



Directorate General of Human Rights and
Rule of Law - DGI
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**Answers to AIG questionnaire (Thematic
monitoring on document management and
preservation)**

Dear group members,

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

1. How is management, preservation and archiving of documents by public authorities regulated? Please provide an official translation of the relevant regulations in one of the Council of Europe languages (English or French).

The management, preservation, and archiving of documents by public authorities are regulated by the Public Information Act (PIA)¹ and the Archives Act (AA)². PIA regulates access to public information, including obligations to preserve information and ensure accessibility. Relevant provisions include, *inter alia*: § 3 (definition of public information), § 12 (access to information) and § 43 (preservation of public information). AA regulates the organisation of records management, appraisal of archival value, transfer of records to archives and destruction of records. Relevant provisions include, *inter alia*: § 6 (organisation of records management), § 7 (appraisal of archival value), § 13 (transfer of records to archives), § 14 (destruction of records).

Based on subsection 3 of § 27 of the Government of the Republic Act (GRA)³, subsection 2 of § 6 of the AA, and subsection 1² of § 43⁴ of the PIA the regulation of 25 May 2017 on the principles governing the organisation of services and information management (Regulation)⁴ has been issued. Regulation establishes detailed requirements for the creation, registration, classification, storage, preservation and destruction of records, including electronic records.

According to the subsection 3 of § 17 of the Regulation, organisation of an authority's information management shall be laid down in the authority's internal rules of procedure and guidelines. The authority shall keep these rules and guidelines up to date and shall support compliance with the established requirements by means of information technology solutions. According to the subsection 1 of § 4 of the Regulation, an authority shall designate the official or job positions whose holders ensure, within the authority the organisation and quality of direct public services, of processes, of information management and of each sub-activity of information management.

¹ Public Information Act in English: <https://www.riigiteataja.ee/en/eli/511092025008/consolide>

² Archives Act in English: <https://www.riigiteataja.ee/en/eli/521032019019/consolide>

³ Government of the Republic Act in English: <https://www.riigiteataja.ee/en/eli/504092025010/consolide>

⁴ No official translation available. Unofficial translation in Annex. Regulation in Estonian:
<https://www.riigiteataja.ee/akt/129122024019>

According to the subsection 1 of § 4 of the Archival Regulations⁵, established pursuant to § 13 of the AA, documents are preserved until the end of their retention period or until their transfer to a public archive, arranged in series derived from the classification scheme⁶.

Every public authority arranges document management in accordance with the legislation mentioned above, including the AA, the PIA, and the Regulation and follow internal document management procedures that are approved by the authority and aligned with the requirements of the National Archives of Estonia (for example Archival Regulations).

When the retention period expires, records of permanent value are transferred to the National Archives and remaining records are destroyed in accordance with established procedures.

2. Are all documents held by a public authority registered? If so, what information about the documents is put on the register? Who is responsible for the registration? At which point does registration take place?

Documents are mainly managed in electronic document management systems (document register) and in different databases.

In accordance with § 12 of the PIA, all incoming and outgoing documents of the public authority are registered in the electronic document management system no later than the next working day following their receipt or dispatch. Registration is generally performed at the moment, when the document is received or sent.

According to the subsection 3 of § 12 of the PIA at least the following information concerning received and released documents shall be entered in a document register:

- 1) from whom the documents are received or to whom they are released;
- 2) the date of receipt or release;
- 3) the manner in which the documents are received or released (by electronic mail, post, fax, courier or delivered in person);
- 4) requisite information on the documents;
- 5) the type of documents (petitions, memoranda, decisions, requests for information, letters, etc.);
- 6) restrictions on access to the documents.

According to the subsection 4 of § 12 of the PIA the term arising from law for processing or responding, the name of the structural unit responsible for the preparation of a response or the organisation of processing and the name of the official or employee who prepares the response shall also be entered in a document register concerning received documents and documents which need to be processed or responded to.

Official or employee, designated in accordance with the subsection 1 of § 4 of the Regulation, is responsible for the registration. For official documents received directly at an employee's work email address, the respective employee is responsible for registering the document, either by entering it into the electronic document management system themselves or by forwarding it to the authority's general email address for registration. The aforementioned rule is governed by each authority's document management procedures (Procedures), issued on the bases of the subsection 3 of § 17 of the Regulation.

⁵ No official translation available. Unofficial translation in Annex. Archival Regulations in Estonian:
<https://www.riigiteataja.ee/akt/129122011229?leiaKehtiv>

⁶ Unofficial translation of § 6 of the Archival Regulations:

§ 6. Classification Scheme

- (1) An authority shall develop a classification scheme for classifying its documents, based on an analysis of its functions, structure and work processes, and the activities related thereto.
- (2) A classification scheme is a structured list of an authority's functions and series, and a framework for the coverage and management of its documents and for the formation of archives.
- (3) A classification scheme must include at least the following:
 - 1) the name and code of the function;
 - 2) the names and codes of the series;
 - 3) a reference to the public archive's appraisal decision at the level of the series or function;
 - 4) a description of the main function (the activities or work processes carried out to perform the main function);
 - 5) the authorisation to perform the main function, i.e. a reference to the relevant legal act(s);
 - 6) the names and codes of the series of the main function in the previous classification scheme, if they differ.
- (4) Repealed
- (5) A unified classification scheme may be developed for authorities with similar functions.

3. Are there any exceptions applied to the requirements for registration of documents based on their content?

According to the subsection 1 of § 2 of the PIA this Act does not apply to information which is classified as a state secret or as classified foreign information, until expiry of classification of such information.

Although according to the subsection 2 of § 12 of the PIA accounting documents need not be entered in a document register, they are registered in other databases of the state information system.

According to the subsection 2¹ of § 12 of the PIA documents related to a person, which have been entered in another database and to which access of the person is ensured, are not required to be entered in the document register.

In accordance with subsection 3 of § 16 of the PIA a request for information need not be registered if it is anonymous or it is made orally or electronically and is promptly complied with.

In accordance with point 3 of subsection 2 of § 35 of the PIA in justified cases, the head of a state or local government agency or a legal person in public law may classify documents addressed to persons within the agency which are not registered in the document register (opinions, notices, memoranda, certificates, advice, etc.) as information intended for internal use. Therefore, information intended for internal use might not be registered either.

As in accordance with § 3 (1) of the PIA public information (hereinafter *information*) is information which is recorded and documented in any manner and on any medium and which is obtained or created upon performance of public duties provided by law or legislation issued on the basis thereof, then only documents obtained or created upon performance of public duties are registered⁷. According to the Procedures of each authority, it means that invitations to events that are not directly related to the ministry's work (e.g. invitations to presentations, training sessions, seminars, conferences, etc.), greeting cards received, advertising materials, periodicals, letters marked "PERSONAL", except in the case they need to be registered (see answer to the question 4), anonymous letters (where the sender cannot be identified and no contact details are available), letters displaying characteristics of spam, obscene communications that do not relate to the ministry's areas of activity and clearly do not require a response, correspondence relating to the activities of a political party, internal correspondence between the ministry's officials and departments, requests for information if they are submitted orally or electronically and fulfilled on the day of receipt, media inquiries and documents published in the State Gazette (Riigi Teataja) are not registered.

4. Are there some instructions or policies in place as regards registration of correspondence sent directly to/from a public official?

On the webpage of Data Protection Inspectorate General Guidelines on the Public Information Act⁸ is published. In accordance with each authority's Procedures documents of evidential and archival value are managed in the document management system and other information systems in accordance with the authority's document classification system. When official documents are received directly at an employee's work email address, the respective employee is responsible for registering the document, either by entering it into the electronic document management system themselves or by forwarding it to the authority's general email address for registration.

5. Are the registers of official documents public?

In Estonia, all public information is deemed public unless access restrictions have been established or special conditions of access are provided for by law. According to the subsection 1 of § 11 of the PIA one of the purposes of the document register is to ensure access to documents received and prepared by/in the agency. Point 30 of subsection 1 of § 28 of the PIA states that a holder of information is required to disclose existing information relating to the duties, including data contained in databases, access to which is not restricted. The subsection 1 of § 43⁸ of the PIA states that the data processed by a database shall be accessible to the public unless access thereto is restricted by or on the basis of law.

⁷ According to the subsection 1 of § 3 of the PIA and General Guidelines on the Public Information Act published by the Data Protection Inspectorate.

⁸ General Guidelines on the Public Information Act is available in Estonian: <https://www.aki.ee/sites/default/files/documents/2026-01/Avaliku%20teabe%20seaduse%20%C3%BCldjuhend..pdf>

6. Are electronic messages (emails, SMS messages, etc) treated in the same way as physical documents?

In Estonia, most of the public information received or sent by public authorities are submitted electronically. The Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act⁹, the AA and the PIA do not provide for distinctions between physical and electronic documents, they also recognize oral submissions. Therefore, an email, SMS messages etc are considered formal submissions.

Although, it is not common that public authorities receive or send submissions in the form of SMS messages.

7. Do public authorities use a common system for registering documents, or does each public authority use its own system for registration?

The law does not provide for a common system for registering documents. However, in practice, a standard solution is used, and in certain cases a customized solution is applied. Each public authority uses its own document registration system and has several databases which are connected to the data exchange layer of the information system and registered in the administration system of the state information system (§ 43² of the PIA).

8. What criteria do public authorities apply for storing official documents? For example, in what format and where documents are stored?

Official documents are stored in both electronic and paper formats. Electronic documents are maintained in secure electronic document management systems that comply with technical and security requirements, while paper documents are kept in archive rooms that comply with safety, environmental, and access control requirements as set out in legislation and by the National Archives of Estonia. All documents are organised according to each authority's classification scheme (approved by National Archives of Estonia) and retention schedule, ensuring systematic arrangement, traceability, and accessibility.

According to subsections 1 and 2 of § 6 of the Archival Regulation each authority shall develop a classification scheme for the classification of its documents on the basis of an analysis of its functions, organisational structure and work processes, and the activities related thereto. A classification scheme is a structured list of the authority's functions and series and constitutes a framework for the inclusion and management of its documents and for the formation of archives.

9. What criteria do public authorities apply for the retention of documents and what retention periods are applied?

Retention periods are established based on legal obligations arising from legislation, the administrative, operational, and financial needs of the public authorities, the cultural, historical, and research value of the documents, and their archival value as defined pursuant to the AA. These periods are specified in approved records retention schedules, and depending on their value and legal requirements, documents may be preserved permanently if they have archival value or retained for fixed periods.

10. What criteria do public authorities apply for transferring documents to archives?

Documents are transferred to archives when they have been appraised as having permanent archival value in accordance with § 7 of the Archives Act, when their active use by the public authority has ended and they are no longer required for day-to-day operations, or when the retention period defined in the approved records retention schedule requires transfer. The transfer process is carried out in accordance with the procedural and technical requirements established by the National Archives, ensuring the authenticity, integrity, and accessibility of the documents.

11. What criteria do public authorities apply for eliminating/destroying documents?

⁹ Available in English: [Response to Memoranda and Requests for Explanations and Submission of Collective Proposals Act– Riigi Teataja](#)

Documents may be destroyed only when the following criteria are fulfilled: the retention period specified in the approved records retention schedule has expired, the documents have no permanent archival value as defined in § 7 of the Archives Act, and destruction is approved in accordance with internal procedures and, where required, by the National Archives.

The destruction of documents is conducted in a controlled and documented manner, ensuring the transparency, controllability, and traceability of destruction procedures. Documents are destroyed either by physically destroying the document, using the services of a company specialized in providing such services, or by deleting digital information from its medium in such a way that the information contained therein cannot be recovered.

12. Please describe case-law and/or practice which exist as regards document management and preservation (from courts, ombudsmen, information commissioners, etc).

- a. Chancellor of Justice has drawn the attention of public authorities to the importance of complying with the requirement to register documents. The requirement to register documents helps ensure that every submission leaves a trace and that each submission is duly addressed (see, for example, Chancellor of Justice's Annual Report 2022/2023¹⁰). Chancellor of Justice found that documents (including memoranda and requests for clarification, as well as responses to them) must be registered in the document register no later than the working day following the day of receipt. This requirement is set out in point 1 of subsection 1 of the PIA. The registration requirement also applies to documents sent to an official's email address¹¹.
- b. Chancellor of Justice has explained that pursuant subsection 1 of § 11 of the PIA, an authority's document register is a digitally maintained database that a state or local government authority or a legal person in public law must keep for the registration of documents received by the authority and documents created by the authority, and for ensuring access to them. Already on 1 January 2009, an amendment to the PIA entered into force, pursuant to which documents must be made electronically accessible in such a way that they are, so to speak, "one click away" for an interested person. Specifically, subsection 4¹ of § 12 of the PIA provides that access to electronic documents registered in the document register and contained in the authority's document management system, to which no access restrictions have been applied, must be ensured via the document register, except for documents that are published in the State Gazette (Riigi Teataja).¹²
- c. Data Protection Inspectorate has stated in its decision on an administrative challenge and precept in 2021 that subsection 1 of § 12 PIA requires that documents received by an authority and documents sent out by an authority be registered in the document register no later than the working day following the day of receipt or dispatch. Pursuant to subsection 1 of § 2 of the AA, a document is any information recorded on any data medium that has been created or received in the course of the activities of an authority or a person, and the content, form, and structure of which are sufficient to serve as evidence of facts or activities. Thus, an email sent from one authority to another is to be regarded as a document. We further clarify that nowadays most correspondence takes place by email, which must likewise be treated as documents.

Data Protection Inspectorate also clarified that employees of an authority indeed do not have to register their private correspondence in the document register, for example emails between two employees discussing lunch plans, birthday greetings, informal requests for advice between authorities, etc. If employees of two authorities exchange information created in the performance of clearly public duties, presumably so that the Environmental Agency could use the calculation results received in order to fulfil its statutory obligation to coordinate RMK's application, then it is unclear how the Environmental Agency could otherwise verify, prior to granting coordination, that

¹⁰ Available in Estonian: [Õiguskantsleri aastaülevaade 2022/2023](#)

Relevant excerpt from the Chancellor of Justice's yearbook:

Good administration

People are often dissatisfied with how public authorities handle their applications. The problem begins already when an authority fails to register a submission.

The Public Information Act (§ 12 (1) (1)) provides that applications and other documents must be entered in the authority's document register no later than the working day following their receipt. The requirement to register documents helps ensure that every submission leaves a trace and that every submission is dealt with.

The Chancellor of Justice found that, for example, Kambja Rural Municipality Government and Tartu Rural Municipality Government had failed to properly register submissions.

¹¹ Opinion of Chancellor of Justice in Estonian: [Avalduste registreerimine ja tõlgendamine ning neile vastamine.pdf](#)

¹² Opinion of Chancellor of Justice in Estonian:

[Õiguskantsleri soovitus isikute poordumiste menetlemine toma vallvalitsuses.pdf](#)

the submitted data were correct and that the calculation results complied with the guidelines. Therefore, it appears that such correspondence should also have been registered in the authorities' document registers¹³.

- d. In 2025 Data Protection Inspectorate stated that documents transmitted to an authority or its employee within a single email must be registered in their entirety, not selectively¹⁴.
- e. In 2024 Data Protection Inspectorate stated that pursuant to point 1 of subsection 1 of § 12 of the PIA, documents received by an authority and documents sent out by an authority must be registered in the document register. In this regard, however, the Data Protection Inspectorate has considered it necessary to note that at the time the above-mentioned Act entered into force, all correspondence was on paper and therefore all documents received by and sent from an authority had to be registered in the authority's document register.

Since nowadays colleagues are often asked for opinions by email, which may not constitute the official position of the authority, or an email may be a continuation of a telephone conversation and, without knowledge of the prior discussion, may convey misleading information, officials who receive such emails have a duty to assess their significance and the need for registration. However, an official's email inbox must not serve as a place for storing correspondence between authorities. Inter-institutional correspondence must likewise be registered in the authority's document register.¹⁵

- f. Data Protection Inspectorate has also clarified that, although subsection 2 of § 12 of the PIA provides that accounting documents do not need to be registered in the document register, this does not mean that they are not public information. It simply means that the obligation to enter them in the document register does not apply. Accounting documents are, in fact, also public information.¹⁶
- g. Data Protection Inspectorate also stated that the obligation to register documents is not absolute. For example, accounting documents may be left unregistered (§ 12 (2) of the PIA), as may a request for information if it is anonymous or if it is submitted orally or electronically and is fulfilled immediately (§ 16 (3) of the PIA). Likewise, invitations, congratulatory messages, and similar correspondence that do not require a response generally do not need to be registered.

The position of the Haljala Municipal Government, that all individuals have the right to contact the local government in a manner that prevents third parties from being aware of all submissions and their content, does not mean that citizens' submissions do not need to be registered in the document register.¹⁷

Yours sincerely,

/digitally signed/

Heddi Lutterus
Deputy Secretary General

Annexes:
Unofficial translation of GRA
Unofficial translation of AA

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¹³ Administrative challenge and precept available in Estonian: [vaideotsus ja ettekirjutus-
hoiatus avaliku teabe asjas nr 2.1.-3 21 3074.pdf](#)

¹⁴ Administrative challenge available in Estonian: https://www.aki.ee/sites/default/files/documents/2025-04/Eraisik_Vaideotsus_Tallinna%20Kiirabi_12022024_9-20.pdf

¹⁵ Administrative challenge available in Estonian: [Ohtuleht_Vaideotsus_HTM_20112024_1030_2523.pdf](#)

¹⁶ Administrative challenge available in Estonian: [vaideotsus eraisik kehtna vallavalitsus.pdf](#)

¹⁷ Administrative challenge and precept available in Estonian: [vaideotsus ja ettekirjutus-
hoiatus avaliku teabe asjas haljala vallavalitsus.pdf](#)