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*Original in English, abstract in English, Italian and Slovenian, summary in English*

*The paper aims to draw the attention of archivists, records managers, paper conservationists of international archival institution, on the policy and practice in accessing classified and unclassified public archives at The Sabah State Archives with reference to the control of access and content guided by the Official Secrets Act 1972[Act 1988], Security Directive, No.07143(Restricted) and The Sabah State Records and Archives Enactment No. 7 2007. It also provided information guidelines for Malaysian and Non-Malaysians on how to go about accessing unclassified public archives at The Sabah State Archives. However, online access to the State Archives unclassified public archives is still in the pipeline. The paper also went on to explain the importance of preserving public archives for continuous access. By guaranteeing continued access, preservation is critical to public archives future. Its effectiveness largely depends on the type of preservation plan, policy and standards, disaster planning and security access, preservation reformatting strategies, technological obsolescence, storage, environmental control, training and education the State Archives undertake. Preservation becomes extremely important because preservation supports access. According to Arnoult (1995:17), the purpose of "preserving is not to preserve for pleasure", but it is done to ensure access. Access to public archives is no longer considered a privilege, nor a service demanded by users for their research purposes, but a right guaranteed by law for all citizens in Malaysia and The Sabah State Archives has been mandated under S.35, S.36 and S.6(n) of The Sabah State Records and Archives Enactment No.7 2007.*

## Access to Public Archives: Policy and Practice with Reference to the Control of Access and Content

### INTRODUCTION

First and foremost the words, *public archives and private records* need to be define for better comprehension as the definition varies in various archival institution globally. In the context of Sabah (formerly known as North Borneo) the word public archives and private records are defined accordingly under S.2(1) of the Sabah State Records and Archives Enactment 2007,

“public archives” means-

- (a) public records-
  - (i) which are more than twenty years old;
  - (ii) which are specified by the Director as being of archival value; or
  - (iii) which have been transferred to the State Records and Archives or such other place as the Director may from time to time direct;
- (b) any private records or other material which are specified by the Director as being of archival value acquired for the State Records and Archives by the Director; and

“private records” means records of individuals and records of any non-governmental agencies, institutions, organizations, or associations in the State of Sabah.

In Sabah, as early as in 1946, Brigadier General C.F.C. Macaskie gave the orders to search, acquire and preserve North Borneo archives including those of Brunei and Sarawak records. There was no mention in any of our primary resource records regarding access to these archival records even right up to when the North Borneo Central Archives (NBCA) was established in 1957. It was not until 1965, when the NBCA was placed under the care of the Sabah Museum, a government policy to access these records was established. Permission to gain access to the Archives for research purposes could only be granted by the State Secretary who would then direct the Museum Curator to supervise such research. The Curator will then notify the officer of the Cabinet and Constitution Division to open the archives storeroom for the researcher concerned.

In 1980, The State Archives Department was officially established under the Chief Minister’s Department. The State Archives

No.9 of 1980 Enactment was enacted and a provision in Part IV, Public Records S.10(1) on access of public to public archives was included. In 2007, this Enactment was repealed to pave way for a more comprehensive Enactment known as the Sabah State Records and Archives Enactment 2007. In this newly introduced Enactment, a director was appointed to undertake 25 roles and functions of the State Archives Department and one of its duty was to determine access and usage of public archives under S.6(n). Also included in the Enactment is a provision for access to public archives under S.35 and S.36 access to classified records. Hence, the birth of proper rules and regulation for access to unclassified and classified public archives with reference to existing government policies and acts enforced.

## ACCESS TO CLASSIFIED AND UNCLASSIFIED PUBLIC ARCHIVES

In the early 1970s, the Official Secrets Act 1972 (Akta Rahsia Rasmi 1972) and Security Directives, No.07143 (Arahan Keselamatan No.07143) was enforced. Under the Security Directives, Document Security was one of the topics mentioned and it authorizes all public offices albeit state or federal to classify their records according to categories - top secret, secret, confidential and restricted. Guidelines to these categories have been provided for immediate implementation.

Hence, access policies and practices to unclassified and classified public archives unfolds two separate approaches. Access to unclassified public archives at The Sabah State Archives Department are unlocked for reference only after it reaches maturity year of 20 years. As stated under S.35(1) of the Sabah State Records and Archives Enactment 2007, 'Subject to this Enactment and to the conditions under which they are made available to or deposited in the State Records and Archives, public archives shall be made available to the public after twenty years from the date of conclusion of the record or material forming the public archives or such period as the Director may prescribe.'

However, in some instances, access to unclassified public archives may be considered classified if it warrants so especially in the case of access to unclassified private records. It is subject to the privacy of every donor under the agreement made between the Government of the State of Sabah through The Sabah State Archives Department and each donor. S.35(3) of the Sabah State Records and Archives Enactment 2007, states that, 'the archives officer may make available to the members of the public, subject to such conditions, restrictions or procedure as may be prescribed, any public archives for reference, research or other purposes.'

On the other hand, access to classified records at the Sabah State Archives according to S.36(1) of the Sabah State Records and Archives Enactment 2007, cannot be made available for public reference except as provided under the Enactment. Unless otherwise under S.36(2) of the Sabah State Records and Archives Enactment 2007, the Director may permit a person to make reference to classified records if that person has obtained special authority in writing in that behalf from the administrative head of the office responsible for those classified records. Thereafter the archives officer may make

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*L'articolo vuole attirare l'attenzione di archivisti, gestori del flusso documentale e conservatori delle istituzioni archivistiche internazionali sulla politica e la pratica seguiti all'Archivio di stato di Sabah nell'accesso agli archivi pubblici riservati e non riservati, con particolare riferimento al controllo dell'accesso e del gradimento, così come stabilito dalla Legge sugli atti privati 1972 (Legge 1988), dalla Direttiva sulla sicurezza n. 07143 (riservato) e dal Decreto dei documenti e degli archivi dello stato di Sabah n. 7 2007. Vengono inoltre fornite informazioni a Malesi e non Malesi riguardo al come accedere agli archivi pubblici declassificati all'Archivio di stato di Sabah; l'accesso online a tali atti è tuttora in fase di costruzione. L'articolo vuole anche sottolineare l'importanza della conservazione degli archivi pubblici per l'accesso continuativo. Con il garantire accesso continuativo, la conservazione è essenziale per il futuro degli archivi pubblici. L'efficacia dipende in larga misura dal tipo di piano di conservazione, da politica e standard, piano anticalamità e da sicurezza, conservazione, riformattazione, obsolescenza tecnologica, deposito, controllo ambientale, formazione, che l'Archivio di stato intraprende. La conservazione diviene estremamente importante perché essa supporta l'accesso. Stante l'Arnoult (1995:17), scopo del "preservare non è preservare fine a se stesso", ma assicurare accesso. L'accesso agli archivi pubblici non è più considerato un privilegio, e neanche un servizio richiesto dall'utenza per scopi di ricerca, ma un diritto garantito a tutti i cittadini a termini di legge in Malesia, di ciò avendone l'Archivio di stato di Sabah mandato in forza dei paragrafi 35, 36 e 6(n) del decreto dei documenti e degli archivi dello stato di Sabah n. 7 2007.*

**MARQUEZ, Majella, Dostop do javnih arhivov: Teorija in praksa glede kontrole dostopa in soglasja o uporabi dokumentacije. Atlanti, Zv. 20, Trst 2010, str. 377-381.**

*Autorica v prispevku razpravlja o ciljih, ki jih morajo upoštevati arhivisti, arhivarji in ohranjevalci dokumentov, ki se nahajajo v mednarodnih arhivskih organizacijah in se nanašajo na prakso dostopanja tako do klasificirane kot tudi neklasificirane dokumentacije. Avtorica predstavlja izkušnje iz državnega arhiva v Sabathu (Malaja) in predstavlja načine in poti urejanja arhivskih dokumentov, predvsem pa se posveča varovanju in hrambi dokumentacije, ki je odvisna od načrta, od upoštevanja standardov, od naravnih in drugih nesreč, od zaščite, strategij o*

zaščiti, tehnoloških možnosti, prostorov za skladiščenje, vpliva okolja in od izobraževanja arhivistov. Ob koncu razpravlja še o pristopu do dokumentacije, ki je zanjo odločilnega pomena in navaja malajsko arhivsko zakonodajo, ki se nanaša na uporabo dokumentacije.

## SUMMARY

*It is evidently proven that almost all international archival institution do have their policies, procedures, rules and regulations in placed with regards to accessing their public archives and am pleased to mention that The Sabah State Archives is no exemption to it. The control of access and content of classified and unclassified public archives at The Sabah State Archives are subject to The Sabah State Records and Archives Enactment No. 7, 2007. the Official Secrets Act 1972[Act 1988] and Araban Keselamatan No.07143 (Restricted). These laws which are strictly implemented in all public and private sectors in Malaysia most especially Sabah, is essential to protect the security and safety of the nation and the citizens. Presently, The Sabah State Archives has an estimation of 10 million public archives in its custody. Only unclassified public archives are accessible to both Malaysians and Non-Malaysians who may wish to conduct their conventional search on paper based public archives at The Sabah State Archives. Online access to public archives is still in the pipeline. By guaranteeing continous access to public archives, the element of preservation towards our inherited heritage need serious attention and be given a priority since public records and public archives serves as an asset to our country. The relevant authorities need to play a vital role towards ascertaining the longevity of public records and public archives for better accountability, good governance and most of all for our future generation. "Who control the past controls the future and who controls the present controls the past." (Orwell 1965:38).*

available to the member of the public, subject to such conditions, restrictions or procedure as may be prescribed, any classified records for reference, research or other purposes as mentioned in S.36(4) of the Sabah State Records and Archives Enactment 2007. Access to classified records may take a longer period of more than 20 years as it requires to be declassified before public release under the existing government policies. As mentioned in S.7(1) of the Sabah State Records and Archives Enactment 2007, the power to review classified records lies solely to 'the Director who shall from time to time review or cause to be reviewed any classified records which are in the custody or under the control of the State Records and Archives'. The review, reclassification or declassification of any classified records shall be carried out in accordance with the Official Secrets Act 1972 [Act 88] as stated in S.7(3). However for the purpose of subsection(1) and subject to subsection(3) of S.7, 'the Director shall have the power to inspect and advise on the contents of any classified records and to reclassify or declassify those classified records which are in the custody or under the control of the State Records and Archives' as clearly stated in S.7(2) of the Sabah State Records and Archives Enactment 2007.

Classified records as defined in S.2 of the Sabah State Records and Archives Enactment 2007 means public records which are classified as official secret within the meaning of the Official Secrets Act 1972 [Act 88]. It is divided into top secret, secret, confidential and restricted.

Any persons who are caught making copies of or take extracts from any classified records except with the prior written permission of the administrative head of office responsible for the classified records commits an offense and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both. S36(7) of the Sabah State Records and Archives Enactment 2007 is referred. Prohibition against export is enforced. S.43 (1) of the Sabah State Records and Archives Enactment 2007 states that, 'No person, other than an archives officer, shall take or send out of Sabah any archives except-

- (a) with the prior written consent of the Director; and
- (b) in accordance with such terms and conditions as may be prescribed.

Any person who contravenes subsection (1) commits an offense as stated in S.43(2) and shall on conviction be liable to fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

The role of the Director of the Sabah State Archives Department is no easy task as he is the official custodian of public records and public archives and plays the dual role of protecting the integrity of archival records in our custody through preservation and providing access to unclassified public archives and classified records subject to privacy and the framework of the existing legislation. He is responsible and answerable to the Chief Minister of Sabah.

Under S.44 of the Sabah State Records and Archives Enactment 2007, the Chief Minister without prejudice may make regulations for all or any of the following purposes:

- S.2 (a) prescribing the procedure for the creation, classification and management of current public records;
- S.2 (b) prescribing the procedure for the review, classification, reclassification and declassification of any records which are in the custody or under the control of the State Records and Archives;
- S.2 (e) prescribing the procedure to be followed in relation to access to public archives and classified records;
- S.2 (f) prescribing the terms and conditions to be imposed on the usage, reproduction and publication of archives;
- S.2 (h) prescribing the terms and conditions to be imposed on the export of archives; and
- S.2 (k) prescribing any other matter which is required under the Enactment to be prescribed.

## HOW TO ACCESS UNCLASSIFIED PUBLIC ARCHIVES

Malaysian users who are interested in accessing unclassified public archives for search and research purposes are required to contact The Sabah State Archives Department through [www.sabah.gov.my/ark](http://www.sabah.gov.my/ark) or write to us at The Sabah State Archives, Km 4, Penampang Road, Locked Bag 2017, 88999 Kota Kinabalu, Sabah, MALAYSIA.

Meanwhile, non-Malaysian citizens intending to have access to unclassified public archives at The Sabah State Archives for the purpose of search and reference, need to write officially for approval to the Research and Internal Affairs Office, Chief Minister's Department, 4<sup>th</sup> Floor, Wisma Innoprise, Jln UMS, 88817 Kota Kinabalu, Sabah or contact their office through [www.sabah.gov.my/hdenp](http://www.sabah.gov.my/hdenp) or [Moktaryassin.Ajam@sabah.gov.my](mailto:Moktaryassin.Ajam@sabah.gov.my), Tel:088328000, 088328031 or Fax: 088328038

At the moment, The Sabah State Archives is in the planning stage to providing online Public Archives access to global users

## PRESERVATION OF PUBLIC ARCHIVES

Continued access to public archives at The Sabah State Archives will largely depend on how well the preservation aspect of public archives is managed. To ensure its long term access, The Sabah State Archives need to look into the overall preservation plan, policy and standards, preservation reformatting strategies and environment and disaster planning and security of records life-cycle which includes paper based textual records and electronic records.

Having taken these elements into consideration the Director of The Sabah State Archives on 12 March 2010, appointed officers and staff of the Sabah State Archives to be in the Security Management and Response Team (ANS-SMART). This team is divided into three groups respectively The Risk Team, The Emergency Team and The Health and Safety Team. The formation of these teams were aimed to identify, address and evaluate challenges encountered and one of them is the prevailing preservation aspect. The Risk Team and The Health and Safety Team submitted their findings and recommendations to the Director of the Sabah State Archives in June 2010. The one most key issue to undertake is to have a proper archival building according to international archival standards, then preserva-

tion issues can be totally resolve. A working paper on such request has been submitted in early November 2009 to be included under the 10<sup>th</sup> Malaysia Plan, 2011-2015. Two round table discussions were held on this matter. At the moment, we are waiting for a positive response from the Government of the State of Sabah which should be due in September 2010.

Meanwhile a contingent plan to digitize public archives was enforced and implemented last year April 2009 upon receiving a donated digital scanning machine, *copy ibook*, worth RM188,000.00 from the Cultural Grassroots Project from the Ministry of Foreign Affairs, Tokyo, Japan through the Consular of Japan for Sabah, Sarawak and Federal Territory Labuan. It aimed to improve preservation reformatting strategies in minimizing the risk of damage, loss, theft, dirty smudges and wear and tear of paper based public archives.

## CONCLUSION

As public archives, be it either in paper or electronic format, has become one of the most important asset to The Sabah State Archives and attention for public users, there is definitely a need to preserve and manage public archives as our heritage wholesomely to guarantee continued access for our present and future generation. By guaranteeing continued access, preservation is critical to public archives future. Its effectiveness largely depends on the type of preservation plan, policy and standards, disaster planning and security access, preservation reformatting strategies, technological obsolescence, storage, environmental control, training and education undertaken and how efficient the management of The Sabah State Archives will address these issues. Preservation becomes extremely important because preservation supports access. According to Arnoult(1995:17), the purpose of “preserving is not to preserve for pleasure”, but it is done to ensure access. Access to public archives is no longer considered a privilege, nor a service demanded by users for their research purposes, but a right guaranteed by law for all citizens in Malaysia and The Sabah State Archives has been mandated under S.35, S.36 and S.6(n) of The Sabah State Records and Archives Enactment No.7 2007.

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