

AT THE SESSION HELD ON 6. 3. 2006 THE NATIONAL ASSEMBLY OF THE REPUBLIC OF SLOVENIA ADOPTED THE PROTECTION OF DOCUMENTS AND ARCHIVES AND ARCHIVAL INSTITUTIONS ACT (PDAAIA), WHICH READS AS FOLLOWS:

## **PROTECTION OF DOCUMENTS AND ARCHIVES AND ARCHIVAL INSTITUTIONS ACT (PDAAIA)**

### **I. INTRODUCTORY PROVISIONS**

#### Article 1 (Subject of protection)

The present Act governs the method, organization, infrastructure and implementation of capture and storage of documents in physical and electronic form, effectiveness and evidentiary value of such materials, protection of archives and conditions for use of archives, tasks of archival institutions and the public archival service as well as the related services, and supervision over the implementation.

#### Article 2 (Definitions of terms)

The terms used in this Act have the following meaning:

- “Documents” represent original or reproduced (written, drawn, printed, photographed, filmed, sound recorded, recorded on a magnetic or optical disc, or in any other way) material, which was received or created along with the work of legal or natural persons;
- “Format” represents those organizational and technological features of the document defining the method in which a document has been recorded, stored and presented in the storage process;
- “Medium” is a classic or electronic recording medium, on which the contents are recorded depending on the format;
- “Documents in physical form” are documents on a physical medium allowing the contents to be reproduced without the use of IT communication or related technologies (e.g. on paper, film, etc.);
- “Documents in electronic form” are documents in the digital or analogue form;
- “Documents in digital form” are documents in the digital form recorded and stored on an electronic medium;
- “Documents in analogue form” (e.g. analogue audio/video record) represent documents recorded and stored in the analogue form on an electronic medium;
- “Documents in digital form for long-term preservation” mean documents, the content of which has been recorded and stored in the digital form on an electronic medium whereby both the digital form and the medium assure efficient long-term preservation and consideration of technological progress as stipulated by this Act;
- “Original documents” represent documents created, received or sent to a person keeping such documents;

- “Captured documents” mean documents created upon capture of the original documents with conversion of the original documents into a new digital format or on a microfilm;
- “Archives” are documents being of permanent significance for science and culture or for legal safety of persons, in compliance with professional instructions by competent archival institutions;
- “Entities under public law” include national authorities, authorities of local self-government communities, bearers of public authority and public service contractors;
- “Competent archival institutions” include the National Archives (Archives of Republic of Slovenia), regional archival institutions and archival institutions of local self-government communities;
- “Public archives” represent archives selected from documents of entities under public law following professional instructions of the competent archival institution;
- “Private archives” refer to documents kept by other legal and natural persons, having the nature of archives, which have been defined as archives in compliance with this Act or a decision by the National Archives;
- “Preservation of material” refers to preservation of original or captured documents fulfilling the requirements of this Act and providing usability of stored material;
- “Long-term preservation of material” means preservation of material for a period longer than five years;
- “Services of storing material in digital form” refer to services, which are inseparably connected with preservation of the contents of material in the digital form, whereas equipment for such storage is not provided;
- “Accompanying services” represent services related to storage of material in the digital form, excluding services of storage of the material in the digital form or provision of equipment for such storage (destruction, inquiry and analyses of material, etc.);
- “Internal rules on capture and storage of material in digital form” refer to the rules adopted by a person as his/her internal legal act with reference to storage of his/her material;
- “Sensible personal data” include data on racial, national or ethnic origin, political, religious or philosophic beliefs, membership in a political party and syndicate, health condition, sex life, entry into or removal from criminal records kept under the Act regulating offences, biometric characteristics, if their use could lead to an individual in relation to any of the above stated conditions;
- “Persons” mean legal and natural persons, including entities under public law;
- “Hardware and/or software for capture and/or storage of material in digital form” represent any hardware and/or software, the purpose of which is to provide complete or partial capture or storage of material in the digital form, and the related rules;
- “Provider of hardware and software for storage of material in digital form” means any person providing other persons against payment or free of charge with hardware and software for capture and/or storage of material in the digital form;
- “Provider of storage of material in the digital form” is any person providing other persons against payment or free of charge with storage of material in the digital form on his/her own infrastructure;
- “Accompanying services” represent services related to capture and storage of material in the digital form, excluding provision of equipment for capture and storage and storage services;

- “Provider of accompanying services for capture or storage of material in the digital form” is any person providing other persons against payment or free of charge with such services.

## **II. FUNDAMENTAL PRINCIPLES**

### Article 3

(Principle of preservation of documents and/or usability of their contents)

Preservation of documents represents preservation of the original documents or usability of their contents. The preservation of captured material has an equal status with the preservation of original documents if captured material has preserved all the effects of the original material (usefulness of contents of material).

### Article 4

(Durability principle)

Preservation of documents shall provide durability of the documents and/or durability of reproduction of their contents.

### Article 5

(Integrity principle)

Preservation of documents shall provide irreversibility and integrity of the documents and/or reproduction of their contents, arrangement of documents and/or their contents and provability of the provenience of documents.

### Article 6

(Accessibility principle)

During the entire preservation period documents and/or reproduction of their contents shall be protected against loss or destruction of integrity and shall be available to authorized users.

### Article 7

(Principle of cultural monument protection)

Archives represent a cultural monument and shall be protected accordingly.

## **III. DOCUMENTS**

### **1. Capture of documents originally created in digital form**

Article 8  
(Capture of documents originally in digital form)

Capture of documents, which are in the digital form, shall be arranged in such manner to assure effective capture for an individual unit (capture of meta-data, communication data and data necessary for intact display concerning content or form, etc.).

**2. Capture of documents originally created in physical or electronic analogue form**

Article 9  
(Conversion of documents into digital form)

Capture of documents, which are originally in physical or electronic form, but not also in digital form, shall be arranged in such manner to assure reliable conversion.

Article 10  
(Reliable conversion)

Conversion shall be considered reliable if:

- with relation to captured material it assures reproduction of all essential components of the contents of original material, considering the nature and the purpose of individual units of original material (preservation of integrity of material);
- it preserves usability of contents of original material;
- it assures material authenticity with capture of original material key contents or with strictly controlled and documented addition of contents, which confirm the same authenticity of captured material as that of the original material;
- it contains an adequate extent of correctness and quality of conversion control, and if it remedies errors and/or deviations;
- added contents and all important notes and data regarding the conversion procedure and original material are being stored apart and clearly separate from original contents;
- an adequate quantity of documentation is being kept, proving that the methods and procedures assure reliable conversion on a regular basis; and
- it fulfils the requirements additionally prescribed by the Government of the Republic of Slovenia.

**3. Conversion of captured material into digital form for long-term preservation**

Article 11  
(Conversion into the form for long-term preservation)

In case the prescribed period for the storage of material is longer than 5 years, captured material shall be converted from the usual digital form into the digital form for long-term preservation.

Article 12  
(Reliable conversion into the form for long-term preservation)

Conversion into the digital form for long-term preservation shall be considered reliable if it preserves integrity and usability of contents of captured material as in the usual digital form. If authenticity of captured material can be proved with its contents, which partially or completely lose value or get annulled in the course of time, the authenticity of captured material in the digital form for long-term preservation is assured with strictly controlled addition of contents (such as re-signing of contents), confirming the authenticity of captured material. Such contents can be added on the level of individual units or on the level of entire captured material.

#### **4. Destruction of original documents**

##### Article 13

(Destruction of converted original documents)

In case original documents have been converted into digital form documents or documents on a microfilm fulfilling the same usability conditions as the original documents, and the provided preservation is in compliance with the provisions of this Act stipulating the preservation of documents in the digital form or on a microfilm, original documents may be destroyed unless provided otherwise with this Act or any other act.

##### Article 14

(Destruction of documents with a longer retention period)

Original documents, for which a retention period of more than five years has been prescribed, not having the nature of archives, can be destroyed only if the material has been converted into the digital form for long-term preservation or recorded on a microfilm, unless provided otherwise with this Act or any other act.

##### Article 15

(Exceptions)

(1) Destruction of original documents in physical form having the nature of archives is not permitted after the conversion into the digital form or recording on a microfilm unless explicitly stated otherwise by the competent archival institution.

(2) The National Archives may define materials, which shall never be destroyed, considering their cultural or historical value.

##### Article 16

(Registering destruction of materials)

(1) Destruction of materials under the first sentence of the preceding article shall be performed by a commission consisting of at least three members and appointed by the Head of the entity under public law. A representative of the competent archival institution shall also participate in the Commission. The Commission shall prepare the minutes and a list of materials.

(2) The minutes shall include the title and address of the entity under public law, name of employee, members of the Commission under the first paragraph, date of destruction of materials and a list of materials, as an annex.

(3) The list of materials to be destroyed shall include the title and address of the entity under public law, contents and date of creation of materials and/or data from the register of documents kept by the entity under public law.

## **5. Preparation of persons for capture and storage of documents in digital form**

### Article 17

(Preparation and organization of capture and storage)

(1) Any person capturing or storing the material in the digital form shall follow the following preparation and/or organization phases for capture and storage:

- preparation for capture and storage (list of sources of material, preparation of justification study, preparation of feasibility study, preparation of risk analysis and measures for their reduction);
- preparation and adoption of internal rules for capture and storage of material in the digital form;
- monitoring the implementation of internal rules and taking measures in cases of deviations, in accordance with internal rules (internal supervision);
- amendments and updates of internal rules due to changes of regulations in force, technological progress, professional findings or detection of defects during internal supervision.

(2) Regulations defining administrative operations may, regardless of the provisions of this chapter, prescribe a different method of capture and storage of documents in the digital form; however, those regulations shall respect the fundamental principles of this Act and the specific nature of capture and preservation of archives.

### Article 18

(Internal rules)

Any person, who shall capture or store materials in the digital form, shall adopt internal rules in accordance with this Act, the related implementing regulations, uniform technological requirements and rules of profession (e.g. archival profession, information security, etc.).

### Article 19

(Confirmation of internal rules)

(1) Internal rules may be submitted for confirmation to the National Archives, which verifies their compliance with the requirements of this Act, the related implementing regulations, uniform technological requirements and rules of profession.

(2) Entities under public law shall compulsory submit their internal rules for confirmation to

the National Archives.

(3) The National Archives shall, upon confirmation or later, set a time-limit in which internal rules need to be amended and/or supplemented and submitted for a new confirmation, due to changes in legislation or technological progress.

Article 20  
(Adoption of model internal rules)

Any person may prepare internal rules under Article 18 of this Act by adopting the internal rules prepared in advance by other persons for their own use or for wider use (e.g. branch associations). In case entire internal rules confirmed by the National Archives without any amendments or supplements have been adopted, it is considered that such internal rules adopted by that person, have already been confirmed by the National Archives.

**6. Monitoring of internal rules implementation**

Article 21  
(Monitoring of internal rules implementation)

(1) Persons storing materials in the digital form shall monitor the internal rules implementation. If deviations from the internal rules should be established in concrete cases during such monitoring, it shall be necessary to implement measures for elimination of eventual deviations and verify proper implementation of the measure concerned.

(2) Verification shall be executed as internal monitoring and in cases of keeping of important materials or larger quantities of materials as external verification as well. Any verification should be properly documented.

Article 22  
(Compulsory amendments of internal rules)

Any person storing materials in the digital form shall prepare and adopt amendments and supplements to internal rules every time when:

- model rules adopted by such person as his/her own internal rules have changed;
- required by technological progress or professional findings;
- deficiencies have been established during monitoring of internal rules implementation, which do not represent a deviation from internal rules but a deficiency concerning the rules themselves.

**7. Preservation of documents**

Article 23  
(Preservation of documents)

(1) Documents shall be stored in adequate premises and equipment, under appropriate climatic conditions, protected against burglary, fire, water, biological, chemical, physical and other harmful effects and assuring accessibility, which means protection against loss and permanent accessibility during the entire retention period only for authorized users, and integrity comprising unchanged state, intactness and arrangement of materials.

(2) The Government of the Republic of Slovenia shall specify the conditions for preservation of documents.

Article 24  
(Exceptions)

The provision under the preceding Article does not apply in cases, in which regulations prescribe more rigorous requirements for preservation of documents.

**8. Preservation of documents in digital form**

Article 25  
(Preservation of documents in digital form)

Preservation of documents in the digital form represents preservation of original documents or secure storage of captured documents in the digital form.

Article 26  
(Preservation of original documents in digital form)

During the entire retention period secure storage of original documents in the digital form shall assure the following items:

- accessibility of original material, which means protection from loss and constant assurance of access for authorized users only during the entire preservation period;
- usability, which means capability of reproduction and adequacy of reproduction for use during the entire preservation period;
- integrity, which includes unchanged state and intactness of reproduced contents, considering the contents of the original material.

Article 27  
(Storage of captured documents in digital form)

During the entire retention period secure storage of captured documents in the digital form shall enable reproduction of the contents of original documents, which fulfils the following conditions in the same measure as the original material would:

- accessibility, which means protection from loss and constant assurance of access only for authorized users, during the entire preservation period;
- usability, which means capability of reproduction and adequacy of reproduction for use, during the entire preservation period;
- authenticity, which means provability of connectedness of reproduced contents with the



- contents of original material and/or source of that material;
- integrity, which includes unchanged state, intactness and arrangement of reproduced contents, considering the contents of the original material.

## **9. Long-term preservation in digital form**

### Article 28

(Long-term preservation in digital form)

On a long term basis documents are being stored in the digital form and on the medium for long-term preservation, which assures long-term preservation of the contents of documents.

### Article 29

(Format)

The format assuring preservation of the contents of materials and all other conditions for storage in the digital form for more than 5 years and allowing conversion into a new digital form of the record after that period of time, which shall then fulfil the conditions for secure preservation of materials, shall be considered as a format from the preceding Article.

### Article 30

(Medium)

An electronic medium assuring all the conditions for secure storage of material and enabling a larger number of copies from the existing to new media shall be considered as a medium under Article 28.

## **10. Validity and evidential value of documents in digital form**

### Article 31

(Equality to original material on statutory basis)

According to the law, every unit of securely stored material in the digital form is considered to be equal to an individual unit of original material if capture and secure storage have been executed in accordance with the internal rules confirmed by the National Archives and unless explicitly provided otherwise by another act.

### Article 32

(Evaluation of equality with original material according to internal rules)

If a person securely storing the material proves that secure preservation of material is being executed in accordance with his/her internal rules and that those rules are, although not confirmed by National Archives, in accordance with statutory demands, the related implementing regulations and uniform technological requirements, every unit of securely

stored material in the digital form shall be considered equal to an individual unit of original material.

#### Article 33

(Evaluation of equality with original material in concrete cases)

(1) If a person storing the material has not regulated preservation of materials with internal rules, any unit of material stored in the digital form shall be considered equal to an individual unit of original material if it fulfils the requirements of secure preservation in the same measure as the unit of original material.

(2) The previous paragraph shall also apply:

- in case of preservation in accordance with the internal rules confirmed by the supervisory body, for a case not regulated by the rules;
- in case when a person storing the material has the internal rules, which have not been observed in the concrete case of preservation.

### **IV. ARCHIVES**

#### **1. Archives and their preservation**

#### Article 34

(Archives)

Archives shall be selected out of documents held by entities under public law, in compliance with the law and professional instructions by the competent archival institution. Documents held by other legal and natural persons having the nature of archives, shall become archives with a decision issued by the National Archives.

#### Article 35

(Decisions in indefinite cases)

When it is not clear if the object concerned is to be treated as archives, museum object or material for library, the Minister responsible for archival institutions shall issue a decision.

#### Article 36

(Preservation of archives)

(1) Public archives irrespective of format or media shall be acquired for preservation exclusively by competent archival institutions.

(2) Archives in the physical form shall be permanently and professionally stored in adequate premises and equipment, under appropriate climatic conditions, protected against burglary, fire, water, biological, chemical, physical and other harmful effects (preservation).

(3) Storage of archives in the digital form is allowed only as a long-term preservation of

captured material, in accordance with professional instructions of the competent archival institution.

(4) The Government of the Republic of Slovenia shall specify the conditions for preservation of archives.

#### Article 37

##### (Reporting to competent archival institution)

Any person storing private archives in the digital form or public archives until its transfer to the competent archival institution, shall, when required by the competent archival institution, report about the method and procedures of storing. The report shall contain in particular the following data:

- data on used equipment and services;
- data on used formats and media;
- data on assurance of permanent accessibility of the data;
- data on planned and executed conversions into another format or copies made on another medium;
- data on measures for assurance of integrity, authenticity and usability of material;
- data on other important factors referring to storage of material.

## **2. Public archives**

#### Article 38

##### (Public archives)

- (1) Public archives are the property of the Republic of Slovenia except for the archives under the responsibility of archival institutions of local self-government communities being the property of local self-government communities.
- (2) Public archives shall be selected from documents in accordance with written professional instructions by the competent archival institution and additional written professional instructions by representatives of the competent archival institution during the selection process.

#### Article 39

##### (Duties of entities under public law)

- (1) Entities under public law must ensure conservation, preservation, integrity and arrangement of documents received or created in the course of their work until archives are selected from those materials. They must allow the competent archival institution to examine the state of documents, and provide data required for keeping a register of archives, under the conditions stipulated in this Act.
- (2) Subsequent to the selection of archives, entities under public law must ensure preservation of those documents for which the preservation period has not yet expired.

(3) The duties of entities under public law in the transfer of public archives to the archival institution include:

- cooperation with the competent archival institution in elaborating instructions for the selection of public archives from documents;
- selection of public archives from documents according to the instructions of the competent archival institution and the drawing up of a list of selected material;
- transfer of public archives to the archival institution.

(4) In order to perform the obligations under the foregoing paragraph, entities under public law must ensure appropriate material, personnel and financial conditions, and appoint a person to be responsible for carrying out those obligations.

(5) Employees dealing with documents must have at least secondary school qualifications and must have passed a qualification test at the competent archival institution.

(6) The Minister responsible for archival institutions shall lay down detailed criteria for professional skills and testing the professional skills of those employees of entities under public law dealing with documents.

(7) The register of passed qualification tests of entities under public law staff members shall be kept by competent archival institutions for the purpose of supervision over the professional skills of employees dealing with documents. The register shall include the name, date and place of birth of the employee, title of the entity under public law where the employee has been employed, date and result of the test. The register shall be kept permanently. The register from the first paragraph of this Article concerning officials of security services shall be kept separately with the stated classification level CONFIDENTIAL.

#### Article 40

##### (Transfer of archives to an archival institution)

(1) Entities under public law must transfer public archives to an archival institution no later than 30 years after their creation, including the material:

- containing personal data, including sensitive personal data;
- containing classified data in compliance with the law;
- under special protection of confidentiality if required by the law or rules of national authorities or authorities of a local self-government community.

(2) A copy of publication on the web, internal publications, official and business publications, leaflets, promotional and similar materials published by an entity under public law shall be considered as public archives, which the entity under public law is bound to transfer within the period under paragraph 1 hereof.

(3) For professional reasons the thirty year time limit for the transfer of public archives may exceptionally be extended for certain archives on the basis of an agreement between the competent archival institution and the relevant entity under public law.

(4) In the event of a dispute between the competent archival institution and the entity under public law, the Minister responsible for archival institutions shall decide about the setting of the time limit under the foregoing paragraph.

(5) The entity under public law shall be bound to transfer to the competent archival institution public archives in the original, arranged, recorded, in an integral and unified whole, as well as technically equipped.

(6) The entity under public law, which transfers archives to the archival institution, shall be bound to equip the materials with adequate inaccessibility period and state eventual inaccessibility periods for certain public archives in the transfer minutes, in compliance with Article 64 of this Act.

(7) In the event the competent archival institution has established that the archives, which should have been transferred in accordance with the provisions of the foregoing paragraphs, are kept by other persons, the archival institution has the right to demand such persons to transfer the archives to the archival institution. Those persons are obliged to transfer the archives within an appropriate time limit defined by the competent archival institution.

(8) The archives shall be selected from documents following the appraisal of documents. The appraisal criteria are as follows:

- needs of history, other sciences and culture;
- needs of persons for permanent legal safety;
- significance of the contents of archives;
- specific nature of events and phenomena in a definite time period;
- specific nature of place or area;
- significance of entity under public law;
- importance of the author;
- originality of documents;
- originality of data and information;
- representative selection;
- internal and external features of materials and
- other criteria defined by the competent archival institution.

(9) Written professional instructions for the selection of archives from documents shall be adopted by the Commission of the competent archival institution appointed by the Head of the archival institution. The Commission consisting of at least three members shall include representatives of the competent archival institution and a representative of the entity under public law, for whom written instructions are being adopted.

(10) The Government of the Republic of Slovenia shall specify the method and procedure for selection of archives from documents as well as the procedure of transfer of public archives to the archival institution.

#### Article 41

##### (Termination of entity under public law)

(1) In the event of termination of an entity under public law without a known legal successor, public archives shall be transferred to the competent archival institution regardless of the thirty year period prior to the termination of the entity under public law.

(2) The authority conducting the procedure of termination and/or of the modification of the status of an entity under public law shall ensure selection and transfer of public archives to the archival institution in compliance with the provisions of this Act, and on the basis of compulsory instructions of the competent archival institution on the treatment of public archives.

(3) The authority under the foregoing paragraph shall ensure further custody of documents, for which the retention period has not yet expired.

#### Article 42 (Alienation of archives)

(1) Public archives should not be alienated.

(2) An archival institution may temporarily export public archives to third countries or transfer them to the European Union member states for scientific or cultural purposes, subject to an authorisation by the Minister responsible for archival institutions. The time limit for the return of public archives and the mode and terms of their insurance during the period of the loan shall be stated in the export or transfer permit.

### **3. Film archives**

#### Article 43 (Film archives)

(1) Film archives are an edited original pictorial and tone negative of a film made on a film tape and a projection copy (print) of that film, as well as any film made on digital or analogue media produced by Slovenian or foreign producers (hereinafter referred to as “producers”) and/or having been produced in co-production between Slovenian and foreign producers in the Republic of Slovenia and being considered as a Slovenian film.

(2) Any producer, who has produced a film using public funds, must transfer film archives to the National Archives immediately after the film has been produced.

(3) A Slovenian co-producer, who has produced a film in cooperation with a foreign producer using public funds, is obliged to transfer a projection copy (print) to the National Archives. Whenever a Slovenian producer represents a majority co-producer, he shall transfer the film archives to the National Archives immediately after the film has been produced.

(4) The film archives having been transferred to the National Archives, the Ministry of Culture, through the Film Fund of the Republic of Slovenia, provides funds intended for production of an intermediate in case copies (prints) are needed for screening.

(5) Archives also include other audiovisual works considered to be Slovenian, according to the rules in force.

(6) The Government of the Republic of Slovenia shall define the method of transfer of film archives and audiovisual works.

#### **4. Private archives**

##### Article 44

##### (Registering of private archives)

(1) Private archives are the property of natural persons and legal entities under private law.

(2) The registering of documents in private property which are deemed to have the nature of archives shall be carried out by competent archival institutions. For the purpose of the implementation of this Act, competent archival institutions shall keep a register containing any personal and other data related to the registered documents needed for appropriate appraisal or designation of the materials. The register should also state data on the owner or holder of the materials, namely for a natural person his/her name, officially assigned identification code and the address of permanent or temporary residence, and for a legal person or a person registered for professional activities the title and firm, registered office, business address and officially assigned identification code (tax ID number, registration number, and similar). The data in the register shall be kept permanently.

(3) On the basis of registering under the foregoing paragraph, the National Archives shall by a decision proclaim private documents having the nature of archives as archives. The decision shall contain data on the owner and content, volume and time of creation of private archives as well as the duties of the owner of private archives.

(4) The National Archives shall keep a register of decisions issued and shall specify the mode of registering, and the archival institutions competent for individual fields of private archives.

##### Article 45

##### (Duties of owners of private archives)

The duties of owners of private archives are as follows:

- to preserve the archives permanently, professionally correctly and integrally;
- to observe professional advice of the competent archival institution concerning the protection, maintenance, appraisal, and arrangement, as well as conservation and/or restoration of archives;
- to provide to the competent archival institution data on the archives required to implement the provisions hereof;
- to enable the competent archival institution to have on-the-spot access to the archives;
- to determine the conditions for use of private archives.

##### Article 46

##### (Preservation of private archives in the competent archival institution)

Private archives received for storage by the competent archival institution at the proposal of their owner shall remain private property and shall be treated in compliance with the

provisions of an agreement on storage, concluded in writing, which may lay down special conditions concerning the custody and access to private archives.

#### Article 47

(Import, export and transfer abroad of private archives)

- (1) The import of private archives of foreign origin is permitted in accordance with the international conventions and the applicable law of the exporter.
- (2) Private documents which are deemed to have the nature of archives may be exported or transferred from the country by their owner only on the basis of an approval given by the Minister responsible for archival institutions.
- (3) The Government of the Republic of Slovenia shall specify cases in which private documents are deemed to have the nature of archives.
- (4) The Minister responsible for archival institutions may allow temporary or permanent export or transfer of private archives abroad at the owner's proposal and following a preliminary expert opinion of the National Archives.
- (5) In the event of permanent export or transfer abroad, the owner of private archives must allow them to be copied by the competent archival institution prior to export or transfer abroad.
- (6) The National Archives shall determine the list of private archives which shall be prohibited for permanent export or transfer abroad due to their exceptional significance for science and culture.

#### Article 48

(Sale of private archives)

- (1) The Republic of Slovenia shall have the pre-emptive right in the event of sale of private archives. The Republic of Slovenia may cede its pre-emptive right to a local self-government community.
- (2) The owner of private archives must first forward to the Ministry responsible for archival institutions the offer for sale of his/her archives.
- (3) Taking into consideration the regulations governing the pre-emptive right, the Ministry responsible for archival institutions shall decide about the offer on the basis of an expert opinion of the competent archival institution within two months following the receipt of notification.

#### Article 49

(Threat to private archives)



In case it has been established that private archives are in danger of being destroyed or damaged, the competent archival institution should be informed thereon.

Article 50  
(State funds for protection of private archives)

The state shall secure funds in its budget required for the promotion of protection of private archives.

Article 51  
(Archives of religious communities)

The provisions of this Act governing the protection of private archives shall apply to the protection of archives of religious communities.

Article 52  
(Archives of the Roman Catholic Church)

(1) The archives of the Roman Catholic Church shall be selected from church documents in compliance with its regulations and shall have the nature of archives under this Act.

(2) In agreement with the Slovenian Episcopal Conference, the Ministry responsible for archival institutions shall determine individual conditions for performing archival activity and the funds intended for performing archival activity of the Roman Catholic Church.

## **V. ARCHIVAL PUBLIC SERVICE**

### **1. Archival public service activity**

Article 53  
(Activities of archival institutions)

(1) Within the framework of public service archival institutions shall perform the following activities:

- appraisal of documents created by entities under public law, providing explanations about the duties of entities under public law in relation to documents, professional supervision and training of employees engaged in the handling of documents;
- appraisal of public documents in archival institutions, disposal of unneeded documents and selection of archives in archival institutions during the processing of material;
- acquisition, appraisal and processing of public and private archives, elaborating inventories, guides and other aids for using archives and their publishing, publishing of archival sources;
- maintenance and preservation of archives;
- keeping a register of public and private archives;

- registering archives abroad relating to Slovenia and the Slovenians, reproduction of such archives to supplement their own holdings, compilation of guides and other finding aids to archives;
- registering private archives of legal and natural persons;
- cooperation with owners of private archives, expert advice and supervision;
- making archives available for use, issuing transcripts and/or copies of documents and certificates based on documents;
- fostering cultural values related to the archives;
- carrying out research in the field of archival science, history and other sciences related to archives;
- publishing activities.

(2) The archival public service also includes custody of archives, which used to belong to former national, autonomous, self-government and other authorities and legal persons, which were the responsibility of those archival institutions or their predecessors under the former rules on archives.

(3) The Government shall define the types and forms of the registers of archives as well as the bases for professional processing and elaborating aids for their use.

## **2. Providers of archival public service**

### Article 54

(Public archival institutions)

(1) The archival public service shall be performed by the National Archives, regional archival institutions and archival institutions of local self-government communities.

(2) The archival institutions from the foregoing paragraph shall keep a register of entities under public law, in relation to whom competence has been established, and whose archives shall be acquired, using the data from the Business Register of Slovenia, cooperating with the Agency for Public and Legal Registers and Services and the Ministry of Public Service. The Minister responsible for archival institutions shall decide on disputable cases.

(3) The duties of the National Archives shall be performed by the Archives of the Republic of Slovenia being an entity under the Ministry responsible for archival institutions.

(4) The Government of the Republic of Slovenia shall prescribe the methods for keeping registers from the second paragraph of this Article.

### Article 55

(National Archives and regional archival institutions)

(1) The National Archives shall protect public archives of state authorities, bodies holding public authority and/or exercising public services provided by the state, of the Bank of Slovenia, and of state and public funds, agencies and other legal persons established by the state and whose activities, as a general rule, cover the entire national territory.

(2) The National Archives shall protect film archives.

(3) Regional archival institutions shall protect public archives created in the area of each regional archival institution and belonging to state authorities, organisational units and persons exercising public authority and/or public services, provided by the state, which carry out an activity in the area of one or more local self-government communities.

(4) Regional archival institutions shall also keep archives of local self-government communities unless the latter have established their own archival institution for protection of their public archives.

(5) The Government of the Republic of Slovenia shall establish regional archival institutions as public institutions for performing archival activities in such a way as to cover the entire national territory.

#### Article 56 (Registers)

(1) The National Archives shall maintain a summary register of public archives in the state and a register of archives abroad, relating to Slovenia and the Slovenians, and shall maintain a register of public symbols, coats-of-arms, flags, seals, stamps, and rubber stamps at the state level.

(2) The registers from the previous paragraph shall be kept on permanent basis.

#### Article 57 (Archives of local self-government communities)

(1) The archival institutions of local self-government communities shall protect public archives of the authorities of local self-government communities, bodies holding public authority and/or exercising public services provided by the relevant self-government community, as well as of funds, agencies and other legal persons set up by local self-government communities.

(2) A local self-government community may establish an archival institution for protection of its public archives.

(3) Several local self-government communities may establish a joint archival institution.

(4) The conditions for the establishment of an archival institution under the second and third paragraphs of this Article shall be specified by the Minister responsible for archival institutions in agreement with local self-government communities and considering the following criteria:

- necessary and appropriate premises and equipment;
- trained archival employees;
- funds secured for performing archival activity.

(5) The archival institution may begin operating once the Minister responsible for archival institutions has established that the conditions under the foregoing paragraph have been met.

#### Article 58

(Contract between a local self-government community and the regional archival institution)

Unless a local self-government community has established its own archival institution, its public archives shall be kept by the regional archival institution operating on the territory of that local self-government community, based on a contract signed by both sides.

#### Article 59

(National information and communication infrastructure)

(1) In cooperation with the Ministry responsible for IT implementation in the public administration the National Archives shall provide the information and communication infrastructure for keeping registers, storage, use of archives in the digital form, integration of archives into a uniform information system and linking with similar systems for protection of cultural heritage.

(2) When deciding on the access to archives under Articles 65 and 68 of this Act, competent archival institutions have access to data, their extract or transcription and/or linking the information system of archival institutions with the Central Population Register, Registry of Births, Deaths & Marriages, Business and Court Register.

(3) In the public procurement procedure the National Archives and the Ministry responsible for IT implementation of public administration can select qualified equipment and service providers for long-term preservation of documents in the digital form, those providers being exclusive providers of protection of documents for entities under public law.

(4) The competent archival institution can give permission to authorities and other persons preserving archives to keep archives on their infrastructure even after the deadline for transfer of their archives to the competent archival institution.

#### Article 60

(Finding aids)

Each archival institution must, by the end of February of the current year, submit to the National Archives and to all other archival institutions in the state a list of all finding aids elaborated in the previous year, which are available to the users of the archives, and a copy of any aid published for use.

#### Article 61

(Acquisition of archives)

(1) Archival institutions shall acquire archives:  
– by acquisition of public archives on the basis of the law;

- by legal transactions, either against consideration or without it (e.g. purchase, gift, will) in the event of private archives and/or in case the competent archival institution has established that private documents have the nature of private archives;
- by acquiring private archives for storage.

(2) Special conditions concerning the access to or maintenance of private archives may be stipulated by an agreement.

#### Article 62 (Own protection of archives)

(1) An entity under public law may itself provide protection of its own archives subject to an authorisation by the Minister responsible for archival institutions.

(2) The Minister responsible for archival institutions shall issue the authorisation under the foregoing paragraph on the basis of a special status of the entity under public law or special nature of the activity performed by the entity under public law in the field of science, higher education, culture or provision of information. The authorisation shall also define the competent archival institution.

(3) The authorisation under paragraph 1 of this Article shall be issued when the Minister responsible for archival institutions has established that the relevant entity under public law has the necessary and appropriate premises and equipment as well as trained employees at its disposal, and provides proof of sufficient means for the protection of its own archives.

(4) The entity under public law under paragraph 1 of this Article shall be bound to provide the competent archival institution with its annual programme and the activity report.

### **3. Use of archives in archival institutions**

#### Article 63 (Use of public archives)

(1) Public archives shall be accessible for use in archival institutions to any person, who has submitted a written request, or shall be available to anyone on the web. The request for use shall include the name or title of the person and his/her officially assigned identification code, purpose to use the archives and other data necessary to access the archives.

(2) Public archives may be given on loan for exhibition and similar purposes solely on the basis of an agreement in writing and provided that appropriate preservation of the archives is ensured.

(3) The archival institution may permit publishing of public archives reproductions for advertising, promotional and similar purposes unless this proves to be contrary to the character or significance of the archives.

(4) The archival institution shall keep a register of requests for use. The register of use shall include the following data: name and/or title of the person, address, officially assigned

identification code, date and purpose of use and/or legal interest under Article 68 of this Act, code of archives and other information.

(5) Prior to the use of certain archives the user using archives shall sign a declaration confirming his/her awareness that misuse of confidential or personal data can be sanctioned under the Criminal Law and other regulations, and stating that he/she shall use the data only for legal purposes.

(6) When collecting data from the archives, the user is also obliged to respect eventual copyrights.

(7) The rules comprehensibly regulating the protection of cultural heritage may differently arrange the use of public archives in the digital form, however, they should consider the specific nature of use of archives as stipulated in this Act.

(8) The Government of the Republic of Slovenia shall specify the extent and method of publication of archives on the web.

(9) The Minister responsible for archival institutions shall lay down detailed conditions and the mode of keeping the register of use of public archives as well as rules relating to statutory fees.

#### Article 64 (Register processing)

(1) For the purpose of surveillance of the implementation of the provisions of this Act and statistic analyses, the archival institution shall keep a register of archives users under the fourth paragraph of the foregoing Article of this Act. Only the following personal data shall be processed in the register: name, number and type of identity document, address of permanent or temporary residence, date and reason for use of the archives. Based on a written approval by the user, the data on sex, nationality and education level may also be processed.

(2) The personal data from the register under the preceding paragraph of this Article shall be kept by the archival institution on permanent basis.

#### Article 65 (Period of restricted access to archives)

(1) Public archives containing data relating to national and public security, defence, international affairs or intelligence and security activities of the State and its economic interests, business and tax secrets, the disclosure of which to an unauthorized person could have detrimental effects for national security, other persons and their interests, shall normally become available for use 40 years after their creation.

(2) Public archives containing sensible personal data (data on racial, national or ethnic origin, political, religious or philosophic beliefs, membership in a political party and trade union, health condition, sex life, entry into or removal from criminal records kept under the Act regulating offences, biometric characteristics, if their use could lead to an individual in

relation to any of the above stated conditions) shall become available for use 75 years after their creation, or ten years after the death of the person concerned, provided the date of death is known, and unless otherwise provided by relevant regulations.

(3) The archives created before the constitution of the Assembly of the Republic of Slovenia on May 17, 1990, relating to former political organizations (e.g. League of Communists of Slovenia, Socialist Alliance of the Working People, Trade Union Federation of Slovenia, Alliance of Socialist Youth of Slovenia, Alliance of Leagues of Combatants during WWII in Slovenia, Alliance of Reserve Military Officials of Slovenia), internal affairs authorities (e.g. police), judicial authorities (e.g. courts, prosecutors, prisons) and intelligence and security services shall be available without limitations, except for those archives containing sensitive personal data acquired with violations of human rights and fundamental freedoms, and relating to persons, who were not public functions holders.

(4) In case of any doubt concerning accessibility conditions under the preceding paragraph the decision shall be made by the Archival Commission.

#### Article 66

(Exceptions concerning period of restricted access)

(1) The periods of restricted access to public archives, laid down in the first and second paragraphs of the previous Article of this Act may be shortened exceptionally under certain conditions, provided that the use of public archives is absolutely necessary for attaining the set scientific goal and provided that public interest prevails over the interests to be protected, in particular considering the protection of personal and family life of individuals.

(2) The Government of the Republic of Slovenia shall decide on the exceptional shortening of the restricted access period at the user's proposal and based on the opinion of the Archival Commission. The proposal must contain professional substantiation for the exceptional shortening of the restricted access period.

(3) The Archival Commission shall decide on shortening of the restricted access period for the purpose of research relating to historical, legal or publicist evaluation of the archives or activities of bodies and/or organizations under the third paragraph of the preceding Article of this Act, and if the public interest prevails over the protected interests of persons, whose sensible data can be found in the archives and have been acquired with violation of human rights and fundamental freedoms, relating to persons, who were not holders of public functions.

(4) The restricted access period for the archives containing confidential data and being created after May 17, 1990, may be extended at the proposal of the entity under public law which is obliged to transfer the archives to the competent archival institution. The entity under public law, which has proposed extension, should attach to its proposal a written description of detrimental effects that could appear if the archives were accessible to public. The government of the Republic of Slovenia shall decide on the extension of the inaccessibility period upon the proposal of the Archival Commission.

(5) The restricted access periods laid down in the first and second paragraphs of the preceding Article of this Act may be exceptionally extended at the proposal of the entity under public law which transferred the public archives, but not more than for a period of 10 years.

(6) The Government of the Republic of Slovenia shall decide on the exceptional extension of inaccessibility periods upon receipt of the opinion of the Archival Commission.

#### Article 67 (Archival Commission)

(1) The Government of the Republic of Slovenia shall appoint the members of the Archival Commission from among the experts in the field of state administration, history and archival science to perform the following tasks:

- deliver binding opinions in disputable cases for setting the restricted access period for the archives under the preceding Article of this Act;
- deliver opinions on exceptional shortening and extension of the inaccessibility period;
- decide in case of a doubt concerning access under the third paragraph of Article 65 of this Act;
- decide on shortening of inaccessibility period for the archives under the third paragraph of Article 65 of this Act.

(2) The Government of the Republic of Slovenia shall determine the composition and the manner of work of the Archival Commission.

#### Article 68 (Access concerning official procedures)

(1) Persons being parties to a procedure or proving their legal interest for initiation or participation in the procedure, shall have the right to access the archives.

(2) Restricted access to public archives under Article 65 hereof does not apply to the use of individual documents and files in the event of procedures conducted by state authorities, authorities of local self-government communities, bearers of public authority and other entities under public law.

(3) Access shall include review, extract, transcription or copying of the archives and use of the acquired data in official procedures and/or other assertions of personal rights. When using the archives, persons having been given access to the archives are bound to protect data under the first and second paragraphs of Article 65 of this Act.

(4) If the archival institution has established that the conditions under the preceding paragraph are not fulfilled, access shall be denied with a decision.

(5) Original archives that might be damaged or destroyed due to usage may be used in the form of a copy.

(6) The documents held in the archival institution, and which state authorities, authorities of self-government communities or bearers of public authority require for their work, or which



are required by persons for the assertion of their rights, shall be as a rule handed out by the archival institution in the form of a certified copy considered to be an original.

(7) In exceptional cases, when the use of the original is indispensable for solving a certain matter, original archives may be lent to a state authority for a definite period of time on the basis of a written contract, whereby a security copy shall be made at the expense of the authority concerned.

#### Article 69 (Duties of users)

(1) The user must handle the archives entrusted to him/her for the purpose of consultation with due care and attention. In case the archives enjoy intellectual property right protection, the user shall acquire adequate rights prior to their use.

(2) In any publication or presentation of the archives, the archival institution shall be stated with name or reference code and the fonds and/or collection from which the relevant archives originate shall also be quoted.

#### Article 70 (Use of private archives)

The use of private archives in competent archival institutions shall be regulated by a legal act applied to archival institutions in relation to the storage of private archives. The provisions relating to the use of public archives shall apply *mutatis mutandis* to the issues concerning the use of private archives not being regulated by the above said legal act.

## **VI. PROVIDING INFRASTRUCTURE AND SERVICES**

### **1. Hardware and software**

#### Article 71 (General conditions to be fulfilled by hardware and software)

The Government of the Republic of Slovenia shall prescribe general conditions which must be fulfilled by:

- hardware and software for capture of material in digital form (actual capture, conversion during capture, capture control, capture registry, etc.);
- hardware and software for storage of material in digital form (method of storage, assurance of material security against destruction, assurance of uninterrupted operation, assurance of access security, copying and/or conversion of material, preservation of authenticity and integrity provability, registration of all events during storage and/or related to storage, etc.);
- hardware and software for accompanying services in relation to the storage of material in digital form (destruction, inquiring and analyzing of material, etc.).

## **2. Storage services**

### Article 72 (General conditions)

(1) Only a provider, who has been accredited with the National Archives, pursuant to Article 85 of this Act, and has been selected in the public procurement procedure under the third paragraph of Article 57 hereof in case of public contracting authorities, can provide storage of archives and accompanying services in digital form for entities under public law and archival institutions.

(2) The Government of the Republic of Slovenia shall prescribe general conditions for storage of material in digital form and special conditions for specific material from individual fields (such as public registers, pictorial material, spatial data, etc.).

## **3. Accompanying services**

### Article 73 (Specification of accompanying services)

The Government of the Republic of Slovenia shall specify accompanying services (e.g. capture of material, disposal of material, destruction of material, etc.).

### Article 74 (General conditions for service performance and special conditions for specific services)

The Government of the Republic of Slovenia shall prescribe general conditions for service performance and special conditions for specific services concerning materials from individual fields.

## **VII. SUPERVISION**

### **1. Inspection of implementation**

#### Article 75 (Inspection)

Inspection concerning the implementation of the provisions of this Act and the related implementing regulations referring to documents and archives and archival public service shall be carried out by the Inspectorate responsible for protection or archives.

#### Article 76 (Inspector)

(1) The person authorised to carry out inspection under this Act shall be an inspector in the field of archival activity who must, in addition to other requirements under the Act regulating inspection service, comply with the following two special requirements:

- that he/she has passed a proficiency examination in archival science;
- that he/she has at least ten years of working experience in an archival institution.

(2) The authorised person must protect personal, secret and other confidential data, as stipulated by the law or other regulation and/or a decision by the state authority or an authority of a local self-government community, and should have been properly verified from the security point of view.

#### Article 77 (Powers of inspectors)

In addition to the powers under the regulations defining inspection, an inspector has the following powers:

1. to inspect buildings, premises and equipment where documents and archives have been kept in compliance with Article 36 of this Act;
2. to supervise the fulfilment of obligations relating to protection of documents and archives belonging to entities under public law under Article 39 of this Act and private archives;
3. to require written explanatory notes and statements by responsible persons in relation to the subject of supervision and
4. to inspect and require access to documentation referring to the treatment of archives and documents.

#### Article 78 (Special inspection measures)

- (1) In addition to the general measures, inspection includes special measures as prescribed by this Act.
- (2) In case the inspector has established that an entity under public law from Article 40 hereof did not transfer public archives within the prescribed time limit, transfer of materials can be ordered with a decision, stating a new time limit.
- (3) In case the inspector has established the existence of direct danger of damage, or some damage has already been done to the documents or archives, a time limit for elimination of such danger shall be ordered and/or measures for elimination of damage and/or its reduction shall be defined.
- (4) In case the inspector has established that for reasons of improper treatment and/or use or for reasons of failure to act with due care in relation to documents and archives of entities under public law, there is a possible danger of material damage, such acts or use may be prohibited and special measures of protection can be ordered.

- (5) In the case under the preceding paragraph the inspector can issue a decision and temporarily deprive the entity of the archives or documents, which shall be temporarily stored by the competent archival institution.
- (6) In case the competent archival institution is unable to accept documents or archives in cases under the second and fifth paragraphs of this Article, the inspector shall give such material for temporary storage to another public archival institution.
- (7) If it has been established that private archives are in danger to be destroyed or damaged, the inspector may issue a decision to define the conditions for custody, conservation and/or restoration of private archives, he/she can also state the obligation to transfer private archives to the competent archival institution for a definite period of time until such danger exists.

#### Article 79

(Execution of decision and/or resolution)

An appeal against the measures under the preceding Article of this Act shall not delay execution of the decision and/or resolution.

### **2. Other types of supervision over archival public service**

#### Article 80

(Supervision of legality and use of public funds)

The supervision of the legality of archival institutions shall be exercised by the Ministry responsible for archival institutions on the basis of this Act and of the implementing regulations.

### **3. Supervision implemented by the National Archives**

#### Article 81

(Confirmation of internal rules)

The National Archives shall review on demand the submitted internal rules and shall issue a decision confirming or not the accordance with this Act, the related implementing regulations, uniform technological requirements and professional rules.

#### Article 82

(Register of confirmed internal rules)

(1) The National Archives shall keep a public web register of confirmed internal rules accessible free of charge, which contains basic data on confirmed internal rules (subject, title of internal rules, validity of rules, date and reference number of the confirmation decision).

(2) If any rules proposer should require so, the National Archives shall publish the confirmed rules and shall mark those rules in the register of confirmed internal rules as confirmed internal rules, which may also be adapted by other persons.

#### Article 83

##### (Registration of equipment and services providers)

(1) No special permit is necessary for performing equipment supply activities or performing services in the field of capture and storage of material in the digital form.

(2) The equipment and services provider shall register his activity with the National Archives at least eight days before the start of his/her activity. On the basis of the application the National Archives shall verify its completeness and order registration of the provider into the register of providers with an administrative decision.

(3) The National Archives shall supervise the activities of registered equipment and services providers as well as the implementation of the provisions of this Act and the related implementing regulations.

#### Article 84

##### (Register of equipment and services providers)

(1) The National Archives shall keep a register of equipment and services providers accessible to public on web pages free of charge, which contains basic data about the equipment and services providers (company and/or title, registered office and provider's contact information, offered service and/or equipment, date and reference number of the decision on registration).

(2) The data from the register shall be kept permanently.

#### Article 85

##### (Accreditation of equipment and services)

The equipment and services provider may acquire accreditation with the National Archives for the equipment or services offered to third parties.

#### Article 86

##### (Accreditation)

(1) In relation to accreditation the National Archives shall sign an accreditation contract with the provider defining the relations between the National Archives and the provider in compliance with the general accreditation rules as defined by the National Archives.

(2) The National Archives shall, based on a contract, constantly verify the provider's fulfilment of the prescribed requirements, and in case of fulfilment of all the requirements the provider's equipment or services shall be entered in the register of accredited equipment and services.

(3) Only a provider of equipment and services registered in the register of accredited equipment or services may use the title of a provider of accredited equipment and/or services during his operations and market activities.

Article 87  
(Supervision of accreditation)

(1) The National Archives shall supervise the accreditation in compliance with general conditions and the contract from the preceding Article. In relation to verification of the activities performed by accredited equipment and services providers, the general conditions and the contract from the preceding Article of this Act shall give the National Archives, in relation to the implementation of the existing regulations, uniform technological requirements and recommendations by the National Archives referring to accredited equipment and services, powers equalling the inspection powers on the field of archival institutions and electronic commerce.

(2) In case the accreditation supervision reveals failure to fulfil the regulations in force, uniform technological requirements and recommendations by the supervisory body for accredited equipment and services, or the provider has terminated the contract with the National Archives, the accreditation authority shall delete the provider's equipment and services from the register of accredited equipment and services.

**VII.A REGULATIONS, UNIFORM TECHNOLOGICAL REQUIREMENTS AND  
RECOMMENDATIONS FOR ACCREDITED PROVIDERS**

Article 88  
(Regulations prescribed by the Government of the Republic of Slovenia)

The Government of the Republic of Slovenia shall prescribe:

1. conditions and method of reliable conversion in the digital form for long-term preservation under Article 10 of this Act;
2. compulsory content and method of adoption and implementation of internal rules by persons storing documents in the digital form under Articles 18 to 22 of this Act;
3. conditions and method of preserving documents and archives in physical form under Articles 23 and 25 of this Act;
4. conditions and method of storing documents in the digital form under Articles 25 to 30 of this Act;
5. criteria for selection and transfer of public archives to an archival institution under Articles 40 and 43 of this Act;
6. transfer method of film material and audio-visual works under Article 43;
7. basic elements of private archives treatment by their holders under Articles 44 to 52 of this Act;
8. types and forms of registers for archives and basic elements of processing and elaboration of finding aids for the use of archives, and a register of public symbols under Articles 53 and 56 of this Act;

9. method of keeping a register under Article 54 of this Act;
10. extent and method to publish archives on the web pages under Article 63 of this Act;
11. define composition and method of work for the Archival Commission under Article 67 of this Act;
12. general conditions for equipment and services under Articles 71, 72 and 74 of this Act;
13. content and method of keeping a register and procedure of registering confirmed internal rules, the register of equipment and services providers and the register of accredited equipment and services providers under Articles 82, 84 and 85 of this Act;
14. other issues concerning this Act.

#### Article 89

(Regulations prescribed by the Minister)

The Minister responsible for archival institutions shall prescribe:

1. detailed conditions for traineeship, professional examinations, the list of successfully passed professional exams and acquiring professional titles by employees of archival institutions;
2. criteria for professional skills and test of professional skills of employees working for entities under public law and dealing with documents;
3. detailed conditions and the method of keeping the register for the use of archives and fees for such use, conservation and restoration of archives;
4. conditions for establishment of archival institutions by local self-government communities.

#### Article 90

(Powers of Ministry)

The Ministry responsible for archival institutions shall:

- monitor and provide guidelines for the development of archival public service and supervise that service;
- adopt programmes for protection of archives implemented by regional archival institutions;
- issue decisions on professional titles on the field of archival activities.

#### Article 91

(Powers of the National Archives)

(1) The National Archives shall prepare a programme for protection of archives to be adopted by the Minister responsible for archival institutions.

(2) The National Archives shall adopt uniform technological requirements, which shall specify business, organizational and technological conditions for the fulfilment of this Act and the related implementing regulations.

(3) The National Archives shall adopt general conditions for accreditation under Article 86 and the requirements relating to accredited equipment and services, recommending to all registered equipment and services providers and imposing on all accredited equipment and services providers more reliable performance of activities.

## VIII. PENAL PROVISIONS

### Article 92

(1) In the event of an offence, a fine of 500,000 to 2.000,000 SIT shall be imposed on a legal person or an entrepreneur:

1. if that person does not care properly for documents in the manner prescribed (Article 39), does not document destruction (Article 16) or does not ensure proper working conditions to the competent archival institution (Article 39);
2. if that person does not perform the prescribed duties relating to the transfer of public archives to the archival institution and does not meet related material, personnel and financial conditions for work (Articles 39 and 40);
3. if that person does not transfer complete public archives to the competent archival institution within the time limit stipulated by the law (Article 40);
4. if that person does not transfer the archives if requested by the competent archival institution (Article 40);
5. if the transferred public archives are not arranged in the prescribed manner (Article 40);
6. if at any point prior to the transfer of public archives to the competent archival institution, and contrary to the existing regulations and professional guidelines of the competent archival institution, certain documents having the nature of archives were excluded (Article 40);
7. if the person does not mark public archives in the prescribed manner and does not indicate the restricted access periods in the transfer minutes (Article 40).

(2) A fine from 100,000 to 500,000 SIT shall be imposed on the person accountable on the part of the legal person, an entrepreneur, state authority or authority of a local self-government community having committed an offence under the preceding paragraph.

(3) A fine from 100,000 to 300,000 SIT shall be imposed on an individual, who has committed an offence under the first paragraph of this Article.

### Article 93

(1) In the event of an offence, a fine from 500,000 to 2.000,000 SIT shall be imposed on a legal person effecting a status modification or termination of an entity under public law:

1. if, in the event of termination of an entity under public law without a known legal successor, the legal person does not transfer public archives to the archival institution prior to termination (Article 41);
2. if the legal person does not ensure selection and transfer of public archives to the archival institution in compliance with the provisions of this Act, and on the basis of the compulsory instructions of the competent archival institution (Article 41).

(2) In the event of an offence referred to in paragraph 1, a fine from 100,000 to 500,000 SIT shall be imposed on the person accountable on the part of the legal person, state authority or local self-government community.

(3) An individual having committed an offence under the first paragraph of this Article shall be imposed a fine from 100,000 to 300,000 SIT.



#### Article 94

(1) In the event of an offence, a fine from 500,000 to 2.000,000 SIT shall be imposed on the archival institution:

1. if the archival institution temporarily exports or transfers abroad public archives without the authorisation of the minister competent for archival institutions (Article 42);
2. if the archival institution allows unauthorised use of public archives (Article 63);
3. if the archival institution allows such use of private archives which does not meet the agreed conditions for use (Article 46);
4. if the archival institution does not take into consideration the fixed restricted access periods (Article 65).

(2) In the event of an offence referred to in the preceding paragraph, a fine from 100,000 to 500,000 SIT shall be imposed on the responsible person of the archival institution.

#### Article 95

(1) A fine from 500,000 to 2.000,000 SIT shall be imposed on a legal person or an entrepreneur:

1. if he/she fails to execute the prescribed measures of protection (Article 36);
2. if he/she fails to fulfil legal obligations relating to the treatment of private archives (Article 45);
3. if he/she imports private archives of foreign origin without respect of international conventions and the existing legislation of the exporting county (Article 47);
4. if without the opinion of the Minister competent for archival institutions he/she exports or transfers abroad private documents which are deemed to have the nature of archives (Article 47);
5. if he/she exports or transfers abroad private archives without the authorisation of the Minister competent for archival institutions (Article 47);
6. if he/she does not inform the Ministry in the prescribed manner of his/her intention to sell private archives (Article 48).

(2) In the event of an offence referred to in the preceding paragraph, a fine from 100,000 to 500,000 SIT shall be imposed on the person accountable on the part of the legal person, entrepreneur, state authority or local self-government community.

(3) In the event on an offence committed by a natural person, a fine from 100,000 to 300,000 SIT shall be imposed on him/her if he/she has committed an offence under the first paragraph of this Article.

#### Article 96

(1) A fine from 500,000 to 2.000,000 SIT shall be imposed on a legal person or an entrepreneur who commits an offence relating to his/her performing an independent activity if he/she fails to transfer film archives to the National Archives.

(2) In the event of an offence referred to in the previous paragraph, a fine from 100,000 to 500,000 SIT shall be imposed on the person accountable on the part of the legal person, entrepreneur, state authority or local self-government community.

(3) In the event on an offence committed by a natural person, a fine from 100,000 to 300,000 SIT shall be imposed on him/her if he/she has committed an offence under the first paragraph of this Article.

#### Article 97

(1) A fine from 500,000 to 2.000,000 SIT shall be imposed on a legal person or an entrepreneur, who commits an offence:

1. if he/she has misused confidential archives under Article 65 of this Act;
2. if he/she uses public archives for unauthorised purposes (Articles 63, 68 and 69);
3. if he/she publishes reproductions of public archives without the authorisation of the archival institution (Article 63);
4. if he/she damages the archives (Article 69);
5. if he/she acts as an equipment and services provider without having registered his/her activity (Article 83);
6. if he/she has unjustly used the title of an accredited equipment and services provider (Article 86);
7. if he/she has falsely stated that the internal rules were confirmed by the National Archives (Article 81).

(2) In the event of an offence referred to in the preceding paragraph, a fine from 100,000 to 500,000 SIT shall be imposed on the person accountable on the part of the legal person, entrepreneur, state authority or local self-government community.

(3) In the event on an offence committed by a natural person, a fine from 100,000 to 300,000 SIT shall be imposed on him/her if he/she has committed an offence under the first paragraph of this Article.

### **X. TRANSITIONAL AND FINAL PROVISIONS**

#### Article 98

(Expiration of regulations)

(1) On the enforcement day of this Act the Archives and Archival Institutions Act shall expire (Official Journal of RS, No. 20/97 and 32/97 – corrigendum).

(2) The implementing regulations issued in relation to the former Act shall remain in force until the adoption of new regulations in compliance with this Act.

#### Article 99

(Time limit for implementing regulations)

The Government of the Republic of Slovenia and the Minister responsible for archival institutions shall prepare the implementing regulations in accordance with this Act within six months after its enforcement.

Article 100  
(Time limit for adjustment)

(1) Any person keeping documents is obliged to adjust his/her treatment of the documents with the provisions of this Act within one year after the enforcement of the implementing regulations under Article 88 hereto. Within the same time limit such person is also bound, in case he/she keeps documents in the digital form, to provide for conversion into digital form for long-term preservation.

(2) All hardware and software providers, providers of storage and the related services, having performed their activities before the enforcement of this Act, are obliged to adjust their activities with the provisions of this Act and obtain registration in compliance with Article 83 hereto within one year after the enforcement of the implementing regulations under Article 88 hereto.

Article 101  
(Harmonization of periods of restricted access)

With reference to the use of archives archival institutions shall be bound to harmonize inaccessibility periods to the archives with Article 65 of this Act upon the enforcement of this Act.

Article 102  
(Providing and publishing data)

(1) Entities under public law shall provide personal and other data on individuals who were deprived of their life in the period from September 1, 1939 to December 31, 1953 to the users in the public sector needing such data for scientific research and historical purposes.

(2) Personal and other data from the preceding paragraph may be published for purposes described in the previous paragraph.

(3) The following data may be published: name, name of father and mother, date and place of birth, date and place of death, residence, nationality, membership in a political party or society, participation in military units, ethnic origin, sex, education and employment.

Article 103  
(Entry into force)

This Act shall come into force on the fifteenth day after its publication in the Official Journal of the Republic of Slovenia.