

SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON RECORD MANAGEMENT

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Amendment of Other Laws No. 6851, Mar. 22, 2018
Amendment of Other Laws No. 7156, May. 16, 2019
Partial Amendment No. 7390, Dec. 31, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
Partial Amendment No. 7804, Dec. 31, 2020
Amendment of Other Laws No. 8530, Dec. 30, 2022
Amendment of Other Laws No. 8862, Jul. 24, 2023
Partial Amendment No. 8877, Oct. 04, 2023

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONS The purpose of this Ordinance is to prescribe the matters necessary for the management of records for the safekeeping and efficient utilization of the records of the Seoul Metropolitan Government and the realization of transparent and responsible municipal administration under the Act on the Management of Public Records.

Article 2 (Definition of Terms)

The definitions of the terms used in this Ordinance shall be as follows: <Amended on Dec. 31, 2019; Dec. 31, 2020; Dec. 30, 2022>

1. "Records" refers to all forms of archival information and data and documentary art records such as documents, books, ledgers, cards, drawings, audiovisual materials and electronic documents created or received by the Seoul Metropolitan Government (referring to its main office, agencies under its direct control, places of business, or collegiate administrative agencies; hereinafter referred to as the "City") or a public institution under its jurisdiction (referring to a public institution under subparagraph 2 of Article 3 of the Enforcement Decree of that Act; hereinafter the same shall apply) in relation to their affairs under subparagraph 2 of Article 3 of the Public Records Management Act (hereinafter referred to as the "Act").
2. "Record management" refers to the creation, classification, arrangement, transfer, collection, evaluation, recording, discarding, preservation, disclosure, and utilization of records, and all affairs incidental thereto, as provided under subparagraph 3 of Article 3 of the said Act.
3. "Seoul Metropolitan Archives" refers to an institution responsible for the acceptance and permanent preservation of administrative records and the collection, management, and utilization of private records upon being equipped with the facilities and equipment needed to preserve records permanently, and upon being staffed with specialists who are able to operate such facilities and equipment.
4. "Record repository" refers to an institution that performs management duties upon being equipped with the facilities, equipment, etc. necessary for the organized preservation and management, and the efficient utilization, of records, and upon being staffed with specialists who are able to operate such facilities and equipment, as provided under Article 13 of the Act.
5. "Private records" refers to high-value archival information and data created and obtained by individuals and organizations, that pertain historically, culturally, or socially to the City and have high preservation value, or pertain to the City in such fields as politics, economy, society, culture, science and technology, or sport and athletics.

Article 2-2 (Scope of City-Invested or -Funded Institutions)

"An institution prescribed by ordinance" under subparagraph 3 of Article 3 of the Enforcement Decree of the Public Records Management Act (hereinafter referred to as the "Decree") refers to an institution invested in or funded by the City under Article 2 of the Seoul Metropolitan Government Ordinance on the Operation of Invested or Funded Institutions: Provided, however, that City-invested institutions in which the city has less than a 50/100 stake shall be excluded.

[This Article added on Dec. 31, 2020]

Article 3 (Principles of Record Management)

- (1) Records shall be managed according to the standards and procedures prescribed in this Ordinance so as to guarantee their authenticity, integrity, reliability, and availability under Article 5 of the said Act, and shall comply with the Korean Industrial Standards under Article 12 of the Industrial Standardization Act.
- (2) The Seoul Metropolitan City Mayor (hereinafter referred to as the "Mayor") shall formulate and implement record management policies and procedures under paragraph (1), and document and manage the results accordingly. <Amended on Dec. 31, 2019>
- (3) The Mayor shall ensure that records are created and managed electronically, and shall formulate and implement plans for the digitization of records in order to electronically manage and utilize records that are not created in an electronic form.

(4) The Mayor shall identify the current state of private records, and formulate and implement policies necessary for the organized and continuous management of private records. <Added on Dec. 31, 2020>

[Moved from the former Article 4; the former Article 3 has been deleted <Dec. 31, 2019>]

Article 4 (Collection and Preservation of Private Records)

(1) The Mayor may take measures necessary for the collection or preservation of private records. <Amended on Dec. 31, 2020>

(2) The collection of private records in the form of a voluntary donation by the owner or manager thereof shall be encouraged as the first priority: Provided, however, that where a donation cannot be made despite the necessity for preservation, or where the owner or manager does not wish to donate private records, the Mayor may collect them by means such as producing duplicates or copies thereof. <Amended on Dec. 31, 2020>

(3) Matters necessary for the procedures and standards, etc. concerning the collection and preservation of private records shall be determined by the relevant rules. <Amended on Dec. 31, 2020>

[This Article added on Dec. 31, 2019]

[The former Article 4 has been moved to Article 3 <Dec. 31, 2019>]

Article 5 (Connection and Cooperation with Other Institutions)

The Mayor may connect to and cooperate with other record management institutions and related agencies to ensure the efficient management of records.

[This Article added on Dec. 31, 2019]

[The former Article 5 has been moved to Article 7 <Dec. 31, 2019>]

Article 6 (Commendations)

The Mayor may issue commendations to individuals, corporations, organizations, and public officials, etc. who have contributed to developments in the field of record management, pursuant to the Seoul Metropolitan Government Commendation Ordinance.

[This Article added on Dec. 31, 2019]

[The former Article 6 has been moved to Article 8 <Dec. 31, 2019>]

CHAPTER II ESTABLISHMENT AND OPERATION OF THE SEOUL METROPOLITAN ARCHIVES <Added on Dec. 31, 2019>

Article 7 (Establishment of the Seoul Metropolitan Archives)

CHAPTER II ESTABLISHMENT AND OPERATION OF THE SEOUL METROPOLITAN ARCHIVES <Added on Dec. 31, 2019>(1)

The Mayor shall establish and operate the Seoul Metropolitan Archives (hereinafter the "Seoul Archives") for the permanent preservation and management of records as provided under Article 11 of the Act. <Amended on May 16, 2019>

(2) The head of the Seoul Archives shall take charge of the affairs under his or her jurisdiction at the direction of the Mayor, and shall direct and oversee the employees. <Amended on May 16, 2019>

[Title Amended on May 16, 2019]

[Moved from the former Article 5; the former Article 7 has been moved to Article 10 <Dec. 31, 2019>]

Article 8 (Functions of the Seoul Metropolitan Archives)

The Seoul Archives shall perform the following duties: <Amended on Dec. 31, 2019; Dec. 31, 2020>

1. Formulation and implementation of master plans concerning the records of the City, public institutions under its jurisdiction, autonomous Gu's, and the Office of Education (referring to situations in which records under its jurisdiction must be transferred to the Seoul Archives pursuant to the latter part of Article 11 (2) and the latter part of paragraph (3); hereinafter the same shall apply in this Article);
2. Management of the records of the City, public institutions under its jurisdiction, autonomous Gu's, and the Office of Education, and the compilation and management of statistics concerning records management;
3. Provision of guidance, supervision, and support for management of the records of the City, public institutions under its jurisdiction, autonomous Gu's, and the Office of Education: Provided, however, that its role shall be limited to guidance for autonomous Gu's and the Office of Education;
4. Mutual utilization of records and sharing of duties related to the preservation of records in cooperation with the Central Records Management Agency;
5. Education and training on management of the records of the City, public institutions under its jurisdiction, autonomous Gu's, and

the Office of Education;

6. Connection and collaboration with other records management institutions;

7. Other matters concerning the management of records.

[Moved from Article 6; the former Article 8 has been moved to Article 11 <Dec. 31, 2019>]

Article 9 (Opening, Closure, and Hours of Operation)

(1) The Seoul Archives shall open every day, except on the following closure dates, and shall display records and exhibits to the general public:

1. January 1, Lunar New Year's Day, and Chuseok;

2. Every Monday (Provided, however, that if a public holiday, other than those specified in subparagraph 1 of paragraph (1) under Article 2 of the Regulations on Public Holidays of Government Offices, falls on a Monday, the following day shall be the closure date);

3. When otherwise deemed necessary by the Mayor;

(2) The hours of operation of the Seoul Archives shall be from 9 o'clock (09:00 AM) in the morning to 6 o'clock (18:00 PM) in the afternoon: Provided, however, that the head of the Seoul Archives may separately determine the hours of operation for the reading rooms and exhibit rooms.

[This Article added on Dec. 31, 2019]

[The former Article 9 has been moved to Article 18<2019.12.31>]

Article 10 (Records Subject to Management)

(1) Seoul Archives shall manage the following records after acquiring them by transfer or collection: <Amended on Dec. 31, 2019; Dec. 31, 2020>

1. Important records created by the City with a period of preservation of at least 30 years;

2. Records with a period of preservation of at least 30 years at a public institution under its jurisdiction, an autonomous Gu that has not established a permanent records management institution, or the Office of Education;

3. Private records collected and preserved under Article 4;

4. Other records that must be managed by the Seoul Archives by law.

(2) Deleted <Dec. 31, 2019>

[Moved from Article 7; the former Article 10 has been moved to Article 19 <Dec. 31, 2019>]

Article 11 (Operation of Public Amenities)

The Seoul Archives may operate reading, exhibit, culture, and educational programs to promote transparent municipal administration and to facilitate the sharing of, and conduct public relations concerning, the value of municipal records.

[Moved from Article 8; the former Article 11 has been moved to Article 20 <Dec. 31, 2019>]

CHAPTER III SEOUL RECORDS MANAGEMENT COMMITTEE <Added on Dec. 31, 2019>

Article 12 (Establishment and Operation of the Seoul Records Management Committee)

CHAPTER III SEOUL RECORDS MANAGEMENT COMMITTEE <Added on Dec. 31, 2019>The Mayor may establish the Seoul Records Management Committee (hereinafter referred to as the "Committee") to deliberate or advise on the following matters for the permanent preservation and management of records:

1. Formulation of the framework policy for the permanent preservation and management of records;

2. Matters concerning the operation of the Seoul Archives;

3. Matters concerning the collection and preservation of private records;

4. Other matters deemed necessary by the Mayor in connection with records management.

[This Article added on Dec. 31, 2019]

[The former Article 12 has been moved to Article 21 <Dec. 31, 2019>]

Article 13 (Composition of the Committee)

(1) The Committee shall be composed of 10 or fewer members including one each of the Chairperson and the Vice-Chairperson; and the proportion of members of one gender shall not exceed 6/10 of the commissioned members, pursuant to the main clause of Article 21 (2) of the Framework Act on Gender Equality: Provided, however, that the same shall not apply under the proviso of the same paragraph, where it is found that there is an unavoidable cause such as a lack of experts of a certain gender in a given field,

and the matter undergoes a resolution of the Gender Equality Working-Level Committee.

(2) The Chairperson and the Vice-Chairperson shall be elected by and from among the members.

(3) The head of the Seoul Archives and the head of the record repository under Article 18 (1) shall serve as ex officio members of the Committee, while the Mayor shall commission members from among the following persons:

1. A person who has extensive knowledge and experience in records management;
2. An employee of an institution or organization relevant to records management, or a person engaged in records management;
3. Another person whose advice is deemed necessary by the Mayor.

[This Article added on Dec. 31, 2019]

[The former Article 13 has been moved to Article 22 <Dec. 31, 2019>]

Article 14 (Operation of the Committee)

(1) A meeting of the Committee shall be convened by the Chairperson when deemed necessary by the Chairperson or when requested by at least 1/3 of the members on the register.

(2) A meeting of the Committee shall be opened by the attendance of the majority of the members on the register, and shall make a resolution by the affirmative vote of a majority of the attending members.

(3) Members shall not participate in the deliberation of an agenda in which they have an interest.

(4) Matters concerning the operation of the Committee and the payment of compensation, etc., other than those determined by this Ordinance, shall be governed by the Seoul Metropolitan Government Ordinance on the Establishment and Operation of Various Committees and the Seoul Metropolitan Government Ordinance on the Payment of Committee Compensation and Travel Costs.

[This Article added on Dec. 31, 2019]

[The former Article 14 has been moved to Article 23 <Dec. 31, 2019>]

Article 15 (Committee Term of Office)

(1) A member's term of office shall be two years, and may be renewed once: Provided, however, that the term of office of a member newly commissioned due to the resignation of a former member, etc. shall be the remainder of the replaced member's term, while the term of office of a public official member shall be the period during which he or she serves in that position.

(2) Under Article 8-2 of the Seoul Metropolitan Government Ordinance on the Establishment and Operation of Various Committees, the Mayor may dismiss a member before the member's term of office expires. <Amended on Jul. 24, 2023>

[This Article added on Dec. 31, 2019]

[The former Article 15 has been moved to Article 24 <Dec. 31, 2019>]

Article 16 (Duties of the Chairperson, Etc.)

(1) The Chairperson shall represent the Committee and oversee the work of the Committee.

(2) The Vice-Chairperson shall assist the Chairperson, and perform the Chairperson's duties by proxy in the event that the Chairperson is unable to do so for an unavoidable cause.

[This Article added on Dec. 31, 2019]

Article 17 (Duration of the Committee)

The duration of the Committee shall be until Dec. 31, 2027. <Amended on Oct. 4, 2023>

[This Article added on Dec. 31, 2019]

CHAPTER IV THE MANAGEMENT OF RECORDS<Added on Dec. 31, 2019>

Article 18 (Establishment and Operation of Record Repositories)

CHAPTER IV THE MANAGEMENT OF RECORDS<Added on Dec. 31, 2019>(1) The Mayor shall establish and operate a record repository under Article 13 of the Act and Article 10 of the Decree, and the head of the records management department shall serve as the head of the record repository (hereinafter referred to as the "repository head"): Provided, however, that the University of Seoul, though an affiliated institution, shall establish a separate record repository and enact and implement regulations on record management. <Amended on Dec. 31, 2019; Dec. 31, 2020>

(2) The repository head shall oversee the duties provided under Article 19. <Amended on Dec. 30, 2022>

(3) For the efficient performance of record management duties, the Mayor shall employ specialists in record management (hereinafter referred to as "specialists") and other experts necessary for performing record management services such as preservation services.

(4) To ensure the efficient performance of record management services, the head of the processing division shall appoint an officer to take charge of record management and perform record management services in compliance with the record management standards. <Enacted on Dec. 30, 2022>

[Moved from Article 9 <Dec. 31, 2019>]

Article 19 (Duties of the Repository Head)

(1) The repository head shall perform duties pertaining to the following matters:

1. Formulation and implementation of a master plan for record management;
2. The collection, management, and utilization of records under jurisdiction;
3. Management of records management standard tables;
4. Collation of the current status of the creation of records and notification of permanent record management institutions thereof;
5. Transfer of records with a period of preservation of at least 30 years to permanent record management institutions;
6. Collection, registration, and management of unregistered records;
7. Operation of the Records Evaluation Council and management of the destruction of records;
8. Reclassification of confidential records under jurisdiction for disclosure;
9. Management of record libraries and record exhibit halls;
10. Other matters, etc. deemed necessary by the Mayor.

(2) Detailed division of duties for the subparagraphs of paragraph (1) shall be determined by the repository head.

[Moved from Article 10 <Dec. 31, 2019>]

Article 20 (Subjects of Documentation and Record Management)

(1) Pursuant to Article 16 of the Decree, the Mayor shall record and manage the following matters performed by the affiliated departments and institutions: <Amended on Dec. 31, 2020>

1. Records of officially approved or received records, details of modifications and history in the approval process, reported matters in the process of services performed, matters for review, etc.
2. Substance and results of surveys, research, or reviews from the process of implementing major policies, projects, etc.; minutes, audiovisual records, etc.
3. Records concerning work activities performed by the Mayor, Vice Mayors, and the heads of affiliated institutions;
4. Other records deemed necessary by the Mayor to be managed as records;

(2) The Mayoral records in subparagraph 3 of paragraph (1) refer to the following records and commodities created or received and held in connection with the performance of official duties: <Amended on Dec. 31, 2019>

1. Records of the Mayor conceiving of and directly drafting policies or directing such, and records of the reception of reports (proposals);
2. The Mayor's speeches, messages, schedules, event records, etc.;
3. Mayoral symbols with preservation value (referring to commodities and documentary art records);
4. Other records of the Mayor's international exchange activities, etc.

(3) The Mayor shall document and manage the substance and results of the surveys, research, or review under Articles 17 to 19 of the Decree, and the standards for creating, registering, and managing audiovisual records. <Amended on Dec. 31, 2020>

[Moved from Article 11 <Dec. 31, 2019>]

Article 21 (Utilization of Records)

(1) For the disclosure and convenient perusal of records preserved by the City, the Mayor shall organize, describe, and compile records, and take measures for the standardization of classification systems and digital management systems. <Amended on Dec. 31, 2019>

(2) Operational methods for the perusal and loan of records shall be determined by the relevant rules.

[Moved from Article 12 <Dec. 31, 2019>]

Article 22 (Seoul Archival Culture Hall)

(1) The Mayor may establish and operate the Seoul Archival Culture Hall to handle the exhibition of, and public relations concerning, important municipal administration records.

(2) The Seoul Archival Culture Hall shall perform the following services: <Amended on March 22, 2018>

1. Exhibition of, and public relations concerning, the City's history of administrative changes and various important records;
2. Provision of perusal services for important municipal administration documents;
3. Operation of public participation programs such as field trips, education, and experience programs;
4. Loans and exhibition by entrustment of other public and private records.

(3) The opening hours and closure dates of the Seoul Archival Culture Hall may be operated under Articles 3 and 4 of the Regulations on the Operation of Seoul Libraries.

[Moved from Article 13 <Dec. 31, 2019>]

Article 23 (Record Management Procedures, Etc.)

Matters concerning the management of records such as the production, preservation, transfer, and destruction of records shall be handled pursuant to the Act, the Decree, and the Enforcement Rule of the Act, while matters concerning other detailed operations, procedures, etc. shall be prescribed by the relevant rules. <Amended on Dec. 31, 2019>

[Moved from Article 14 <Dec. 31, 2019>]

Article 24 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by the rules of the Seoul Government.

[Moved from Article 15 <Dec. 31, 2019>]

Addendum <No. 8877, Oct. 4, 2023>

This Ordinance shall enter into force on Jan. 1, 2024.