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## Archives rules

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[RT I, 29.12.2011, 229](#)

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8.1.2015	<a href="#">RT I, 13.1.2015, 16</a>	16.1.2015
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7.7.2023	<a href="#">RT I, 14.7.2023, 3</a>	17.7.2023

This Regulation is enacted [on the basis](#) of Section 13 of the Archives Act.  
[[RT I, 14.7.2023, 3](#)– entry into force 17/07/2023]

## Chapter 1 General provisions

### § 1 The scope of the Regulation

(1) The Archives *Code* (*hereinafter referred to as the Regulation*) regulates and specifies the assessment of documents and the preservation of archives by bodies or persons performing public functions pending their transfer to the public archive, the procedure for the transfer of archives to the public archives, their preservation and protection in the public archives, and the organisation of access to them, including the issue of archives notices by the public archives.

(2) This rule applies to:

- 1) The National Archives;
- 2) municipal archives;
- 3) a body and a person performing a public task with regard to documents created or received in the exercise of a public task (hereinafter referred to as “the *body*”).

(3) A public museum or library of a legal or state or local government, an educational, research and development institution and a foundation holding a collection of documents or information of cultural and historical interest shall be governed by the rules to the extent laid down in the Archives Act, in accordance with the provisions of the law or the statutes or statutes of the institution. [[RT I, 14.7.2023, 3](#)– entry into force 17/07/2023]

### § 2 Glossary

(1) For the purposes of this Decision, the following definitions shall apply:

- 1) an archive is a complete set of documents of an institution or person;
- 2) the public archive is an archives institution within the meaning of the National archives and the archives of local authorities;
- 3) archives are created by an institution whose activities may give rise to archives.

(2) For the purposes of this Regulation, documents shall be understood to include archives, unless otherwise stated.

## Chapter 2 Establishment of archives

### § 3 Principles of archives

(1) When establishing the archives, the authority shall proceed on the basis of:

- 1) the principle of origin, according to which the documents of one authority are the same;

[[RT I, 19.6.2020, 4](#)– entry into force 22-06-2020]

- 2) the principle of respect for the original arrangements whereby the arrangements made by the

archives in the course of the activities of the institution are maintained.

(2) When a function is transferred to another institution, the documents are attached to the archives of the other institution. The original origin of the documents and the time of merging must be traceable.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(3) An institution shall treat all its documents, including information contained in databases, irrespective of the medium in which they are stored, as forming part of a whole, that is to say, an archive.

(3<sup>1</sup>) Information in databases proving facts or activities shall be treated as documents and archived parts of them shall be treated as archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(4) It shall keep and use the documents in a way that does not compromise their status or compromise their authenticity, reliability, integrity and usability.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(5) The holder of an archive shall ensure that the archive is used in such a way that it does not adversely affect the status of the archive or jeopardise its future preservation.

#### **§ 4 Preservation of archives**

(1) The documents shall be kept until the expiry of the retention period or until delivery to the public archive of the series resulting from the classification scheme. During the retention period or until the transfer to the public archives, the documents must be findable and accessible.

(2) The institution must have an overview of the composition of the archives. An overview of the composition of the archives shall include at least:

- 1) the title of the function;
- 2) the current and previous indication of the series, the name and the retention period;
- 3) a reference to the evaluation decision of the public archive, once the documents have been evaluated;
- 4) the quantity, titles, boundaries and locations of the files or other units composing the series;
- 5) a reference to the destruction certificate if the documents have been destroyed.

#### **§ 5 Archive stability requirements**

(1) When establishing, organising and maintaining archives, the institution shall use materials, formats and technologies that ensure that archives can be maintained and used for as long as possible.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) With the exception of archival datasets, the institution shall create archives in archive format.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(3) Information on permanent archive materials and technologies is provided by the National Archives. The archive formats are set out in Annex 1 to the Regulation.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

## **Chapter 3 Filing**

#### **§ 6 Filing plan**

(1) An institution shall develop a classification scheme based on an analysis of its functions, structure and business processes and related operations in order to classify its documents.

(2) The classification scheme is a structured list of the functions and series of an institution and a framework for the inclusion and management of its documents and the creation of its archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(3) The classification scheme shall include at least:

- 1) the name of the function and its designation;
- 2) series names and their symbols;
- 3) a reference to the evaluation decision of the public archive at series or functional level;
- 4) a description of the key function (activities or business processes performed to perform the key function);
- 5) a mandate to perform the main function, i.e. a reference to the legal instrument(s);
- 6) the names and symbols of the main function series in the previous classification scheme, if different.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(4) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

(5) A common classification scheme may be developed for institutions with similar functions.

#### **§ 7 Classification scheme levels**

(1) Classification chemistry levels are:

- 1) function level;
  - 2) series level.
- (2) Sub-levels may be created at each level of the classification scheme.
- (3) The name of the organisational unit of the institution may be provided at the function level of the classification scheme.
- (4) SARI links documents with one or more identifiers. SARs shall be composed of the following characteristics:
- I) a set of data that can be identified and managed together;  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
  - II) the type of document;  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
  - 2) content or subject matter;
  - 3) the function or work process(es) by which the documents are generated;
  - 4) location in the information system;  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
  - 5) storage and retention period;
  - 6) access condition.

## **§ 8 Coordination of the classification scheme**

- (1) The archive maker shall submit the draft classification scheme or the draft amendment to the classification scheme to the public archive for approval before it is established.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (2) A draft classification scheme shall be submitted for approval where:
- 1) a new classification scheme shall be established;
  - 2) additional series in the classification scheme resulting from a change in the archives' functions or structure;
  - 3) a series or sub-series containing an archivist is included in a series that does not contain an archivist;
  - 4) a series of archives is divided into two or more series.
- (3) In the course of coordination, the public archives shall:
- 1) verify that the classification scheme covers all functions and the documentation of functions of the archival producer;
  - 2) where appropriate, make proposals to optimise the classification scheme;  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
  - 3) check the references and validity of the evaluation decisions in the public archives.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (4) In the event of non-alignment of the classification scheme, the public archive shall provide a reasoned justification.
- (5) The public archive may initiate an evaluation to identify the archives during the coordination of the classification scheme. The public archives shall inform the archives producer of the assessment initiated during the coordination of the draft classification scheme or the draft amendment thereto.

# **Chapter 4**

## **Assessment of documentation**

### **§ 9 Objectives of the evaluation**

- (1) Evaluation is a public archive activity aimed at discovering the archival value of documents.
- (2) The evaluation will decide which documents form part of the national cultural heritage and are therefore permanently preserved as archives.

### **§ 10 Award criteria**

- (1) When assessing documents, the public archives shall:
- 1) the importance and position of the institution or individual in society and in the hierarchy of public administration;
  - 2) the functions of the body or person and any other document context;
  - 3) the research potential of documents;
  - 4) the uniqueness and authenticity of the information contained in the documents;
  - 5) the importance of documents in the exercise of official authority and the need to prove the rights or transactions of persons;
  - 6) usability and relationship to other documents;
  - 7) the time frame of the documents from which they originate or to which they relate;
  - 8) the collection tradition;
  - 9) the materials and formats used to create the documents;
  - 10) the conditions of access;
  - 11) the assessment of the value of the document by the institution or individual or social interest groups;
  - 12) the resources necessary for the preservation of documents or the budgetary resources available to

the public archives.

(2) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

(3) The public archive may select samples by evaluation.

#### **§ 11 Assessment roll-out**

(1) The evaluation shall be carried out:

- 1) the identification of archives agents;
- 2) identification of archives;
- 3) depriving the archives of their archival value.

(11) The public archives manage and channel information on which institutions are the archival producers as a result of the evaluation.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

(3) When documents are released for destruction or transfer to a public archive, an assessment shall be carried out unless the archive value of the documents or its absence has previously been established.

(4) At the request of the public archive, the authority shall submit for evaluation:

- 1) a classification scheme;
- 2) an overview of the composition of the archives;
- 3) the relationship between classification schemes that existed at different times;
- 4) the technical documentation of the hardware and software used to manage the documents under assessment, the record-keeping procedures and the users;
- 5) models for the structure of datasets and files of digital documents;
- 6) the statutes or instruments of incorporation of the institution;
- 7) a draft archive inventory or destruction certificate;
- 8) other data necessary to carry out the evaluation.

(5) The public archives may carry out the evaluation by consulting the documents directly.

#### **§ 12 Evaluation decision**

(1) The public archive shall translate the results of the evaluation of documents into an evaluation decision and inform the authorities or persons concerned thereof.

(2) The public archive shall document the results of the evaluation in the evaluation decision in such a way that the archives are easily identifiable.

(3) The assessment decision shall include at least:

- 1) the results of the evaluation;
- 2) the name of the public archive that carried out the evaluation;
- 3) the number and date of the evaluation decision;
- 4) the names and job titles of the assessors.

(4) The evaluation decision shall be accompanied by the context of the documents to be evaluated and by the documents justifying the evaluation decision.

(5) The assessment decision and its annexes shall be kept permanently in a public archive.

## **Chapter 5**

### **Destroying documents**

#### **§ 13 Separation of documents, including information in databases, for destruction**

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(1) The authority may separate its records, including information contained in databases, for destruction after the retention period has expired. Destruction must be carried out in an irreversible, safe and environmentally sound manner. Archives shall not be destroyed.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) The archives maker shall request permission from the public archives to have his or her documents destroyed, unless the archive value or lack thereof has previously been established.

(3) The authority may destroy the medium of the document if the information contained in the document has been transferred to another medium. The transfer procedure, operator, time, hardware and software used shall be documented and verifiable and the authenticity, reliability, integrity and usability of the information shall be ensured. In the case of archives, the destruction of the medium shall be coordinated with the public archive.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

#### **§ 14 Documentation of destruction**

(1) The authority shall document the destruction of its documents by means of a destruction certificate.

- (2) The destruction certificate shall contain at least the following information on the documents to be allocated for destruction:
- 1) a reference to the decision on the evaluation of the public archives;
  - 2) an indication of the classification scheme or other document listing the composition of the archives;
  - 3) the name of the series or the title of the dossier;
  - 4) contours;
  - 5) the number of files or other units;
  - 6) the retention period of the documents;
  - 7) a reference to the legislation governing the storage or destruction of the document, if any;
  - 8) an indication of the manner, time, place and operator of the destruction.

## Chapter 6

### Deposit of archives in a public archive

#### § 15 Obligation and time limit for the transfer of archives

- (1) Archives are transferred to the public archive, which is responsible for receiving archives.
- (2) The transferor of the database to the public archive and the details of the transfer shall be agreed in cooperation with the data controller of the public archive and the database.
- (3) Archives must be transferred to the public archive when they are no longer needed for the performance of their duties, but no later than 10 years after the archive is created or obtained.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (4) In order to extend the time limit for the transfer of archives to the National Archives, the archival producer shall submit an application to the National Archives Archives stating:
  - 1) the composition of those archives;
  - 2) a justification for extending the time limit for delivery;
  - 3) a new transfer deadline of no more than 10 years is proposed.

#### § 16 Activities and general requirements for the transfer of archives

- (1) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (2) For the transfer of archives, the transferor shall organise and describe them in accordance with the requirements of these Regulations, taking into account the instructions of the public archives.
- (3) The preparation and transfer of the archives shall be carried out at the expense of the transferor.
- (4) In order to prepare for the transfer of archives, software coordinated with the public archives will be used to create an archival map and inventory for both paper and digital archives. Digital archives are transferred to the National Archives using this software.
- (5) Together with the archives, the transferor shall provide the public archives with the archive descriptions compiled in the archives *inventory* (hereinafter the inventory) and the available digital copies of the archives if they meet the requirements.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (6) In the course of the admission of archives, the public archives shall verify:
  - 1) the existence of specifications and their compliance with the requirements;
  - 2) the clean-up of archives;
  - 3) the entity of archives;
  - 4) the physical and/or technical condition of the archives.
- (7) The results of the inspection of the animals shall be recorded in an official report giving at least the following information:
  - 1) the name of the archival producer;
  - 2) the total number of preservations included in the lists and separately by list(s);
  - 3) the number of stores actually available;
  - 4) missing saver numbers;
  - 5) the physical or technical condition of the archives.
- (8) The transferor of the archives shall remedy, at his own expense, the deficiencies discovered during the inspection of the entity.

- (9) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

#### § 17 Transfer of private archives to a public archive

- (1) Private archives may be transferred to:
  - 1) as a gift under a gift contract with transfer of ownership;
  - 2) inheritance;
  - 3) for safekeeping (without transfer of ownership) on the basis of a contract;
  - 4) on the basis of a sales and purchase agreement.
- (2) In the case of transfer of private archives, the owner may impose restrictions on their access.

Restrictions on access shall be laid down in the agreement and shall not exceed 50 years in time from the date of delivery of the document.

## **§ 18 Documentation of the transfer**

- (1) In the event of a transfer of archives, the public archives shall draw up an act of transfer and receipt, which shall be signed by the transferor and the transferee.
- (2) The transfer/receipt document shall contain at least the following information:
  - 1) the name of the transferor;
  - 2) the name of the receiving public archive;
  - 3) a reference to the circumstances of the transfer;
  - 4) the name of the archival producer;
  - 5) contours of archives;
  - 6) the total number of stores, separately for paper and digital archives (number of racks, shelving meters, bytes, etc.);
  - 7) transfer of ownership of archives;
  - 8) access conditions for archives;
  - 9) physical or technical condition of archives.
- (3) Additional additional information or documents may be added to the act of transfer and receipt.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (4) For special types of archives, the technical documentation on the content, form and execution of the archives and the context (authors, etc.) necessary to ensure their preservation, access and use (assembly sheet, annotation, technical passport, etc.) shall be included in accordance with the requirements of the public archive.
- (5) Hostile archives are adopted on the basis of a unilateral act of acceptance.

# **Chapter 7 Archives (Archives)**

## **§ 19. Principles of archival management**

- (1) Archives shall be arranged in such a way as to:
  - 1) deposit of archives in a public archive;
  - 2) preservation of archives in the public archives;
  - 3) use of archives in public archives.
- (2) The archives of one archival producer are organised into one archive, regardless of the type of document, type of document or medium.

## **§ 20 Levels of organisation**

- (1) Archives are organised using a hierarchical structure whose main levels of organisation are:
  - 1) archive level;
  - 2) series level;
  - 3) storage level.
- (2) Sub-levels may be established at archive and series level.
- (3) The use of organisational levels and their sub-levels must be optimised and help maintain the links between archives, the context in which they were created and facilitate their use.
- (4) As an archival consolidation unit, the archival constituency is a comprehensive collection of archives. Archives generally consist of the archives of a single archival maker.
- (5) Archives shall be organised taking into account:
  - 1) the legal independence or organisational separation of the archives producer;
  - 2) the independent management of the archives and the existence of functions;
  - 3) the person and his or her relationship with other persons.
- (6) As part of archives management, archives may be divided into sub-archives in accordance with the archives scheme. The creation of sub-archives is based on the time structure of the archives' activities, the organisational structure and the division of functions and the corresponding administrative arrangements.
- (7) When archive agents are merged or functions are transferred, the archives of several (discontinued) archive agents may be grouped together in one archive, defining each archive as a sub-archive.
- (8) A collection is a sorting unit at archive level, formed by species, type, theme, author or multiple characteristics.
- (9) If the composer of the collection coincides with the archives, the collection shall be organised as part of the archives of the archives composer.



(10) SARI is a refurbishment unit that combines archival records by functional, type, content or other characteristics. The series may be subdivided into sub-series for dressing purposes.

(11) There is a clean-up unit for the management of archives. Preservation may be constituted by:

1) archives grouped together in a series;  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]

2) a single archival.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]

## **§ 21. Archival diagram and compilation**

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(1) The archival map shall be drawn up in cooperation between the public archives and the archival producer before the archives or part of them are arranged for transfer. The archival scheme specifies:

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(1) restoration units – archive and series with sub-levels;

(2) the hierarchical order, names and designation of the restoration units.

(3) The selection of organisational units and the identification of links between them in the archives scheme shall be based on:

1) a classification scheme;

2) functions;

3) the structure and any changes thereto;

4) the size and composition of the archive.

(4) The archival scheme may provide for a different order of organisation of the archives than the initial arrangements, provided that:

1) the initial procedure is not ascertainable;

2) the original arrangements do not allow for a consistent classification of archives.

(5) The archival schema shall be designed as optimally as possible so that it can be used for a longer period of time. It shall allow for a consistent transfer of the archives.

(6) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

## **§ 22 Preparation for permanent preservation of archives**

(1) When organising paper archives for transfer to the public archive:

1) the archival records are removed from the unsuitable enclosure for storage;

2) removing metal fasteners in non-archiving materials and in contact with paper;

3) archives are ordered chronologically, alphabetically or by other identifier;

4) the leaves are numbered with soft lead;

5) the leaves and wrappings are dry-cleaned;

6) a sheet of archive-stable document paper shall be inserted in front of the first page of the preservation record sheet and at the end of the preservation record sheet;

7) the sheets are placed loose in an archive sleeve or attached with strings in an archive file or lids.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) Depositories made up of paper archives shall be placed in a horizontally deposited archival box, and the depository and archival boxes shall be marked in accordance with the requirements of public archives.

(3) In the case of damaged paper archives, the public archive shall be consulted on the way forward.

(4) Digital archives are provided in a manner consistent with the public archives of the National Archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(5) The package for the transfer of digital archives and their descriptions shall be established on the basis of structural requirements drawn up by the National Archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(6) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

(7) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

(8) Conversion operations and transfer formats for digital archives in non-archive formats, including archival value information in datasets, are described by the National Archives as instructions.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

# **Chapter 8**

## **Archive characterisation**

### **§ 23 Purpose and basis of archive recording**

(1) The archive description creates an accurate representation of the archives of the archival producer and gives an overview of:

the creation of archives. The description of archives shall allow:

- 1) understand the context in which the archives of the architect were created;
- 2) access to archives.

(2) The description of archives shall be based on the general international characterisation standards approved by the International Archives Council:

- 1) *ISAD(G): General International Standard Archival Description*;
- 2) *ISAAR(CPF): International Standard Archival Authority Record for Corporate Bodies, Persons and Families*.

(3) The archival description of audiovisual archives is based on internationally accepted description standards for public archives. Information on these standards is provided by the National Archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

#### **§ 24 Method of recording archives and levels of description**

(1) Archives are described using a multi-layered characterisation technique according to which:

- 1) each archive, series, deposit or archive can be described in detail;
- 2) higher-level descriptions are more comprehensive and extensive;
- 3) at lower levels, only more specific information is added where necessary, which cannot be provided at higher levels.

(2) The archive description consists of a description of the archival producer and a description of the archives.

(3) The archives are described at the following levels:

- 1) archive level, with the collection described at the same level;
- 2) series level;
- 3) storage level;
- 4) archive level.

#### **§ 25 Characterisation elements**

(1) The list of description elements shall be drawn up by the National Archives.

(2) The archive designer and archive shall be described using at least the mandatory description elements set out in the list of description elements.

#### **§ 26 Inventory**

(1) The inventory is a set of archival descriptions.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) The description of archives shall, as a general rule, be provided in a single inventory. A complex and voluminous archive can be made up of several directories. The introduction of several inventories is based on fundamental changes in the tasks, organisation and composition of the archives' constituency.

(3) [Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]

## **Chapter 9**

### **Preservation and protection of archives in public archives**

#### **§ 27 Grounds for the preservation of archives**

(1) In order to preserve archives, the following activities aimed at extending the lifetime of archives shall be organised and carried out:

- 1) restoration and preservation shall be carried out using archive-stable materials, formats and technologies;

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

- 2) ensuring proper conditions (fittings and environmental conditions) for the storage of archives in the archive repository;

- 3) ensuring that archives are protected against mechanical, chemical, physical, biological and anthropogenic damage (including vandalism, theft);

- 4) use and preservation copies are created and, if necessary, the archives are preserved.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

(2) The selection and implementation of optimal preservation solutions shall be based on the type, format, compositional materials, formatting and, where appropriate, other characteristics of the archives.

(3) The public archive and the archival producer referred to in Section 1(3) shall store the archives in a repository of archives constructed or adapted for their permanent preservation (hereinafter referred to as 'the repository').

#### **§ 28 Storage requirements**

(1) The environmental conditions of the storage facility shall be suitable for the permanent preservation



of archives and shall take into account the storage characteristics resulting from the type of archives. Information on internationally accepted standards describing the storage conditions for archive material is provided by the National Archives.

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

- (2) The environmental conditions of the facility must be regularly checked by means of properly calibrated equipment.
- (3) Storage facilities shall be constructed without windows. Where windows are present, they shall be adapted in such a way as to avoid direct daylight.
- (4) The load-bearing capacity of the storage floor shall be appropriate to the weight and location of the contents and archives in the storage facility.
- (5) The storage facility must comply with fire safety requirements ensuring the preservation of archives.
- (6) Air heating is generally used in the storage facility. Air heating as well as ventilation system air shall be filtered.
- (7) Electricity, gas and water supply systems shall not be located in or near a storage facility unless they are required for purposes directly related to the preservation or exploitation of archives.
- (8) The repository must be secured against theft, burglary, vandalism and terrorism.
- (9) The exits of the storage depot shall be marked in the dark.
- (10) The storage facility must be arranged in such a way as to ensure that the most efficient air is ventilated and to prevent the formation of areas of high humidity.
- (11) Lighting shall only be used in the storage facility for the duration of the activities foreseen therein.
- (12) The storage facility shall not contain any furniture or equipment other than that necessary for the preservation and handling of the archives and shall not damage them in contact with the archives.
- (13) The storage facility, its air exchange systems, furnishings and storages must be cleaned regularly. Cleaning agents must not damage the archives.
- (14) The preservation of digital archives is guided by the requirements established on the basis of Section 7(5) of the Cybersecurity Act, international information security management standards and best practices.

[RT I, 14.7.2023, 3– entry into force 17/07/2023]

## **§ 29 Requirements for the use of archives**

- (1) The use of the repository and the archives and the security of the archives shall be laid down in a legal act governing the internal operation of the public archives.
- (2) A particularly valuable archival work, often used or in poor physical condition, is used to produce preservation copies and exploitation copies. The preservation copy shall be made in such a way as to ensure its long-term preservation. [RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (3) Copies must be made in such a way as to take account of the special features of archives as a result of their format, weight, constituent parts, method of structuring or other characteristics.
- (4) When archives are transported, they shall be packed according to format, condition and type of medium and shall be protected against damage and theft.

## **§ 30 Hazard planning**

- (1) The public archives and the archives producer referred to in Section 1(3) shall carry out a risk plan to prevent the damage or destruction of the archives in their possession.
- (2) A plan of action for the protection, rescue and recovery of archives in foreseeable danger situations shall be drawn up on the basis of the safety plan.
- (3) The action plan shall be established as a threat plan or as part of another statutory act on safety and rescue.

## **§ 31 Preservation of archives**

- (1) In the event of damage to an archive, the holder shall decide on the need to conserve the archive on the basis of the obligation to conserve and the need to use it.
- (2) Only a suitably qualified person may conserve an archive.
- (3) The preservation of the archives shall be documented. The conservation documentation shall include at least the name of the operator, the time, a description of the condition of the archive before and after the treatment, and a description of the treatment.
- (4) Conservation records shall be kept by the holder of the archive.

# Chapter 10

## Arranging access to archives

### § 32 Access management policy

- (1) Public archives provide access to archives:
  - 1) a public archive or its online environment;
  - 2) relaying information in response to a request from a person or authority.
- (2) Information on the existence and conditions of use of restricted archives shall be publicly available.

### § 33 Ensuring the use of archives

- (1) In order to use archives, a public archive must have a research room or a suitably furnished place of work.
- (2) In order to use the archives and their replicas, the user must be registered. A public archive has the right to request an identity document.
- (3) Where a copy is available, the public archives shall provide a copy. It is up to the public archive to decide whether to issue an original archive, if a copy is available.

### § 34 Provision of information in response to a request

- (1) The public archive provides information on the existence and content of archives.
- (2) In response to a written request, the public archives transmit the information contained in the archives:
  - 1) evidence of rights or transactions in the form of an archives note;
  - 2) for other purposes as a paid service.
- (3) The public archive will not resolve a request if the source data provided is insufficient or requires extensive research.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]

### § 35 Archives note

- (1) A request for archive notification shall be made in a form that can be reproduced in writing.
- (2) The mandatory elements of the archives notice are:
  - 1) a summary reproduction of the request;
  - 2) a brief description of the archives used, indicating the name of the archives and the type and date of the document;
  - 3) archive-based information or confirmation that copies have been issued;
  - 4) discovery data for archives.
- (3) The archives notice and the copies of the archives annexed thereto shall be drawn up in accordance with the legislation governing the operation of the public archives.
- (4) The archive notification shall be issued within one month of receipt of the request. If it is not possible to issue the notification within that time limit, the requester shall be informed of the extension of the time limit.
- (5) For the issue of an archives notice, the enquirer shall pay the state fee at the rate laid down in the State Fees Act. [RT I, 19.6.2020, 4– entry into force 22-06-2020]

### § 36 Use of archives outside the public archives

- (1) For the performance of a public task laid down by or on the basis of a law or in the public interest, archives may be granted for use for a limited period outside the public archives.
- (2) In order to use the archives outside the public archives, the applicant shall submit an application to the public archives indicating at least the following:
  - 1) the name and, in the case of an official, the title of the applicant;
  - 2) archival resource data, titles and datums;
  - 3) [repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]
  - 4) purpose of use of archival documents;
  - 5) final date for use in archives.
- (3) Archives shall be issued for use on the basis of a decision by the public archives stating, in addition to the information referred to in paragraph 2, the requirements for the use and preservation of archives and the restrictions on their use.  
[RT I, 19.6.2020, 4– entry into force 22-06-2020]
- (4) A user of archives outside the public archives:
  - 1) ensure that the archives are used for their intended purpose, as indicated in the application;
  - 2) ensure the preservation, upkeep and future usability of the archives;
  - 3) prevents archives from coming into the possession of third parties.

## Chapter 11

### Administrative provisions

#### **§ 37 Implementation of Section 8 of this Regulation**

The classification scheme shall be deemed to have been approved in accordance with Section 8 of this Regulation if the public archive gives an opinion on the list of documents before the entry into force of this Regulation.

#### **§ 38 Implementation of Section 15 of this Regulation**

For paper archives created before the entry into force of this Regulation, the transfer time limit shall be 20 years from the date of their creation or shall be transferred together with any archives created subsequently by agreement with the public archives.

#### **§ 39 Implementation of Chapter 10 of this Regulation**

Public archives shall apply the requirements of Sections 32-36 of this Regulation to ensure access to all documents transferred to the public archive, except for the organisation of access to electronic documents transferred from public authorities for the preservation of the National archive with a retention period of more than 10 years, which do not have an archival value.

[RT I, 31.5.2017, 7-entry into force 03/06/2017]

#### **§ 40 Entry into force of this Regulation**

This Regulation shall enter into force on 1 January 2012.

[Annex 1 Archive formats](#)

[RT I, 19.6.2020, 4– entry into force 22-06-2020]

[Annex 2 Requirements for the environmental conditions of the repository](#)

[Repealed –RT I, 19.6.2020, 4– entry into force 22-06-2020]