

LAW N<sup>o</sup> 2024/001 OF 24 JUIL 2024

**TO REGULATE ARCHIVES IN CAMEROON**

PRESIDENCE DE LA REPUBLIQUE  
PRESIDENCY OF THE REPUBLIC  
SECRETARIAT GENERAL  
SERVICE DU FICHER LEGISLATIF ET REGLEMENTAIRE  
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE  
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*The Parliament deliberated and adopted,  
the President of the Republic hereby  
enacts the law set out below:*

# CHAPTER I GENERAL PROVISIONS

## I - PURPOSE

**SECTION 1:** This law regulates archives in Cameroon.

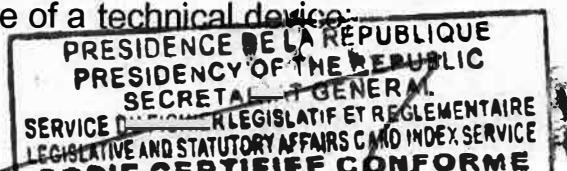
As such, it shall:

- organize the archiving and preservation of the archival heritage;
- organize the traceability, control and security of archives, from their creation to their final storage;
- foster professionalism in archiving and the empowerment of all those involved in the archival production chain;
- foster the inclusion of an archival culture in national development strategies;
- regulate economic archiving activities;
- ensure the financing of the development and modernization of the National Archives System;

## II - DEFINITIONS

**SECTION 2:** Within the meaning of this law and its implementing instruments, the following definitions shall apply:

1. **approval:** permission granted to a natural or legal person to provide archival services;
2. **archiving:** all the techniques, actions and means used to collect, classify, preserve and transfer documents throughout their life cycle, from their creation upstream within organizations to their disposal or entry into the National Archives System;
3. **electronic archiving:** any action aimed at identifying, collecting, classifying and storing information for subsequent consultation on an electronic medium for as long as necessary to fulfil legal obligations or to satisfy information needs;
4. **archives:** all documents, including data irrespective of their nature, date, oral or material form, medium or location created or received by any natural or legal person and by any public or private service or body in the course of its activities and preserved in the public interest, both for the purposes of managing and justifying the rights of natural or legal persons, whether public or private, and for historical purposes;
5. **audiovisual archives:** works containing reproducible images and/or sounds on a physical medium, the recording, transmission, perception and understanding of which require the use of a technical device;



6. **current records:** documents that are frequently used in the activities of the ministries, services, establishments or organizations that created or received them;
7. **electronic archives:** digital documents based on or resulting from a digitization process, produced by a natural or legal person within the framework of its activities;
8. **historical or permanent records:** documents which, after regular or occasional use, are preserved by virtue of their historical value;
9. **non-current records:** documents which, although no longer considered current records, cannot yet be disposed of or kept permanently by virtue of their administrative value or occasional use;
10. **oral archives:** documents made up of induced or spontaneous oral testimonies;
11. **pre-archiving centre:** entity that manages intermediate archives in public or private services and, regional and local authorities;
12. **filing:** physical process of ordering documents by placing them in the appropriate file. Additionally, it is the intellectual and physical arrangement of archival documents in files, and of files in an archive group, according to the principle of respect of archival groups, or chronological, geographical, numerical, alphabetical and subject criteria. It is also the practice of securing a private archive by giving it the legal status of a public archive;
13. **classification:** process where by archival documents are classified, that is declared confidential or non-disclosable, within the framework of the protection of national defence secrets;
14. **collection:** technical operation where by archival documents are transferred from production services to services in charge of their preservation;
15. **preservation:** set of technical operations aimed at ensuring the availability and durability of archival documents, as a preventive or remedial measure;
16. **archival control or scientific and technical control:** legal means used by the State to ensure the preservation of a high-quality national information heritage in the public interest. It covers the entire archival chain and relates to the conditions of management, collection, selection and disposal, as well as the processing, classification, preservation and communication of archives;
17. **disposition:** process whereby previously classified private archives are no longer considered public archives;
18. **declassification:** process by which archival documents are declassified and made freely available to the public;
19. **period of administrative use:** legal or practical storage period during which a document that can be used by the producing service or its replacement must be kept in its current state. At the end of such period, a decision is taken regarding its final processing;

20. **electronic documents:** documents stored on a digital medium requiring a machine for their consultation, created or received by a public or private body or by any natural or legal person in the exercise of its activities;
21. **data:** representation of raw facts, recorded information, figures, statements and characters or concepts in a form that can be processed by a computer to enable automatic analysis and/or retrieval of information;
22. **disposal:** controlled process of removing or destroying a file or set of files from the archive group to which they belong because they have no administrative use or historical interest;
23. **recording:** information medium whose content, including text, sound, images or video, can only be used on a computer;
24. **reliability:** character of a complete document that may be reused in subsequent activities;
25. **imprescriptibility:** characteristic of archives that cannot be erased or removed over time;
26. **inalienability:** characteristic of public archives that cannot be transferred or sold;
27. **unseizability:** characteristic of archives that cannot be seized;
28. **intangibility:** characteristic of archives that must be kept intact and unalterable;
29. **integrity:** characteristic of information that has not been destroyed, altered or modified in any way;
30. **interoperability:** capacity of different hardware, software or protocols to work together and share information;
31. **durability:** aptitude of information to span a period of time throughout its life cycle while remaining intact;
32. **producer:** any natural or legal, public or private person who, in the exercise of his activities or duties, creates, receives or keeps archives;
33. **final disposition:** destination of a document or set of documents at the end of their administrative life, as proposed in an archive table, which may be disposal, sorting or permanent storage;
34. **National Archives System:** set of institutions, actors and facilities for the production, processing, preservation, use and regulation of archives;
35. **processing:** procedures and operations for sorting, filing, describing, analysing, indexing and creating search aids;
36. **sorting:** process of separating those documents to be preserved for their historical or cultural interest from those to be discarded, following an evaluation of a set of documents;
37. **transfer:** physical and intellectual process whereby archives are moved from producing institution to repositories responsible for their preservation.

**CHAPTER II**  
**CLASSIFICATION OF ARCHIVES**

**I-PUBLIC ARCHIVES**

**SECTION 3:** public archives shall include:

- (a) documents emanating from the conduct of the business of the State, its agencies and regional and local authorities;
- (b) documents emanating from the activities of private bodies in charge of managing public services or, a public service mission;
- (c) documents relating to public hearings before any courts of any type, including audiovisual and sound recordings which are of interest for the creation of historical archives of the judicial system;
- (d) records and registers of public or ministerial officials.

**SECTION 4:** (1) Public archives shall be public property and form part of the national archival heritage and collective memory. As such, they shall be unseizable, inalienable, intangible and imprescriptible.

(2) No person may keep public archives without the right or authority to do so. Any natural or legal person holding public archives, in any capacity shall be required to return them immediately to the producer or to the public body responsible for the management of the National Archives System.

(3) The public body responsible for the management of the National Archives System may institute proceedings for the recovery or restitution of public archives before the competent court of first instance of the place where the archives are kept or where the holder is domiciled. Such action shall be imprescriptible.

(4) The conditions for implementing the provisions of Subsection (3) above shall be laid down by regulatory instrument.

**SECTION 5:** In the event of closure of a government service holding public archives, such archives shall be transferred to the body in charge of the National Archives System, save otherwise provided in the dissolution document.

**SECTION 6:** In the event of a change or division of a government service, the ensuing new institutions shall be bound to collaborate with the public body responsible for the management of the National Archives System to determine the fate of the archives of the former institution.



**SECTION 7:** (1) The archives of enterprises privatized prior to adoption of the privatization instrument, shall be transferred to the public body responsible for the management of the National Archives System.

(2) To ensure service continuity, some files may, after evaluation, be kept temporarily in the enterprise referred to in (1) above. At the end of the period of administrative use of such files, they shall be transferred to the public body responsible for the management of the National Archives System

## **II- PRIVATE ARCHIVES**

**SECTION 8:** (1) Private archives shall be documents created or received by natural or legal persons under private law, without a public mandate or outside the scope of a public service mission.

(2) The criteria for the identification and classification of private archives shall be laid down by regulatory instrument.

**SECTION 9:** (1) Private archives of historical interest may be classified as public archives.

(2) It shall be prohibited to destroy archives which have been or are being classified.

(3) The State shall have the right of first refusal on any private archival document offered for public sale.

**SECTION 10:** Where, during the initial inventory of the archival group, some documents are found to be of no historical interest, they may be declassified by agreement between the owner of the archival group and the public body responsible for the management of the National Archives System.

**SECTION 11:** The conditions for the classification and declassification of private archives shall be laid down by regulatory instrument.



**CHAPTER III**  
**ARCHIVING AND THE NATIONAL ARCHIVES SYSTEM**

**I- MANAGEMENT, COLLECTION, PRESERVATION**  
**AND PROTECTION OF ARCHIVES**

**SECTION 12:** The conditions for the organization and functioning of the public body responsible for the management of the National Archives System shall be laid down by regulatory instrument.

**SECTION 13:** The State, public establishments, public enterprises, regional and local authorities and the public body responsible for the management of the National Archives System shall carry out the collection, preservation and protection of records.

**SECTION 14:** (1) The legal persons referred to in Section 13, as well as private bodies entrusted with a public service mission, shall be required to establish a pre-archival service responsible for the preservation of active and inactive records, in conjunction with the public body responsible for the management of the National Archives System.

(2) The conditions for keeping and preserving active, intermediate and historical records shall be laid down by regulatory instrument.

**SECTION 15:** Upon the expiry of their period of active use, public records shall be selected in order to separate documents to be preserved from those of no administrative, legal, historical or scientific use, for disposal.

**SECTION 16:** (1) Archives relating to professional secrecy and the strategic interests of the State may be classified as confidential.

(2) The conditions for the classification, declassification and management of archives shall be laid down by regulatory instrument.

**SECTION 17:** The terms and conditions for the collection, sorting, processing, preservation and transfer of archives shall be laid down by regulatory instrument.

**SECTION 18:** The State shall ensure the protection of archives in the event of armed conflict.

**SECTION 19:** (1) The State, public establishments, public enterprises and regional and local authorities shall ensure the integrity, authenticity, accessibility, compliance with retention periods and security of electronic documents.



(2) The conditions for the management and preservation of electronic archives shall be laid down by regulatory instrument.

**SECTION 20:** In the event of an emergency, the public body responsible for the management of the National Archives System may refer the matter to the competent court in order to obtain measures to protect an endangered archival group.

## **II- DISCLOSURE OF ARCHIVES**

**SECTION 21:** (1) Public archives may be consulted at any time by any person who so requests.

(2) Notwithstanding the provisions of Subsection (1) above and subject to specific legal or regulatory provisions, or public policy measures, archives relating in particular to the following shall be open to the public only after 30 (thirty) years with effect from the date of closure of the file:

- confidentiality of the proceedings of the Government and of the executive, legislative and judicial branches;
- conduct of external relations;
- money and public credit;
- confidentiality of national affairs;
- investigation, by the competent services, of offences relating to economic crime;
- statistical confidentiality, save in the case of data relating to private facts and behaviour collected through questionnaires on private facts and behaviour;
- electoral records.

**SECTION 22:** The period of 30 (thirty) years provided for in Section 21 above shall be extended to:

- (a) 150 (one hundred and fifty) years from the date of birth of the data subject, for documents containing personal medical information;
- (b) 120 (one hundred and twenty) years from the date of birth of the data subject for personnel files;
- (c) 100 (one hundred) years from the date of the deed or closure of the file, the date of the census or survey, for documents relating to:
  - cases brought before the courts, including pardon decisions, records and lists of notaries, and civil status and registration registers;
  - documents for which the disclosure is likely to undermine the security of named or readily identifiable persons involved in intelligence activities, whether or not such documents have been classified;

- documents relating to investigations conducted by the Criminal Investigation Department, to cases brought before the courts, subject to separate provisions concerning court judgments and the enforcement of court decisions the disclosure of which undermine personal privacy.
  - documents containing individual information on personal and family life and, in general, on private facts and behaviour, collected within the framework of statistical surveys by government services;
- (d) 60 (sixty) years, with effect from the date of the deed, for documents containing information relating to:
- private life or concerning State security or national defence, the list of which shall be laid down by regulatory instrument ;
  - the fundamental interests of the State in the conduct of foreign policy;
  - public security, personal safety or protection of privacy;
  - the opinion or value judgement on a named or easily identifiable natural person, or which show the conduct of an individual in circumstances likely to be prejudicial to such individual;
  - security and defence system installations;
  - procedures for the use of war or similar equipment;
  - the operational procedures or technical capabilities of intelligence services;
  - transformational projects infrastructure;
  - administrative premises, diplomatic and consular missions and detention facilities, until the date of the end of use of the said facilities or parts thereof with similar characteristics, as established by a published deed.

**SECTION 23:** Public bodies that have transferred records may consult them during the retention period, insofar as it is necessary for the performance of their tasks.

**SECTION 24:** (1) The public body responsible for the management of the National Archives System may, on the recommendation of the government service or organization of origin of the archives concerned, authorize their consultation before the expiry of the time limits provided for in Section 22 above.

(2) Consultation of the archives referred to in Subsection (1) above shall not be subject to any restriction, unless expressly provided otherwise in the authorization document.

**SECTION 25:** (1) Every person shall have the right of access to his personal data held in archives, with the exception of classified archives.

(2) The right provided for in Subsection (1) above may be extended to the rightful claimants of the person concerned, after his or her death.

**SECTION 26:** Public archives shall be kept in a single file accessible for disclosure to the public.

**SECTION 27:** (1) Government services holding public archives shall be bound to transfer them to the public body responsible for the management of the National Archives System, subject to a special dispensation granted by decree of the President of the Republic.

(2) Pending the transfer provided for in Subsection (1) above, the repository services shall be bound to clearly indicate the restrictions attached to their free disclosure.

**SECTION 28:** (1) Copies and authentic extracts of records accessible to the public may be issued.

(2) The terms and conditions for the issuance of copies and authentic extracts of records shall be laid down by regulatory instrument.

**SECTION 29:** (1) In the event of a dispute, the production, by the public body responsible for managing the National Archives System, of a certified true copy of a document for which it is responsible, shall entitle the latter to be admitted as evidence just as the original of the said document.

(2) Where the dispute concerns the strategic interests of the State, the original of a document by the public body responsible for the management of the National Archives System for purposes of evidence must be produced by duly authorised sworn staffers.

(3) The staffer referred to in Subsection (2) above shall be responsible for the document until its return. He shall draw up a report at the end of his mission.

**SECTION 30:** (1) The release of records shall be subject to copyright and neighbouring rights.

(2) It shall exclude the reproduction, distribution or use of disclosed documents for commercial purposes.

(3) Any refusal to disclose documents must be justified by the institution holding the documents.

### **III -ARCHIVAL CONTROL**

**SECTION 31:** (1) The purpose of archival control shall be to ensure the proper preservation of the national archival heritage.



(2) Archival control shall relate to the collection, filing, preservation and access to archives.

**SECTION 32:** (1) Archival control shall be carried out by archival inspectors and controllers.

(2) Archival inspectors and controllers shall be criminal investigation officers with special powers. As such, they shall be responsible for determining offences relating to archives and for drawing up reports which shall be conclusive until proved otherwise.

**SECTION 33:** (1) Archival inspectors and controllers shall, throughout their career, take an oath before the High Court of the place where they are posted.

(2) The oath shall be worded as follows:

*"I swear to keep secret all information to which I may have access by virtue of my duties and not to publish, even after my duties have ceased, anything contrary to the law, regulations, public order, public morality, the honour of families and individuals, public safety and security".*

(3) A copy of the affidavit shall be kept in the administrative file of the person concerned.

(4) The staffer referred to in Subsection (1) above shall be bound by the obligation of reserve and professional secrecy.

**SECTION 34:** The conditions for exercising archival control shall be laid down by regulatory instrument.

#### **IV- ARCHIVE MANAGEMENT STAFF**

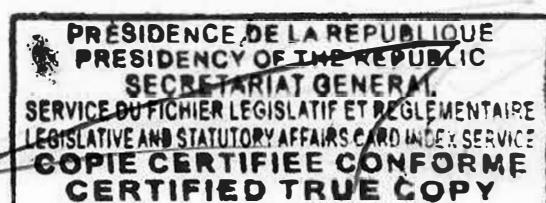
**SECTION 35:** (1) Specialized staff shall be responsible for the collection, processing and preservation of the archives of the State, public establishments, public enterprises and regional and local authorities.

(2) The staff referred to in Subsection (1) above shall take an oath, in accordance with Section 33 above.

#### **V -FINANCING OF THE NATIONAL ARCHIVES SYSTEM**

**SECTION 36:** A special fund shall be established to finance the development and modernization of archives.

**SECTION 37:** The following operations shall be eligible for financing by the Special Fund referred to in Section 36 above:



- research, training, management, preservation, protection and security of records;
- organization of the National Archives System;
- development and modernization of archival facilities nationwide;
- collection of State archives and data held by natural or legal persons;
- establishment of a public electronic archiving system for the long-term preservation of web, software and public data generated by all electronic transactions;
- classification of sensitive State data;
- any action aimed at repatriating displaced records.

**SECTION 38:** (1) The resources of the Special Fund shall be derived mainly from:

- the State budget and special allocations;
- contributions from regional and local authorities and other public, private or international bodies;
- a proportion of revenue from excise duties;
- a proportion of revenue from IT tax;
- a proportion of revenue from the special excise duty levied on the disposal of household waste;
- a proportion of the special levy of 1% (one percent) of the pre-tax turnover of telephone operators, satellite picture distributors and cable distributors;
- contributions from development partners;
- gifts and legacies;
- own resources likely to be generated;
- any other resources allocated by the State.

(2) The amount of the levy provided for on the resources referred to in Subsection (1) above shall be laid down by the Finance Law.

**SECTION 39:** The terms and conditions for the organization and functioning of the Special Fund provided for in Section 36 of this law shall be laid down by regulatory instrument.



## CHAPTER IV ESTABLISHMENT OF OFFENCES AND PENALTIES

### I -OFFENCES

**SECTION 40:** (1) Without prejudice to the recognized prerogatives of the Legal Department and general jurisdiction criminal investigation officers, archival inspectors and controllers with competence over archival control, shall be responsible for investigating and establishing offences related to archives.

(2) The officers referred to in Subsection 1 above shall, at the behest of the public body in charge of the National Archives System, take an oath before the territorially competent Court of First Instance.

**SECTION 41:** (1) The sworn officers referred to in Section 35 above shall perform their duties in accordance with the Criminal Procedure Code.

(2) The minutes drawn up and signed by the said officials shall be authentic until otherwise proven.

### II -OFFENCES AND PENALTIES

**SECTION 42:** (1) Whoever takes off, misappropriates, removes, alters or destroys an archival document, shall be punished with imprisonment of from 1 (one) year to 5 (five) years and a fine of from 10 000 (ten thousand) to 200 000 (two hundred thousand) CFA francs, pursuant to Section 188(1) of the Penal Code.

(2) Whoever being in possession of public archives by virtue of his duties, destroys or allows the destruction, misappropriation or removal of all or part of archives without the prior consent of the public body responsible for the management of the National Archives System, shall be punished with imprisonment of from 5 (five) years 10 (ten) years and a fine of from 25 000 (twenty-five thousand) to 200 000 (two hundred thousand) CFA francs, pursuant to Section 188(2) of the Penal Code.

(3) The penalties referred to in Subsection 2 above shall also apply to whoever being in possession of public records by virtue of his duties, destroys or allows the destruction, misappropriation or removal of all or part of archives without the prior consent of the public body responsible for the management of the National Archives System

**SECTION 43:** (1) Whoever without authority or authorization keeps, makes available, transcribes, publishes or reproduces a public archival document shall be punished with imprisonment of from 1 (one) year to 5 (five) years and a fine of from 10 000 (ten thousand) to 200 000 (two hundred thousand) CFA francs, pursuant to Section 188 (1) of the Penal Code.



(2) Any natural or legal person who carries or transports archives or their duplicates which may not be taken out of national territory shall be liable to the same penalties. The said archives or their duplicates shall be confiscated by the customs authorities.

(3) The confiscated archives or their duplicates shall be transferred to the public body in charge of managing the National Archives System, pursuant to the Law governing the heritage and relevant international conventions ratified by Cameroon.

**SECTION 44:** Whoever falsifies, forges or alters public archival documents shall be punished with imprisonment of from 5 (five) to 20 (twenty) years and a fine of from 40 000 (forty thousand) to 2 000 000 (two million) CFA francs, pursuant to the provisions of Section 205 of the Penal Code.

**SECTION 45:** Whoever transfers or discloses public archives containing industrial or commercial secrets with the aim of undermining national development shall be punished with imprisonment of from 6 (six) months to 2 (two) years and a fine of from 1 000 000 (one million) to 5 000 000 (five million) CFA francs, pursuant to the provisions of Section 224 of the Penal Code.

**SECTION 46:** Whoever violates professional secrecy or commercial secret of a national enterprise shall be punished with imprisonment of from 3 (three) months to 3 (three) years and a fine of from 20 000 (twenty thousand) to 5 000 000 (five million) CFA francs, pursuant to the provisions of Sections 310 and 311 of the Penal Code.

**SECTION 47:** (1) Any owner of private archives classified as historical archives who disposes of or destroys them shall be punished with imprisonment of from 5 (five) to 10 (ten) years and a fine of from 25 000 (twenty-five thousand) to 200 000 (two hundred thousand) CFA francs, pursuant to the provisions of Section 188(2) of the Penal Code.

(2) Any owner of private archives classified as historical archives who offers them for sale shall be liable to the same penalties.

**SECTION 48:** (1) Whoever refuses to transfer classified records to sworn officers appointed by the public body in charge of managing the National Archives System shall be punished with imprisonment of from 3 (three) months to 2 (two) years, pursuant to the provisions of Section 148 of the Penal Code.

(2) The same penalty shall apply to the following offences:

- refusal to present classified records or records to be classified;
- refusal to allow inspection and control mission officials access to archive repositories, or entities responsible for the management of archival documents;



- failure to take measures to protect archives at risk of damage or loss.

**SECTION 49:** The penalties referred to in Section 48 above shall be doubled for any official responsible for the management and preservation of archival documents.

**SECTION 50:** Whoever, following the termination of his duties, misappropriates or removes archival documents in his possession by virtue of his duties shall be punished with imprisonment of from 10 (ten) to 20 (twenty) years and a fine of from 20 000 000 (twenty million) to 100 000 000 (one hundred million) CFA francs.

**SECTION 51:** (1) Any private law institution that refuses to submit to the inspection of its archives shall be liable to a fine of from 10 000 000 (ten million) to 50 000 000 (fifty million) CFA francs.

(2) Refusal by any head of a public institution to submit to inspection shall be brought before the Public Service Disciplinary Board.

**SECTION 52:** (1) The following shall be liable to a fine of from 10 000 000 (ten million) to 50 000 000 (fifty million) CFA francs:

- any private law institution that fails to comply with the legal, regulatory and statutory prescriptions regarding the management of archives;
- any natural or moral person who illegally sells archives.

(2) Illegal income, if any, shall be confiscated and the archives that have been sold handed over to the public body responsible for the management of the National Archives System.

### **III - COMPROMISE**

**SECTION 53:** (1) The public body responsible for the management of the National Archives System may, upon request, reach compromise regarding violations of the provisions of this law.

(2) The compromise referred to in Subsection (1) above may be made either before or after the judgment, where it is proven to be in the interest of preserving a public record, or where such record is of historical, scientific or cultural interest.

**SECTION 54:** (1) Settlement must be in writing.

(2) Settlement shall extinguish public action and any litigation initiated by the administration.



**CHAPTER VI**  
**TRANSITIONAL AND FINAL PROVISIONS**

**SECTION 55:** The State and its agencies, as well as any other natural or legal person in possession of archives, or responsible for their collection, sorting, management, preservation, protection or disclosure, shall have a period of 18 (eighteen) months to comply with the provisions of this law.

**SECTION 56:** The conditions for the implementation of this law shall be defined, as and when necessary, by separate instruments.

**SECTION 57:** All previous provisions repugnant hereto, in particular those of Law No. 2000/10 of 19 December 2000 to regulate archives, are hereby repealed.

**SECTION 58:** This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-

PRESIDENCE DE LA REPUBLIQUE  
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SERVICE DU FICHIER LEGISLATIF ET REGLEMENTAIRE  
LEGISLATIVE AND STATUTORY AFFAIRS CARD INDEX SERVICE  
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YAOUNDE, 24 JUIL 2024



**PAUL BIYA**

**PRESIDENT OF THE REPUBLIC**