization, association, institution or body within or outside Saskatchewan.

(2) The Provincial Archives of Saskatchewan shall obtain the approval of the Lieutenant Governor in Council if:

- (a) the amount of the grant is greater than \$50,000; or
- (b) the total amount of the grant and any other grant made by the Provincial Archives of Saskatchewan to that person, agency, organization, association, institution or body would be greater than \$50,000 in any fiscal year of the Provincial Archives of Saskatchewan.

Power to charge fees, accept gifts, etc.

11 The Provincial Archives of Saskatchewan may:

- (a) charge fees for services rendered by it;
- (b) accept and receive gifts, devises and bequests for the objects and functions of the Provincial Archives of Saskatchewan; and
- (c) subject to the terms of any trust imposed by the testator or donor of real or personal property, sell, lease, convey or otherwise dispose of and convert into money any real or personal property given, devised or bequeathed for the objects and functions of the Provincial Archives of Saskatchewan.

PART III
Administration

Board of directors

12(1) Subject to subsection (2), the Lieutenant Governor in Council shall appoint a board of directors for the Provincial Archives of Saskatchewan consisting of not more than nine persons.

- (2) Of the persons appointed pursuant to subsection (1):
 - (a) one must be a person who the minister is satisfied is a member of the academic community who is involved with the social or archival sciences; and
 - (b) two must be members of the public service of Saskatchewan.
- (3) A person appointed pursuant to subsection (1):
 - (a) holds office at pleasure for a term not exceeding three years and until a successor is appointed; and
 - (b) is eligible for reappointment.
- (4) No member of the board of directors shall hold office for more than two consecutive terms.
- (5) A vacancy in the membership of the board of directors does not impair the power of the remaining members of the board of directors to act.
- (6) The Provincial Archivist is the secretary to the board of directors.

Chairperson and vice-chairperson

13(1) The Lieutenant Governor in Council shall designate one member of the board of directors to be chairperson of the board of directors and another to be vice-chairperson.

(2) If the chairperson is absent or unable to act or the office of chairperson is vacant, the vice-chairperson may exercise all the powers and shall perform all the duties of the chairperson.

Meetings and quorum

14(1) The board of directors shall meet when called by the chairperson.

- (2) The board of directors shall meet at least twice each fiscal year.
- (3) A quorum of the board of directors is a majority of its members.

Responsibilities of board of directors

15 The board of directors is responsible for setting a strategic direction for the Provincial Archives of Saskatchewan.

Remuneration and reimbursement

16 A member of the board of directors is entitled:

- (a) to remuneration for his or her services at the rates approved by the Lieutenant Governor in Council, but not if he or she is:
 - (i) a member described in clause 12(2)(a) who is a resident of Saskatchewan; or
 - (ii) one of the members described in clause 12(2)(b); and
- (b) to reimbursement for their expenses incurred in the performance of their responsibilities at the rates paid to members of the public service of Saskatchewan.

Provincial Archivist

17(1) The board of directors shall appoint a person to be in charge of the Provincial Archives of Saskatchewan, to be known as the Provincial Archivist.

(2) If the Provincial Archivist has resigned or is otherwise unable to act, the Provincial Archives of Saskatchewan may appoint another person as acting Provincial Archivist until:

- (a) the Provincial Archivist is able to act; or
- (b) another Provincial Archivist is appointed pursuant to this Act.

(3) The Provincial Archivist:

- (a) shall exercise the powers and perform the duties assigned to the Provincial Archivist by this Act and by the Provincial Archives of Saskatchewan; and
- (b) subject to the direction of the board of directors, is responsible for the general supervision and direction of the operation of the Provincial Archives of Saskatchewan.

(4) The Provincial Archivist may, in writing, delegate to any employee of the Provincial Archives of Saskatchewan any of the Provincial Archivist's powers other than the power of delegation pursuant to this section.

(5) The Provincial Archives of Saskatchewan shall determine the conditions of employment and the remuneration of the Provincial Archivist.

(6) The board of directors has control over and shall supervise the work of the Provincial Archivist.

Powers of Provincial Archivist

18(1) The Provincial Archivist may carry out any activity that is necessary, incidental or conducive to attaining the objects and carrying out the functions of the Provincial Archives of Saskatchewan.

(2) Without limiting the generality of subsection (1), the Provincial Archivist may do all or any of the following:

- (a) on behalf of the Provincial Archives of Saskatchewan, acquire records or obtain the care, custody or control of records that the Provincial Archivist has determined to be of archival value;
- (b) take any measures that the Provincial Archivist considers necessary to classify, identify, preserve and restore records that the Provincial Archives of Saskatchewan has acquired or obtained;

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- (c) subject to any lawful restriction, provide access to records that the Provincial Archives of Saskatchewan has acquired or obtained;
 - (d) provide information, consultation, reference, research and other services related to archives;
 - (e) determine and establish policies, standards, guidelines and processes with respect to:
 - (i) the creation, handling, control, organization, retention, maintenance, security, preservation, disposition, alienation and destruction of public records in the custody or under the control of the Legislative Assembly Service, the Legislative Assembly, Officers of the Legislative Assembly, government institutions, offices of ministers of the Government of Saskatchewan and the courts; and
 - (ii) the transfer of the public records mentioned in subclause (i) to the Provincial Archives of Saskatchewan;
 - (f) advise the Legislative Assembly Service, the Legislative Assembly, Officers of the Legislative Assembly, government institutions, offices of ministers of the Government of Saskatchewan and the courts on records management and review of records management policies and procedures developed by them;
 - (g) determine which non-current public records are of historic interest and are to be transferred to the care and control of the Provincial Archives of Saskatchewan;
 - (h) provide professional and technical support for archival activities and the archival community;
 - (i) make known information concerning archives by means of publications and exhibitions;
 - (j) subject to any term or condition pursuant to which a record has been acquired or obtained, direct that the record be destroyed or otherwise disposed of if the Provincial Archivist has determined that the record no longer has archival value.
- (3) Notwithstanding any other Act, the Provincial Archivist is entitled to have access to any public record for the purposes of exercising the Provincial Archivist's powers, fulfilling the Provincial Archivist's responsibilities and carrying out the Provincial Archivist's functions pursuant to this Act.

Employees

- 19(1)** In addition to the Provincial Archivist, the Provincial Archives of Saskatchewan may appoint any other officers and employees that may be required for the operation of the Provincial Archives of Saskatchewan.
- (2) The officers and employees appointed pursuant to subsection (1) are to work under the direction of the Provincial Archivist.
 - (3) The Provincial Archives of Saskatchewan shall determine the respective conditions of employment and remuneration of its officers and employees.
 - (4) The Provincial Archives of Saskatchewan has control over and shall supervise its officers and employees.

PART IV
Management and Preservation of Records

Public Records Committee continued

- 20(1)** The Public Records Committee is continued.
- (2) The Public Records Committee consists of:
- (a) the Provincial Archivist;
 - (b) the Legislative Librarian;
 - (c) the Deputy Minister of Finance or his or her delegate;
 - (d) the Deputy Minister of Justice or his or her delegate; and
 - (e) the head of any other government institution that may be designated in the regulations or his or her delegate.
- (3) The Public Records Committee is to review and approve records schedules for all public records.
- (4) The Provincial Archivist is the chairperson of the Public Records Committee.

Management and preservation of public records

- 21(1)** Subject to subsections (2) and (3), the Legislative Assembly, the Legislative Assembly Service, every Officer of the Legislative Assembly, every government institution and the courts shall preserve the public records that are in their custody or under their control until those public records are:
- (a) transferred to the Provincial Archives of Saskatchewan pursuant to this Act; or
 - (b) destroyed pursuant to this Act.
- (2) Cabinet records and the public records of the Office of the Executive Council are to be transferred to the Provincial Archives of Saskatchewan:
- (a) pursuant to a written agreement between the Provincial Archives of Saskatchewan and the Premier in office when the agreement is signed; and
 - (b) in accordance with an approved records schedule.
- (3) Ministerial records are to be transferred to the Provincial Archives of Saskatchewan:
- (a) pursuant to a written agreement between the Provincial Archives of Saskatchewan and the minister of the Government of Saskatchewan to whose office those records relate; and
 - (b) in accordance with an approved records schedule.
- (4) Records of a minister of the Government of Saskatchewan of the type described in clauses (a) and (b) of the definition of “ministerial record” are the private property of the minister and may be disposed of in any manner that the minister considers appropriate.
- (5) Without restricting the generality of subsection (4), a minister of the Government of Saskatchewan may offer the records mentioned in that subsection to the Provincial Archives of Saskatchewan for permanent preservation pursuant to a written agreement between the Provincial Archives of Saskatchewan and that minister.

Prohibition re destruction of public records except pursuant to approved records schedule

22(1) Subject to subsection (2), no person shall, with an intent to deprive the Government of Saskatchewan, a government institution or the Provincial Archives of Saskatchewan of the custody, control or use of, or access to, a public record:

- (a) destroy or damage the public record;
- (b) remove or conceal the public record from the Government of Saskatchewan, a government institution or the Provincial Archives of Saskatchewan; or
- (c) direct, counsel or cause any person in any manner to do anything mentioned in clause (a) or (b).

(2) Subsection (1) does not apply if the destruction is done in accordance with an approved records schedule.

(3) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$25,000.

(4) In addition to or instead of any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:

- (a) requiring the convicted person to transfer a public record to the Provincial Archives of Saskatchewan in a manner and within the period specified by the order;
- (b) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (c) directing the convicted person to repair, mitigate or minimize any damage to a public record that resulted from the commission of the offence in a manner and within the period specified by the order, or to restore a public record in a manner and within the period specified by the order;
- (d) requiring the convicted person to take steps to prevent any damage to a public record in a manner and within the period specified by the order;
- (e) directing the convicted person to pay to the Crown in right of Saskatchewan an amount of money as compensation, in whole or in part, for the cost of any corrective action respecting a public record taken by or at the direction of the Provincial Archives of Saskatchewan as a result of the commission of the offence;
- (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

(5) No prosecution for a contravention of this section is to be commenced more than three years after the facts on which the alleged contravention is based first came to the knowledge of the Provincial Archivist.

Provincial Archives of Saskatchewan may apply for compliance order

23(1) The Provincial Archives of Saskatchewan may apply to a judge of the Court of Queen's Bench for all or any of the following:

- (a) an order compelling a person to comply with this Act;
- (b) an order enjoining any person from proceeding contrary to this Act.

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- (2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

Management of public records by the Legislative Assembly, Legislative Assembly Service, Officers of the Legislative Assembly, government institutions and courts

- 24(1)** The Legislative Assembly, the Legislative Assembly Service, every Officer of the Legislative Assembly and every government institution shall prepare one or more records schedules respecting the management of all public records that are in their custody or under their control.
- (2) The Legislative Assembly, the Legislative Assembly Service, every Officer of the Legislative Assembly and every government institution shall submit each records schedule proposed by them to the Public Records Committee for review and approval.
- (3) The Provincial Archivist may enter into an agreement with:
- (a) the Clerk of the Legislative Assembly to establish a date by which each of the Legislative Assembly and the Legislative Assembly Service shall submit its proposed records schedule to the Public Records Committee for review and approval; and
 - (b) each Officer of the Legislative Assembly to establish a date by which that Officer shall submit his or her proposed records schedule to the Public Records Committee for review and approval.
- (4) The Public Records Committee may require the government institution to, within the time set by the Public Records Committee:
- (a) if a government institution has failed to prepare and submit a records schedule as required by subsections (1) and (2), prepare and submit a records schedule to the Public Records Committee;
 - (b) make changes to the records schedule proposed by the government institution; and
 - (c) submit the amended records schedule to the Public Records Committee for review and approval.
- (5) The Legislative Assembly, Legislative Assembly Service, every Officer of the Legislative Assembly, every government institution and every court shall:
- (a) implement every approved records schedule that is applicable to the Legislative Assembly, Legislative Assembly Service, Officer of the Legislative Assembly, government institution or court; and
 - (b) create and implement a records management policy and procedure to protect and maintain all public records that are in the custody or under the control of the Legislative Assembly, Legislative Assembly Service, Officer of the Legislative Assembly, government institution or court so that those public records are, considering the purposes for which they are being maintained:
 - (i) usable and accessible;
 - (ii) transferable;

- (iii) legible and understandable;
 - (iv) maintained in a format and in a condition that ensures their retention and preservation in accordance with the applicable approved records schedule; and
 - (v) if applicable, capable of being transferred to the Provincial Archives of Saskatchewan in a format acceptable to the Provincial Archives of Saskatchewan.
- (6) None of the Legislative Assembly, the Legislative Assembly Service, any Officer of the Legislative Assembly, any government institution or any court shall destroy a public record that is in their custody or under their control without first obtaining the approval of the Provincial Archivist.
- (7) For the purposes of carrying out the responsibilities imposed by this section, the Legislative Assembly, the Legislative Assembly Service, an Officer of the Legislative Assembly, a government institution or a court may request the advice of the Provincial Archivist as to the nature of any public record that is in their custody or under their control.

Ministerial records, Cabinet records and records of the Office of the Executive Council

25(1) In accordance with the regulations, the Provincial Archives of Saskatchewan may develop forms of agreements to receive and manage ministerial records, Cabinet records and records of the Office of the Executive Council.

(2) Subject to *The Freedom of Information and Protection of Privacy Act*, access to ministerial records, Cabinet records and records of the Office of the Executive Council is to be granted pursuant to the terms and restrictions of the written agreements governing those records.

Transfer of public records to Provincial Archives of Saskatchewan

26 With the consent of the Provincial Archivist, any public record or any class or series of public records that is not subject to a records schedule may, on the expiration of 25 years after the date on which the public record was created, be transferred by the Legislative Assembly, by the Legislative Assembly Service, by an Officer of the Legislative Assembly, by a government institution or by a court, as the case may be, to the Provincial Archives of Saskatchewan.

Order for transfer or destruction of public records

27(1) Notwithstanding section 21, 22 or 26, on the recommendation of the minister and the minister of the Government of Saskatchewan responsible for the government institution concerned, the Lieutenant Governor in Council may order all or any of the following:

- (a) that any public record or any class or series of public records then in the control or custody of the government institution be transferred to the Provincial Archives of Saskatchewan immediately or on the expiration of any period specified in the order;

- (b) that any public record or any class or series of public records then in the control or custody of the government institution be destroyed immediately or on the expiration of any period specified in the order;
 - (c) that any public record or any class or series of public records that, after the date of the order, is in the control or custody of the government institution be destroyed or transferred to the Provincial Archives of Saskatchewan on the expiration of any period specified in the order.
- (2) Notwithstanding subsection 21(1) and section 26, the Legislative Assembly, the Legislative Assembly Service or an Officer of the Legislative Assembly may destroy a public record if:
- (a) the public record is not subject to a records schedule;
 - (b) the public record is then in the control or custody of the Legislative Assembly, the Legislative Assembly Service or the Officer of the Legislative Assembly;
 - (c) at least 25 years have elapsed since the date on which the public record was created; and
 - (d) the Legislative Assembly, the Legislative Assembly Service or the Officer of the Legislative Assembly has consulted with the Provincial Archivist and the Provincial Archivist has advised that the public record will not be transferred to the Provincial Archives of Saskatchewan.

Court records

28(1) Subject to subsection (2), the Lieutenant Governor in Council may, by order, establish a records schedule for any court record or class of court records that provides for all or any of the following:

- (a) their retention;
 - (b) their transferral to the Provincial Archives of Saskatchewan;
 - (c) their destruction.
- (2) An order pursuant to subsection (1) may be made on the recommendation of the Minister of Justice after that minister receives a proposed records schedule that has been approved:
- (a) by the Provincial Archivist; and
 - (b) by:
 - (i) if the Court of Appeal is concerned, the Chief Justice of that court;
 - (ii) if the Court of Queen's Bench is concerned, the Chief Justice of that court; or
 - (iii) if the Provincial Court of Saskatchewan is concerned, the Chief Judge of that court.

(3) A court record that is included in an approved records schedule established pursuant to subsection (1) may be transferred to the Provincial Archives of Saskatchewan or destroyed only:

- (a) in accordance with the approved records schedule; and
- (b) with the approval of the Provincial Archivist and:
 - (i) if the Court of Appeal is concerned with the court record, the Chief Justice of that court;
 - (ii) if the Court of Queen's Bench is concerned with the court record, the Chief Justice of that court; or
 - (iii) if the Provincial Court of Saskatchewan is concerned with the court record, the Chief Judge of that court.

Health records

29(1) In this section:

“personal health information” means personal health information as defined in *The Health Information Protection Act*;

“trustee” means a trustee as defined in *The Health Information Protection Act*.

(2) The Provincial Archives of Saskatchewan is not required to comply with section 29 of *The Health Information Protection Act* for records that may include personal health information obtained by it for the purposes of this Act from or on behalf of:

- (a) a trustee whose primary responsibilities do not include delivery of health services to individuals or the administration of health services; or
- (b) a person, body or organization that is not a trustee.

(3) Personal health information that is obtained from or on behalf of a trustee, person, body or organization mentioned in subsection (2) and that is under the care, control or custody of the Provincial Archives of Saskatchewan may be disclosed to a researcher if:

- (a) the Provincial Archivist is satisfied that:
 - (i) the purpose for which the personal health information is proposed to be disclosed is not contrary to the public interest and the research cannot be reasonably accomplished using de-identified personal health information; or
 - (ii) the release of personal health information would not constitute an unreasonable invasion of privacy;
- (b) the personal health information is in a record that:
 - (i) has been in existence for 30 years or more, but less than 75 years, and the Provincial Archivist is satisfied that the disclosure would not constitute an unreasonable invasion of privacy; or
 - (ii) has been in existence for 75 years or more; and

(c) before disclosing the personal health information to the researcher, the researcher enters into an agreement with the Provincial Archivist:

- (i) to use the personal health information only for the purpose set out in the agreement;
- (ii) to not disclose the personal health information except where authorized by law to do so;
- (iii) to not contact the individual who is the subject of the personal health information, directly or indirectly, for any purpose, except where authorized by law to do so;
- (iv) to take reasonable steps to ensure the security and confidentiality of the personal health information;
- (v) to destroy copies of any records containing personal health information in the manner and within the period set out in the agreement;
- (vi) to notify the Provincial Archivist in writing immediately if the researcher becomes aware that any conditions set out in this section or the agreement have been breached; and
- (vii) to allow the Provincial Archivist to access or inspect the researcher's premises to confirm that the researcher is complying with the terms and conditions of this Act and of the agreement.

Municipal and school records

30 With the consent of the Provincial Archivist, any municipality or board of education or the conseil scolaire may deposit any of its non-current records with the Provincial Archives of Saskatchewan for preservation.

Restriction on use of certain records

31(1) By agreement with the donor of private records, the Provincial Archives of Saskatchewan may place any restrictions on the use of those records that may be stipulated in the agreement, and the restrictions are binding on all persons during the term of the agreement.

(2) Notwithstanding clause 16(2)(a) of *The Freedom of Information and Protection of Privacy Act*, if a record that would otherwise be subject to section 16 of that Act was transferred to the Provincial Archives of Saskatchewan before April 1, 1992 pursuant to an agreement between the donor and the Provincial Archives of Saskatchewan, the restrictions respecting access to and use of the record contained in the agreement prevail in the case of a conflict between those restrictions and clause 16(2)(a) of that Act.

Evidence of record

32 A copy or photographic reproduction of any record in the care and custody or under the control of the Provincial Archives of Saskatchewan that is certified by the Provincial Archivist or by an employee of the Provincial Archives of Saskatchewan designated by the Provincial Archivist for the purpose to be a true copy is admissible in evidence as proof, in the absence of evidence to the contrary, of the authenticity and correctness of the copy or reproduction, without proof of the appointment, designation or signature of the person purporting to certify the record.

PART V

Financial Matters**Appropriation**

33 There must be paid annually to the Provincial Archives of Saskatchewan any sums that may be appropriated by the Legislature for the purposes of the Provincial Archives of Saskatchewan.

Fiscal year

34 The fiscal year of the Provincial Archives of Saskatchewan is the period commencing on April 1 in one year and ending on March 31 in the following year.

Audit

35 The Provincial Auditor or any other auditor or firm of auditors that the Lieutenant Governor in Council may appoint shall audit the records, accounts and financial statements of the Provincial Archives of Saskatchewan:

- (a) annually; and
- (b) at any other times that the Lieutenant Governor in Council may require.

Annual report

36(1) In accordance with section 13 of *The Executive Government Administration Act*, the Provincial Archives of Saskatchewan, in each fiscal year, shall submit to the minister:

- (a) a report on the business of the Provincial Archives of Saskatchewan for the preceding fiscal year; and
- (b) a financial statement showing the business of the Provincial Archives of Saskatchewan for the preceding fiscal year, in any form that may be required by Treasury Board.

(2) In accordance with section 13 of *The Executive Government Administration Act*, the minister shall lay before the Legislative Assembly each report and financial statement the minister receives pursuant to this section.

PART VI

Regulations**Regulations**

37 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) respecting the form of agreements that the Provincial Archives of Saskatchewan may enter into for the purpose of receiving and managing records;

- (c) for the purposes of clause 20(2)(e), designating any other government institution, the head of which is to sit as a member of the Public Records Committee;
- (d) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (e) respecting any other matter or thing the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

PART VII

Repeal, Transitional and Consequential

S.S. 2004, c.A-26.1 repealed

38 *The Archives Act, 2004* is repealed.

Transitional

39(1) The persons acting as members of the Archives Board pursuant to section 3 of *The Archives Act, 2004* on the day before the coming into force of this Act constitute the board of directors until new appointments are made pursuant to section 12 of this Act.

(2) The person acting as Provincial Archivist pursuant to section 16 of *The Archives Act, 2004* on the day before the coming into force of this Act continues as the Provincial Archivist until a new Provincial Archivist is appointed pursuant to section 17 of this Act.

(3) Notwithstanding the repeal of *The Archives Act, 2004*, any records schedule approved pursuant to that Act that was in effect on the day before the coming into force of this Act is continued pursuant to this Act and remains in effect until the earlier of:

- (a) the date on which that records schedule expires; and
- (b) the date on which that records schedule is replaced by an approved records schedule pursuant to this Act.

S.S. 2002, c.C-11.1, section 90 amended

40 Subsection 90(3) of *The Cities Act* is repealed and the following substituted:

“(3) The documents mentioned in this section may, with the consent of the Provincial Archives of Saskatchewan, be deposited with the Provincial Archives of Saskatchewan for preservation in the archives”.

S.S. 1993, c.F-13.4, section 57 amended

41 Section 57 of *The Financial Administration Act, 1993* is amended by striking out “*The Archives Act*” and substituting “*The Archives and Public Records Management Act*”.

S.S. 1990-91, c.F-22.01 amended

42(1) *The Freedom of Information and Protection of Privacy Act* is amended in the manner set forth in this section.

(2) **Clause 3(1)(c) is amended by striking out “The Saskatchewan Archives Board” and substituting “the Provincial Archives of Saskatchewan”.**

(3) **Clause 23(3)(b) is repealed and the following substituted:**

“(b) section 31 of *The Archives and Public Records Management Act*”.

(4) **Subsection 29(4) is amended by striking out “The Saskatchewan Archives Board” and substituting “the Provincial Archives of Saskatchewan”.**

S.S. 1999, c.H-0.021 amended

43(1) *The Health Information Protection Act* is amended in the manner set forth in this section.

(2) **Subsection 25(3.1) is repealed and the following substituted:**

“(3.1) Subsection (3) does not apply to personal health information collected by the Provincial Archives of Saskatchewan for the purposes of *The Archives and Public Records Management Act*”.

(3) **Section 29 is amended by adding the following subsection after subsection (2):**

“(3) This section does not apply to personal health information disclosed in accordance with section 29 of *The Archives and Public Records Management Act*”.

(4) **Section 59 is amended by striking out “*The Archives Act*” and substituting “*The Archives and Public Records Management Act*”.**

S.S. 2005, c.M-36.1, section 116 amended

44 **Subsection 116(3) of *The Municipalities Act* is repealed and the following substituted:**

“(3) Municipal documents may, with the consent of the Provincial Archives of Saskatchewan, be deposited with the Provincial Archives of Saskatchewan for preservation in the archives”.

S.S. 2010, c.N-5.2, section 132 amended

45 **Subsection 132(3) of *The Northern Municipalities Act, 2010* is repealed and the following substituted:**

“(3) Municipal documents may, with the consent of the Provincial Archives of Saskatchewan, be deposited with the Provincial Archives of Saskatchewan for preservation in the archives”.

S.S. 1990-91, c.S-63.1, section 58.1 amended

46 **Section 58.1 of *The Summary Offences Procedure Act, 1990* is amended by striking out “*The Archives Act*” and substituting “*The Archives and Public Records Management Act*”.**

R.R.S. c.P-36.2 Reg 1, Appendix amended

47 The Appendix to *The Public Employees Pension Plan Regulations* is amended:

- (a) by adding “Provincial Archives of Saskatchewan” before “Provincial Mediation Board”; and**
- (b) by striking out “Saskatchewan Archives Board”.**

PART VIII

Coming into force

Coming into force

48 This Act comes into force on proclamation.

FOURTH SESSION

Twenty-seventh Legislature

SASKATCHEWAN

B I L L

No. 141

An Act respecting the Provincial Archives of
Saskatchewan, Public Records Management and
making consequential amendment to other Acts
and Regulations

Received and read the

First time

Second time

Third time

And passed

Honourable Mark Docherty
