

The Archives and Public Records Management Regulations

being

Chapter A-26.11 Reg 1* (effective August 24, 2015) as amended by a [Correcting Notice](#)* published in the Gazette on September 11, 2015.

NOTE:* Correcting Notice cancelling and reassigning regulation number.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER A-26.11 REG 1

The Archives and Public Records Management Act

Title

1 These regulations may be cited as *The Archives and Public Records Management Regulations*.

Interpretation

2 In these regulations:

“**Act**” means *The Archives and Public Records Management Act*;

“**form**” means a form set out in the Appendix;

“**minister of the Government of Saskatchewan**” means a member or former member of the Executive Council and includes the President of the Executive Council;

“**portfolio**” means the powers, duties and functions assigned or transferred to any minister of the Government of Saskatchewan pursuant to *The Executive Government Administration Act* or any other law.

31 Jly 2015 cA-26.11 Reg 1 s2.

Interpretation of Act

3(1) For the purposes of the definition of “**ministerial record**” in section 2 of the Act and in these regulations, “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” includes:

(a) a record of internal deliberations involving a minister of the Government of Saskatchewan and his or her staff on matters directly relating to that minister’s portfolio or any previous portfolio of that minister;

(b) a communication between ministers of the Government of Saskatchewan on matters relating to the portfolio of the minister who is categorizing the record;

(c) a copy of a record from the ministry over which the minister of the Government of Saskatchewan presides that provides information or context for an item or issue being dealt with by that minister;

(d) a communication on a matter directly relating to the portfolio of a minister of the Government of Saskatchewan with persons outside the Government of Saskatchewan;

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- (e) a record concerning any administrative matter respecting the portfolio or office of a minister of the Government of Saskatchewan;
- (f) a record relating to the activities of a minister of the Government of Saskatchewan as a member of the Executive Council and its committees if that minister has made notes on the record or marked the record in any manner;
- (g) a record that expresses viewpoints of a minister of the Government of Saskatchewan on any Government-related issue, whether or not that issue is directly related to that minister's portfolio.

(2) For the purposes of the definition of “**public record**” in section 2 of the Act and in these regulations, a prescribed record includes the following records:

- (a) an exact duplicate or surplus copy of an official record if:
 - (i) nothing has been added to, changed in or deleted from the information set out in the official record; and
 - (ii) the official record has been captured and maintained, in accordance with policies of the Provincial Archives of Saskatchewan, by the court, government institution, minister of the Government of Saskatchewan, Legislative Assembly, Legislative Assembly Service or Officer of the Legislative Assembly who or that is responsible for the record;
- (b) a record of a temporary or limited usefulness, as determined in accordance with policies of the Provincial Archives of Saskatchewan, that is not necessary to sustain administrative or operational functions of the court, government institution, minister of the Government of Saskatchewan, Legislative Assembly, Legislative Assembly Service or Officer of the Legislative Assembly who or that is responsible for the record.

31 Jly 2015 cA-26.11 Reg 1 s3.

Public Records Committee

4 For the purposes of clause 20(2)(e) of the Act, the following are designated as members of the Public Records Committee:

- (a) the Cabinet Secretary;
- (b) the President and Chief Executive Officer of the Crown Investments Corporation of Saskatchewan.

31 Jly 2015 cA-26.11 Reg 1 s4.

Forms of agreements

5 For the purposes of subsection 25(1) of the Act, an agreement with the Provincial Archives of Saskatchewan to receive and manage:

- (a) ministerial records of the President of the Executive Council must be substantially in Form A;
- (b) ministerial records of a minister of the Government of Saskatchewan other than the President of the Executive Council must be substantially in Form B;

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(c) public records of the Office of the Executive Council must be substantially in Form C; and

(d) Cabinet records must be substantially in Form D.

31 Jly 2015 cA-26.11 Reg 1 s5.

R.R.S. c.A-26.1 Reg 1 repealed

6 *The Archives Regulations* are repealed.

31 Jly 2015 cA-26.11 Reg 1 s6.

Coming into force

7(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Archives and Public Records Management Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Archives and Public Records Management Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

31 Jly 2015 cA-26.11 Reg 1 s7.

AppendixFORM A
[Clause 5(a)]**Ministerial Records – President of the Executive Council**

AGREEMENT DATED THE ____ DAY OF _____, 20 ____.

BETWEEN:

The Honourable _____
(the “Premier”)

– and –

The Provincial Archives of Saskatchewan
(the “Provincial Archives”)

WHEREAS the Provincial Archives is authorized pursuant to *The Archives and Public Records Management Act* to receive and manage ministerial records (the “Records”) in accordance with an approved records schedule and pursuant to a written agreement between the Provincial Archives and the Premier;

AND WHEREAS the Premier is the creator or custodian of certain Records relating to his or her activities as Premier of Saskatchewan;

AND WHEREAS the Premier recognizes that his or her Records are of provincial significance and should be preserved for reasons of accountability and for future use by the people of Saskatchewan;

AND WHEREAS the Premier wishes to transfer to the Provincial Archives the existing Records and any Records to be created in the future during his or her term(s) of office as Premier of Saskatchewan, subject to the restrictions on access to and use of the Records stipulated in this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the covenants, agreements and conditions contained in this agreement, the parties to this agreement promise, covenant and agree as follows:

1. In accordance with the approved records schedule, the Premier agrees to transfer and deliver the Records to the Provincial Archives, and the Provincial Archives agrees to accept receipt of the Records that have been transferred and delivered in the past and that may be transferred and delivered in the future from the Premier on the understanding, terms and conditions as follows:

- (a) the Records shall be permanently preserved and identified by the Provincial Archives as “The Honourable _____ Records”;
- (b) the Records shall remain closed to consultation or research for any purpose for a period of 25 years following the date of creation of the Records, except as set out in the following paragraphs;
- (c) the Premier or any third party authorized by the Premier, in writing, shall have access to the Records;

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(d) if the Premier is absent or unable to act, only the following parties shall be entitled to authorize a third party to access the Records:

- (i) while the Premier is alive, any individual designated by the Premier, in writing, to act on the Premier’s behalf in relation to the Records;
- (ii) an individual designated by the Premier, in writing, to act on the Premier’s behalf in relation to the Records after the Premier is deceased;
- (iii) the Provincial Archivist if the persons mentioned in subclauses (i) or (ii) cannot be located, are deceased, or are unable to act;

(e) the Provincial Archivist and staff have the right of confidential access to the Records for the purpose of arranging, classifying, boxing and storing the Records in accordance with standard archival principles and procedures, including procedures for the preservation of the Records.

2. At the expiration of the 25-year period following the creation of the Records, the Records shall be made available for use and research purposes in accordance with the policies and procedures that may be established by the Provincial Archives or its successors respecting the use of the Records in its possession.

IN WITNESS WHEREOF the parties have set their hand the day and year first above written.

SIGNED AND DELIVERED

In the presence of:

Witness



President of the Executive Council

PROVINCIAL ARCHIVES OF SASKATCHEWAN:

Chairperson of the Board of Directors

Provincial Archivist and Secretary

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FORM B
[Clause 5(b)]**Ministerial Records – Minister of the Government of Saskatchewan**

AGREEMENT DATED THE ____ DAY OF _____, 20 ____.

BETWEEN:

The Honourable _____
(the “Minister”)

– and –

The Provincial Archives of Saskatchewan
(the “Provincial Archives”)

WHEREAS the Provincial Archives is authorized pursuant to *The Archives and Public Records Management Act* to receive and manage ministerial records (the “Records”) in accordance with an approved records schedule and pursuant to a written agreement between the Provincial Archives and the Minister;

AND WHEREAS the Minister is the creator or custodian of certain Records relating to his or her activities as a member of the Executive Council;

AND WHEREAS the Minister recognizes that the Records are of provincial significance and should be preserved for reasons of accountability and for future use by the people of Saskatchewan;

AND WHEREAS the Minister wishes to transfer to the Provincial Archives the existing Records and any Records to be created in the future during his or her term(s) of office as Minister, subject to the restrictions on access to and use of the Records stipulated in this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the covenants, agreements and conditions contained in this agreement, the parties to this agreement promise, covenant and agree as follows:

1. In accordance with the approved records schedule, the Minister agrees to transfer and deliver the Records to the Provincial Archives, and the Provincial Archives agrees to accept receipt of the Records that have been transferred and delivered in the past and that may be transferred and delivered in the future from the Minister on the understanding, terms and conditions as follows:
 - (a) the Records shall be permanently preserved and identified by the Provincial Archives as “The Honourable _____ Records”;
 - (b) the Records shall remain closed to consultation or research for any purpose for a period of 25 years following the date of creation of the Records, except as set out in the following paragraphs;
 - (c) the Minister or any third party authorized by the Minister, in writing, shall have access to the Records;

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(d) if the Minister is absent or unable to act, only the following parties shall be entitled to authorize a third party to access the Records:

(i) while the Minister is alive, any individual designated by the Minister, in writing, to act on the Minister's behalf in relation to the Records;

(ii) an individual designated by the Minister, in writing, to act on the Minister's behalf in relation to the Records after the Minister is deceased;

(iii) the Provincial Archivist if the persons mentioned in subclauses (i) or (ii) cannot be located, are deceased, or are unable to act;

(f) the Provincial Archivist and staff have the right of confidential access to the Records for the purpose of arranging, classifying, boxing and storing the Records in accordance with standard archival principles and procedures, including procedures for the preservation of the Records.

2. At the expiration of the 25-year period following the creation of the Records, the Records shall be made available for use and research purposes in accordance with the policies and procedures that may be established by the Provincial Archives or its successors respecting the use of the Records in its possession.

IN WITNESS WHEREOF the parties have set their hand the day and year first above written.

SIGNED AND DELIVERED

In the presence of:

Witness

President of the Executive Council

PROVINCIAL ARCHIVES OF SASKATCHEWAN:

Chairperson of the Board of Directors

Provincial Archivist and Secretary

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FORM C
[Clause 5(c)]**Public Records - Office of the Executive Council**

AGREEMENT DATED THE ____ DAY OF _____, 20 ____.

BETWEEN:

The Honourable _____
(the "Premier")

– and –

The Provincial Archives of Saskatchewan
(the "Provincial Archives")

WHEREAS the Provincial Archives is authorized pursuant to *The Archives and Public Records Management Act* to receive and manage public records of the Office of the Executive Council (the "Records") in accordance with an approved records schedule and pursuant to a written agreement between the Provincial Archives and the Premier;

AND WHEREAS the Premier is the custodian of the Records relating to the activities of the Office of the Executive Council;

AND WHEREAS the Premier recognizes that the Records are of provincial significance and should be preserved for reasons of accountability and for future use by the people of Saskatchewan;

AND WHEREAS the Premier wishes to transfer to the Provincial Archives the existing Records and any Records to be created in the future during his or her term(s) of office as Premier of Saskatchewan, subject to the restrictions on access to and use of the Records as stipulated in this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the covenants, agreements and conditions contained in this agreement, the parties to this agreement promise, covenant and agree as follows:

In accordance with the approved records schedule, the Premier agrees to transfer and deliver the Records to the Provincial Archives, and the Provincial Archives agrees to accept receipt of the Records that have been transferred and delivered in the past and that may be transferred and delivered in the future from the Premier on the understanding, terms and conditions as follows:

- (a) the Records shall be permanently preserved and identified as "The Public Records of the Office of the Executive Council";
- (b) the Records shall be made available for use and research purposes in accordance with *The Freedom of Information and Protection of Privacy Act* and the policies and procedures that may be established by the Provincial Archives or its successors respecting the use of the Records in its possession;
- (c) the Provincial Archivist and staff have the right of confidential access to the Records for the purpose of arranging, classifying, boxing and storing the Records in accordance with standard archival principles and procedures, including procedures for the preservation of the Records.

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IN WITNESS WHEREOF the parties have set their hand the day and year first above written.

SIGNED AND DELIVERED

In the presence of:

Witness



President of the Executive Council

PROVINCIAL ARCHIVES OF SASKATCHEWAN:

Chairperson of the Board of Directors

Provincial Archivist and Secretary

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FORM D
[Clause 5(d)]
Cabinet Records

AGREEMENT DATED THE ____ DAY OF _____, 20 ____ .
BETWEEN:

The Honourable _____
(the "Premier")

– and –

The Provincial Archives of Saskatchewan
(the "Provincial Archives")

Whereas the Provincial Archives is authorized pursuant to *The Archives and Public Records Management Act* to receive and manage Cabinet records (the "Records") in accordance with an approved records schedule and pursuant to a written agreement between the Provincial Archives and the Premier;

AND WHEREAS the Premier is the custodian of the Records relating to the activities of Cabinet;

AND WHEREAS the Premier recognizes that the Records are of provincial significance and should be preserved for reasons of accountability and for future use by the people of Saskatchewan;

AND WHEREAS the Premier wishes to transfer to the Provincial Archives the existing Records and any Records to be created in the future during his or her term(s) of office as Premier of Saskatchewan, subject to the restrictions on access to and use of the Records stipulated in this agreement and as permitted by *The Freedom of Information and Protection of Privacy Act*;

NOW THEREFORE THIS AGREEMENT WITNESSES that, in consideration of the covenants, agreements and conditions contained in this agreement, the parties to this agreement promise, covenant and agree as follows:

1. In accordance with the approved records schedule, the Premier agrees to transfer and deliver the Records to the Provincial Archives, and the Provincial Archives agrees to accept receipt of the Records that have been transferred and delivered in the past and that may be transferred and delivered in the future from the Premier on the understanding, terms and conditions as follows:

- (a) the Records shall be permanently preserved and identified as "Cabinet Records";
- (b) the Records shall remain closed to consultation or research for any purpose for a period of 25 years following the date of creation of the Records, except as set out in the following paragraphs;
- (c) the Premier or any third party authorized by the Premier, in writing, shall have access to the Records;

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(d) if the Premier is absent or unable to act, only the following parties shall be entitled to authorize a third party to access the Records:

(i) while the Premier is alive, any individual designated by the Premier, in writing, to act on the Premier's behalf in relation to the Records;

(ii) an individual designated by the Premier, in writing, to act on the Premier's behalf in relation to the Records after the Premier is deceased;

(iii) the Provincial Archivist if the persons mentioned in subclauses (i) or (ii) cannot be located, are deceased, or are unable to act;

(e) the Provincial Archivist and staff have the right of confidential access to the Records for the purpose of arranging, classifying, boxing and storing the Records in accordance with standard archival principles and procedures, including procedures for the preservation of the Records.

2. At the expiration of the 25-year period following the creation of the Records, the Records shall be made available for use and research purposes in accordance with *The Freedom of Information and Protection of Privacy Act* and the policies and procedures that may hereafter be established by the Provincial Archives or its successors respecting the use of the Records in its possession.

IN WITNESS WHEREOF the parties have set their hand the day and year first above written.

SIGNED AND DELIVERED

In the presence of:

Witness

President of the Executive Council

PROVINCIAL ARCHIVES OF SASKATCHEWAN:

Chairperson of the Board of Directors

Provincial Archivist and Secretary

