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**Answers to follow up questions to the Parties on
their responses to the AIG's questionnaire on
document management and preservation**

Dear group members,

Thank you for the opportunity to answer the follow up questions of the working group's questionnaire. We hope you find our explanations useful. Please find our answers as follows.

1) Please specify the main criteria set out in law or regulatory framework on the storage of official documents held by public authorities on which there is no obligation to transfer to national/state archives as well as official documents that are evaluated to be transferred to national/state archives (e.g. technical requirements for storage, requirements concerning access, requirements concerning protection). Please specify if different criteria apply to paper documents and electronic documents.

The same information governance and records management requirements apply to all documents, regardless of whether they have archival value or will eventually be destroyed. The general requirements for the storage of official documents are set out in the Estonian **Archives Act**¹, the Government Regulation "**Basics of Service Design and Information Governance**"² (*Teenuste korraldamise ja teabehalduse alused*), and the Government Regulation "**Archives Regulation**" (*Arhiivieeskiri*)³.

Public authorities manage all records as part of a single records system and retention framework based on their records classification scheme. The classification scheme reflects both the retention period and whether records are to be transferred to the National Archives or destroyed after expiry of the retention period (Archives Regulation § 4).

Authorities must ensure the preservation, usability and protection of records until they are either transferred to the National Archives or destroyed ("Basics of Service Design and Information Governance" § 13) in accordance with the retention schedule (Archives Regulation § 4). During the retention period, records must remain identifiable, accessible and retrievable (Archives Regulation § 3(4) and 4(1)).

Under § 3(4) of the Archives Regulation, authorities must maintain and use records in a manner that does not jeopardise their authenticity, reliability, integrity and usability.

¹ Available in English: <https://www.riigiteataja.ee/en/akt/521032019019>

² Available in English: <https://www.riigiteataja.ee/en/akt/513042023001> (official translation of the version in force until 31.12.2024, but the only amendment made after that date is replacing the name of responsible ministry from Ministry of Economic Affairs and Communications to Ministry of Justice and Digital Affairs)

³ Unofficial translation was attached to initial answers of Estonia.

In addition, the holder of archival records shall ensure that archival records are used in a manner that does not damage their condition or jeopardize their continued preservation (Archives Regulation § 3(5)). Archives must be protected against unauthorised use, damage and destruction (Archives Act § 9(1)).

Access to records is governed by the **Public Information Act**⁴, taking into account access restrictions, personal data protection requirements and other statutory limitations. Separate provisions on access to archival records held by the National Archives are set out in the Archives Act (§ 10).

As a general rule, the legal requirements applicable to paper and electronic records are the same. Authorities must ensure the preservation, authenticity, integrity, usability and accessibility of all records irrespective of format. For electronic archival records, long-term preservation formats must be used (Archives Regulation § 5(2)). The permitted archival formats are specified in Annex 1 to the Archives Regulation.

The legislation does not contain extensive technical specifications comparable to those for electronic archival formats, but requires storage conditions ensuring preservation and usability ("Basics of Service Design and Information Governance" § 13). Archival paper records must be created and maintained using archival-quality materials (Archives Regulation § 5(1)).

2) Please elaborate on the legal or regulatory framework on retention schedules for official documents held by public authorities on which there is no obligation to transfer to national/state archives (e.g. defining retention periods for categories of documents). Please specify who is responsible for their elaboration and what procedure is followed for their approval.

Retention periods for official records are established through the authority's records classification scheme (*liigitusskeem*), which is regulated by Chapter 3 of the Archives Regulation. The classification scheme is based on an analysis of the authority's functions, organisational structure and business processes and serves as the framework for recordkeeping and archiving. It includes the retention periods applicable to record series and references to appraisal decisions issued by the National Archives (Archives Regulation §§ 6–8).

Records that have not been appraised as having archival value, are retained for the period specified in the classification scheme and are destroyed upon expiry of that period.

Where retention periods are prescribed by legislation, those statutory requirements must be followed. If no retention period has been established in legislation, the authority determines the retention period in the authority's records classification taking into account:

1. the need to prove facts or activities and protect the rights of persons;
2. the need to ensure continuity of the authority's activities; and
3. the potential interest of the public archives.

(Archives Regulation, provisions on retention periods and classification schemes.)

Retention periods may be:

- permanent;
- expressed in years; or
- linked to the occurrence of a specified event.

The period is calculated from the end of the relevant records management year or the occurrence of the relevant event.

The authority is responsible for preparing and maintaining its classification scheme. Under § 8 of the Archives Regulation, classification schemes and certain amendments thereto must be coordinated with the National Archives before adoption.

3) Please specify the main criteria set out in the legal or regulatory framework for identifying official documents that should be transferred from public authorities to national/state archives, and whether public authorities they keep an evidence of which documents were transferred.

The appraisal of records and the determination of archival value are the responsibility of the **National Archives of Estonia** (Archives Act § 7).

⁴ Available in English: <https://www.riigiteataja.ee/en/akt/525032026001>

Documents are selected for permanent preservation on the basis of the appraisal criteria established in the Archives Act and further elaborated in Chapter 4 of the Archives Regulation. According to § 7(2) of the Archives Act, appraisal is based primarily on:

1. the needs of exercising public authority;
2. the need to protect or prove rights and transactions; and
3. the cultural and historical value of the information.

The results of appraisal are formalised in an appraisal decision issued by the National Archives. Records that receive archival value become archival records (*arhivaalid*) and must be preserved permanently.

Under § 8(1) of the Archives Act, archival records created or received in the performance of public tasks must be transferred to the National Archives when they are no longer required for the authority's operations, but generally no later than ten years after their creation or receipt, unless otherwise provided by law.

Public authorities maintain evidence of transfers. The transfer process is documented through archive transfer documentation, including archive schemes and inventories prepared in cooperation with the National Archives. Digital transfers are carried out through the National Archives' ASTRA system.

4) Please specify if public authorities keep evidence of what documents were destroyed, of the authorisation, method used and responsible personnel.

Yes. Public authorities are required to maintain evidence of destroyed records.

Chapter 5 of the Archives Regulation governs the destruction of records. Records may be destroyed only after the expiry of the applicable retention period and provided that they do not possess archival value. Destruction must be irreversible and secure. Archival records may not be destroyed.

The destruction of records must be documented in a destruction report (*hävitamisakt*). Pursuant to § 14 of the Archives Regulation, the report must contain at least:

- a reference to the appraisal decision of the National Archives;
- the classification code;
- the title of the record series or file;
- the inclusive dates;
- the quantity of records destroyed;
- the retention period;
- references to legislation governing retention or destruction, where applicable; and
- information on the destruction method, date, place and person responsible for carrying out the destruction.

Authorities must also maintain an overview of the composition of their archives. This overview includes references to destruction reports for records that have been destroyed and serves as a continuous record of the authority's archival holdings and records lifecycle.

Yours sincerely,

(signed digitally)
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Deputy Secretary General