[No. 5]
[Approved December 8, 1955]
AN ACT
To establish a Program for the Preservation and Disposal of Public Documents.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—The public documents of Puerto Rico are at present suffering serious deterioration due to the action of the weather and the poor conditions characterizing their preservation and filing. The Commonwealth annually devotes considerable sums of money to supplying equipment and additional space for placing its archives in, but this effort alone is not enough for remedying a situation which is daily growing more and more difficult.

Aware of the magnitude of the problem, the Seventeenth Legislature of Puerto Rico, as a first step toward correcting the difficult situation existing, passed in its fourth regular session Act No. 378, of May 10, 1952, appropropriating to the Bureau of the Budget the sum of $27,000 for the carrying out of a survey on the preservation and filing of the documents and papers of the Government of Puerto Rico.

This legislatoral commitment now having been fulfilled, the Bureau of the Budget has recommended the passage of a public documents administration act for setting up a systematic program for the preservation of documents which, because of their historic, legal, administrative, or informational value, merit their being preserved for a long time yet, and for the elimination of such documents as not only lack any permanent value but have furthermore already lost all their administrative usefulness.

This law is enacted for the purpose of achieving such end and at the same time weeding useless documents out of thousands of file drawers and freeing thousands of cubic feet of space which represent an unnecessary expense to the Commonwealth.

Section 2.—This act shall be known as the Puerto Rico Public Documents Administration Act.
Section 3.—Definitions.

a. Document—The word document shall include any paper, book, pamphlet, photograph, photostat, film, map, drawing, plan, or any other item of record regardless of its physical form or characteristics. Publications and, also, bibliographical or museum material acquired for exposition, consultation, or other related purposes, are not included in the definition of the word document.

b. Public document—Any document which originates, or is kept or received in any dependency of the Commonwealth according to law or in relation with the management of public affairs and which is to be permanently or temporarily preserved as evidence of transactions or because of its administrative usefulness or informational legal value, as the case may be, or which is to be destroyed on the score of its lack of permanent value or administrative usefulness; and, also, a copy of every publication put out by government dependencies.

c. Private document—Any document not included in the foregoing definition.

d. Archives—The General Archives of Puerto Rico.

e. Archivist—The General Archivist of Puerto Rico.

f. Commonwealth—The Commonwealth of Puerto Rico, including its municipalities.

g. Dependency—Any executive department, municipality, public entity, board, or commission of the Commonwealth, and its divisions, bureaus, and offices.

h. Commission—The Archives Advisory Commission.

Section 4.—Administration of the Program for the Preservation and Disposal of Public Documents at the level of the three branches of the Government.

a. The Governor or his authorized representative (in the case of the Executive Branch and the corporate entities); the Chief Justice of the Supreme Court (in the case of the Judicial Branch); the President of the Senate (in the case of the Senate); the Speaker of the House (in the case of the House of Representatives); and the Controller (in the case of the Office of the Controller) are hereby empowered to administer within their respective jurisdictions the program for the preservation and disposal of public documents estable...
lished under this Act, subject to the provisions hereinafter set forth. 

b. Each of the officers designated in subdivision a of this section shall draft for the dependencies under his jurisdiction a set of rules and regulations which shall govern the Administration of the Program for the Preservation and Disposal of Public Documents and in which shall be set forth the provisions embodied in this section. Said rules and regulations shall be transmitted to the Legislature and shall be promulgated fifteen (15) days after such transmittal. 

c. The officers designated in subdivision a of this section shall require the heads of each dependency under their jurisdiction to strike an inventory of all the documents existing in their respective dependency except those going back to Spanish sovereignty and those that are more than fifty (50) years old, as to which the pertinent action is provided for elsewhere in this act. After the inventory is prepared, each dependency head shall carefully inspect the documents in his dependency, classifying them according to their nature and character, under the following categories:

(1) Documents covered by Commonwealth legislation or contract with federal dependencies or other entities or individuals donating funds to public programs in the Island and which entail obligation to preserve them with no time limit or for a fixed time.

These documents shall not be destroyed without express legal authorization nor unless the head of the dependency has previously, with the approval of the administrator of the jurisdiction to which the dependency belongs, ascertained the uselessness of such documents both for public purposes as well as for purposes of individual interest.

The administrative officers designated in subdivision a of this section 4 shall periodically make recommendations to the Legislature on this type of documents, pointing out, whenever they deem it pertinent to do so, the advisability of reducing the preservation period fixed by law.

y disposición de documentos públicos que se establece por virtud de esta ley, sujeto a lo que se dispone más adelante. 

b. Cada uno de los funcionarios mencionados en la Sección a de este artículo deberá redactar para las dependencias bajo su jurisdicción, un reglamento que gobernará la Administración del Programa de Conservación y Disposición de Documentos Públicos en el cual se consignarán las disposiciones contenidas en este artículo, y dicho reglamento será enviado a la Asamblea Legislativa y será promulgado a los quince (15) días después de su envío.

c. Los funcionarios mencionados en la Sección a de este artículo requerirán de cada uno de los jefes de dependencias bajo su jurisdicción que realicen un inventario de todos los documentos existentes en sus respectivas dependencias, con excepción de los documentos existentes bajo la soberanía española y los que tengan más de cincuenta (50) años de existencia, sobre los cuales se dispone la acción pertinente en otra parte de esta ley. Una vez preparado el inventario, cada jefe de dependencia deberá estudiar cuidadosamente los documentos de su dependencia, clasificándolos en razón de su naturaleza y carácter, en las siguientes categorías:

(1) Documentos cubiertos por legislación estatal o contrato con dependencias federales u otras entidades e individuos que donen fondos a programas públicos del país, que obliguen a conservarlos sin límite de tiempo o por tiempo determinado.

Estos documentos no podrán ser destruidos sin autorización expresa de ley, y sin que el jefe de la dependencia haya determinado previamente, con la aprobación del administrador de la jurisdicción a que pertenezca la dependencia, la inutilidad de tales documentos, tanto para fines públicos como para fines de interés particular.

Los funcionarios administradores mencionados en la Sección a de este Artículo 4 deberán periódicamente hacer recomendaciones a la Asamblea Legislativa sobre este tipo de documentos indicando, cuando así lo crean pertinente, la conveniencia de reducir el período de conservación fijado por ley.
(2) Documents of a fiscal nature or necessary for the examination and verification of fiscal accounts and operations.

The preservation period for these documents shall be established through rules which the Secretary of the Treasury shall prepare in consultation with the Controller. In the promulgating of these regulations, the Secretary of the Treasury shall take into account the contracts with federal dependencies or other entities or individuals donating funds to public programs in Puerto Rico and which require, for audit purposes, the preservation of fiscal documents relating to the operation of the program to which the contribution is made.

(3) Documents not included in categories (1) and (2) which must be preserved either for a fixed time or indefinitely because they constitute evidence of title to public or private property or because of any lawful reason which justifies or necessitates their preservation.

(4) Documents not included in categories (1), (2), and (3), but which, because of their administrative usefulness due to their daily use in the operations of the dependency, or because of the information they contain, are necessary for substantiating important events of the past or for use as reference in mapping future operations and laying out patterns for programs.

The preservation period for these documents shall be fixed by the head of the dependency, with the approval of the administrator of the jurisdiction to which the dependency belongs.

(5) Documents which, not being included in categories (1), (2), (3), and (4), are ready to be destroyed or transferred to the Archives hereinafter established, subject to the approval of the administrator of the jurisdiction to which the dependency belongs.

d. The officers designated in subdivision a of this section shall require the head of each dependency under their jurisdiction to prepare each year lists for the disposition to be made of documents in his dependency, following the provi-
sions of the preceding sections. The information supplied by these lists shall include at least the following:

1. Title of the document.
2. Description of the document, for the better identification of any whose title is not sufficiently explanatory.
3. Time for which the document shall be held pursuant to the provisions of subdivisions (1), (2), (3), and (4) of the preceding section.
4. A list of such documents as, pursuant to the provisions of subdivisions (1), (2), (3), (4), and (5) of the preceding section, are ready to be destroyed or transferred to the Archives.

e. As the officers designated in subdivision a of this section receive and approve the lists described under the preceding section, they shall in turn send a copy of such approved lists to the officer in charge of the Archives hereinafter established; and they shall refrain from taking any action until they receive from the said officer in charge of the Archives notice as to whether he is interested in any of the documents appearing in the list of those to be destroyed. The officer in charge of the Archives shall give such notice within a period of sixty (60) days. Documents so claimed shall be transferred to the Archives and the Archivist shall issue to the officers making the transfer a certificate of receipt.

Documents which are not claimed by the Archives shall be destroyed by the administrators of the Program for the Preservation and Disposal of Public Documents.

Section 5.—The General Archives of the Commonwealth of Puerto Rico is hereby established.

Section 6.—The Archives shall be the official depository of all public or private documents transferred to it under the provisions of this Act.

Section 7.—The Archives shall be administratively attached to the University of Puerto Rico, and its operation shall be subject to the supervision of the Chancellor or such person as the latter may especially appoint for the purpose.

Section 8.—The directing of the Archives shall be in the charge of the General Archivist, who shall be appointed by the
Chancellor of the University of Puerto Rico. The appointment of the said General Archivist shall be subject to the provisions of the Personnel Act.

Section 9.—For the purpose of coordinating the Archives with the various government dependencies and formulating the general rules which are to prevail for the Archives, there is hereby established an Archives Advisory Commission comprised of one representative of the Governor of Puerto Rico, one representative of the Chief Justice of the Supreme Court, one representative of the Legislature, and one representative of the Chancellor of the University of Puerto Rico, who shall be chairman ex officio of the Commission. The Archivist shall be the Permanent Secretary thereof.

The Commission shall meet in regular session once a year and in special session as often as the Chairman of the Commission deems proper or as the members of the Commission so request. The Commission shall prepare a set of rules and regulations which shall fix, among other things, the procedure to be followed for the disposal of documents in the possession of the Archivist if same should turn out to be useless, to be duplicate, or to be devoid of historical interest; if they more properly belong in some other dependency of the Government; or, if for any other like reason, they no longer merit being preserved in the General Archives of Puerto Rico.

Section 10.—The Archivist shall be responsible for the custody, preservation, and use of all the documents existing in the Archives.

Section 11.—The Archivist shall, subject to the availability of space in the archives, be authorized to require the transfer of the following documents:

a. All documents dating from the days of Spain sovereignty.

b. All documents more than fifty (50) years old, exclusive of those preserved in the files of the Notarial Archives and in the Registries of Property.

c. All public documents which have belonged to an agency no longer in existence, unless such documents have been transferred by law to another government dependency.

d. All public documents, regardless of their age, which, in the judgment of the administrators of the Program for

versidad de Puerto Rico. Su nombramiento estará sujeto a las disposiciones de la Ley de Personal.

Artículo 9.—Para la coordinación con las distintas dependencias del gobierno y formulación de normas generales que hayan de regir el Archivo, se establece una Comisión Asesora de Archivos compuesta por un representante del Gobernador de Puerto Rico, un representante del Presidente del Tribunal Supremo, un representante de la Asamblea Legislativa y un representante del Rector de la Universidad de Puerto Rico, quien será presidente ex officio de la Comisión. El Archivero será el Secretario Permanente de la misma.

La Comisión se reunirá una vez al año en sesión ordinaria y en sesión extraordinaria todas aquellas veces que lo crea conveniente el Presidente de la Comisión o lo soliciten los miembros de la misma. La Comisión preparará un Reglamento que fijará, entre otras cosas, el trámite a seguirse para disponer de documentos en poder del Archivero si los mismos resultasen inservibles, duplicados o carentes de interés histórico; si correspondieren mejor a otra dependencia del Gobierno o, si por cualquiera otra razón análoga, no se amerite su continuada conservación en el Archivo General de Puerto Rico.

Artículo 10.—El Archivero será responsable de la custodia, conservación y uso de todos los documentos existentes en el Archivo.

Artículo 11.—El Archivero, sujeto a la disponibilidad de espacio en el Archivo, estará autorizado para requerir el traslado de los siguientes documentos:

a. Toda documentación existente bajo la soberanía española.

b. Toda documentación que tenga más de cincuenta (50) años de existencia excluyendo la que se conserva en los archivos de Protocolos Notariales y en los Registros de la Propiedad.

c. Toda documentación pública que haya pertenecido a una agencia extinta, a menos que tales papeles hayan sido trasladados por ley a otra dependencia del gobierno.

d. Toda documentación pública, independiente de su antigüedad, que a juicio de los administradores del programa
the Preservation and Disposal of Public Documents, are
deeded to have lost their administrative usefulness.

Provided, however, that transfer to the Archives will not
proceed for the documents described in subdivisions (a) and (b)
of this section whenever the pertinent administrator of the
Program for the Preservation and Disposal of Public Documents
—as provided in section 4a—certifies in writing that the docu-
ments must remain in his custody for use in the current admini-
tration of the affairs of the dependencies under his jurisdiction.

Section 12.—The Archivist may accept for transfer to the
Archives those documents and manuscripts acquired from in-
dividuals by purchase or donation which he deems to be of
sufficient worth to justify their preservation.

Section 13.—The Archivist shall take steps toward trans-
ferring to the Archives documents which are found outside Puerto
Rico and which are of permanent interest with relation to the
history of Puerto Rico; provided, that in the event that it is
impossible to obtain the original document, the same can be
substituted by photostats, microfilms, reproductions, or any
other copy or excerpt of the documents interested.

Section 14.—The Archives shall have funds for:

a. The preservation of documents and manuscripts by
modern methods, such as: a vacuum fumigating chamber,
a rolling press, bookbinding equipment, a photographic
laboratory, and any other equipment necessary for such
work.

b. The arrangement of the documents and manuscripts
deposited in the Archives, and the preparation of inventories
and other guides or particularizations necessary for readily
locating the said documents and manuscripts.

c. The reproducing, publishing, and exhibiting of docu-
ments and manuscripts worthy thereof.

d. Making the documents available for the use of Govern-
ment employees and the general public, through the promul-
gation of rules for the purpose.

Section 15.—General Provisions:

a. Government offices shall send to the Archives two
(2) copies of every report, bulletin, magazine, booklet or

of conservación y disposición de documentos públicos se con-
sidera haya perdido su utilidad administrativa.

Disponiéndose, sin embargo, que el traslado al Archivo no
procederá para los documentos descritos en los párrafos (a) y
(b), cuando el Administrador del Programa de Conservación y
Disposición de Documentos Públicos que corresponda—según se
dispuso en el Artículo 4a—certifique por escrito que los docu-
mentos deben quedar bajo su custodia para usarse en la admini-
nistración corriente de los asuntos de las dependencias bajo su
jurisdicción.

Artículo 12.—El Archivero podrá aceptar el traslado al Ar-
chivo de documentos y manuscritos adquiridos, por compra o do-
nación, de particulares, que considere sean de suficiente valor
para justificar su preservación.

Artículo 13.—El Archivero gestionará el traslado al Archivo
de los documentos de interés permanente relacionados con la his-
toria de Puerto Rico que pudieran encontrarse en el exterior,
 disponiéndose que en el caso de que no sea posible obtener el
documento original pueda substituirse por fotostatos, micro-
películas, reproducciones o cualquier otra copia o síntesis de
la documentación que se interesa.

Artículo 14.—El Archivo contará con los recursos para:

a. La preservación de documentos y manuscritos por me-
dio de métodos modernos, tales como: cámara de fumiga-
tión al vacío, máquina de laminación, equipo de encuaderna-
ción, laboratorio fotográfico y cualquier otro equipo necesario
para estos trabajos.

b. La organización de los documentos y manuscritos depo-
sitados en el Archivo, la preparación de inventarios y otras
 guías o descripciones necesarias a fin de localizar con facili-
tad los documentos.

c. La reproducción, publicación y exhibición de los docu-
mentos y manuscritos que así lo ameriten.

d. El uso de los documentos por los empleados del Go-
bierno y público en general, mediante la promulgación de
reglamentos al efecto.

Artículo 15.—Disposiciones Generales:

a. Las oficinas gubernamentales remitirán al Archivo dos
(2) copias o ejemplares de toda información, boletín, revista
book published by and circulated in the Government, one copy of which the Archivist shall send to the Puerto Rican Collection of the University of Puerto Rico Library for the use of readers.

b. Reproductions of documents forming a part of the Archives which are made pursuant to the standards established by the Advisory Commission and certified by the Archivist, shall be admitted in evidence as though they were the originals.

c. The University shall, upon accepting the donation of any document not of a public nature, obtain from the donor a waiver of any copyright the donor may hold, and, in the event that the donor is a third person, shall take all suitable measures for precluding copyright violation.

d. The officer in charge of the Archives is in duty bound, and is hereby authorized, to certify and issue copies of those documents entrusted to his custody of which it is impossible to obtain reproductions.

e. The Archivist shall, for the certifying of documents, have his official seal, of which the courts shall take judicial notice.

f. No document appertaining to any branch, entity, or dependency of the Commonwealth shall be destroyed, transferred, or disposed of except in conformity with the provisions of this Act.

Section 16.—The sum of fifty thousand (50,000) dollars is hereby appropriated for the installation and equipping of, and the acquisition of supplies for, the Archives, and for the operation thereof during the fiscal year 1955–56; and for succeeding years its expenses shall be defrayed from the funds appropriated to the University of Puerto Rico in the operating budget act.

Section 17.—This act shall take effect July 1, 1955.

Approved December 8, 1955.