

Pursuant to Articles 10, 21, 23, 36, 40, 43, 47, 53, 54, 63, 67, 71, 72, 73, 74 and 88 of the Protection of Documents and Archives and Archival Institutions Act (Official Gazette of the Republic of Slovenia [Uradni list Republike Slovenije], Nos 30/06 and 51/14), the Government of the Republic of Slovenia has issued the following

DECREE **on Documents and Archives Protection**

I. INTRODUCTORY PROVISIONS

Article 1 **(Subject)**

The present Decree specifies in more detail archive creators, the capture, conversion and storage of documents and archives in digital form and the provision of accompanying services, the arrangement, appraisal and destruction of documents and selection of archives, transfer of archives, storage and preservation of documents and archives, and archival depots, the protection of film archives, protection of private archives, processing of archives, registers, use of archives, the registration of equipment and services providers, certification of equipment and services, electronic storage registers, and the work of the Archival Commission, Council of Directors and Council on Archives.

Article 2 **(Definitions)**

- (1) The terms used in this Decree shall have the following meaning:
- information system shall be the information system for the management of documents and archives in electronic or physical form, the capture of materials in a digital form or conversion from one digital form to another, their storage and use,
 - holder shall be a legal or natural person or a group of persons who keeps the archives and is not necessarily the creator of the same material,
 - legal or natural persons of the same type shall be persons who perform an activity of the same type or are connected by the contents or field of their work,
 - an original shall be any primary and/or original record irrespective of the written base and type of recording,
 - minister shall be the minister responsible for archival institutions,
 - ministry shall be the ministry responsible for archival institutions,
 - metadata shall be data on other data describing the contents, structure and context of the creation of documents and archives, their management and use,
 - a description unit shall be a completed content unit of arrangement of archives that was made by the creator of archives or later in an archival institution in the process of description;
 - reproductions shall be all forms of copies of documents and archives partly or fully summarising the contents of the record from which a copy was made (e.g. photocopies, prints, downloads, microfilm records, photographs, slides, digitalised records, audio or audio-visual records);
 - a technical unit shall be equipment for archives (e.g. archive boxes, film boxes and other equipment) from chemically stable materials that should correspond to the size and form

- of the archives, or a submission information package for archives and documents in digital form,
- creator shall be a legal person or its organisational unit, or a natural person or group of persons that creates documents that are the basis for the selection of archives transferred to competent archival institutions in accordance with the Act,
 - the Act shall be the Protection of Documents and Archives and Archival Institutions Act (Official Gazette of the Republic of Slovenia, No. 30/06 and 51/14).

(2) Other terms used in this Decree shall have the same meaning as in the Act.

II. ARCHIVE CREATORS

Article 3 (Register of creators)

(1) Competent archival institutions shall keep the register of creators of archives managed by the National Archives. The entry in the register and any changes made to it shall be made by the administrator following a proposal of the competent archival institution.

(2) Creators for which the competent archival institution establishes its competence on the basis of the Act shall be entered in and removed from the register by a decision, except for creators who are direct or indirect budget users, and political parties, which are directly entered in or removed from the register on the basis of the data from officially kept registers provided by the Act.

(3) The register shall be kept in electronic form.

Article 4 (Entry of data in the register of creators)

(1) Competent archival institutions shall provide the following data to be entered in the register:

- name and official address of the creator,
- registration number of the creator,
- classification of the creator from the Standard Classification of Activities,
- competent archival institution and competent archivists,
- name, official address and registration number of holder if they are not the same person as the creator,
- date and reference code of the valid written professional rules on the selection of archives from documents.

(2) In addition to the elements referred to in the preceding paragraph, the following shall be entered:

1. for legal persons under public and private law, and natural persons holding public authority, or public service contractors:
 - start date, contents and period of validity of the public authority granted, or start date, type and period of the provision of public service,
 - number and date of decision on entry in the register;
2. for political parties:
 - date of the party's entry in and exit from the National Assembly of the Republic of Slovenia;
3. for legal persons that have acquired the status of entities operating in the public interest:

- date of acquisition of the status of an entity operating in the public interest,
- field for which the status was acquired,
- period for which the status was granted,
- number and date of the decision on entry in the register.

(3) The data shall be sent using a prescribed form published on the National Archives website and shall be publicly accessible.

Article 5 (Dossiers of creators)

(1) Competent archival institutions shall keep, in the context of the register referred to in the preceding paragraph, the dossiers of creators of archives for which they are competent.

(2) The dossiers shall contain the following:

- list of documents in the dossier,
- data on titles, internal organisation, competences and activities,
- data on the holder of materials, if the holder is not the same person as the creator,
- data on persons responsible for the performance of the obligations referred to in Paragraph 7 of Article 39 of the Act,
- copies of issued written professional instructions and additional written instructions for the selection of archives and of professional and technical instructions,
- name of the archivist or archivists competent for the archives of the creator.

(3) In addition to the data referred to in the preceding paragraph, dossiers may contain other data important for professional treatment, for example:

- documentation on changes in the status or operation of the creator,
- data on the storage, preservation and arrangement of documents,
- data on document management (records management), types of registers and classification methods,
- data on selected archives that have not yet been transferred to the archival institution,
- minutes on expert supervision and notes on explanations.

(4) In addition to the requirements referred to in Paragraph 2, the dossiers shall contain the following:

1. for political parties:
 - statutes of the political party,
 - name of the representative of the party;
2. for persons under private law that in accordance with the law have acquired the status of entities operating in the public interest:
 - decision on the entry in the register of creators;
3. for legal persons under private law, and natural persons holding public authority, or public service contractors:
 - decision on the entry in the register of creators;
4. for legal persons under private law and natural persons whose documents have been declared archives by decision:
 - decision on declaration;
5. for entities under public law that have acquired an authorisation for own protection of archives:
 - decision of the competent minister for own protection of archives,
 - data on professional qualifications of a person responsible for archives.

III. PREPARATION AND ORGANISATION OF THE CAPTURE AND STORAGE OF DOCUMENTS AND ARCHIVES IN DIGITAL FORM, AND PROVISION OF ACCOMPANYING SERVICES

3.1. Preparation and organisation of the capture, storage and accompanying services

Article 6

(Stages of preparation for the capture, storage and accompanying services)

(1) Each person referred to in Paragraph 1 of Article 17 of the Act shall perform the following activities related to the protection of documents and **archives** in digital form:

- specify the scale of operations regulated by internal rules,
- describe the types and sources of documents and archives in digital form,
- prepare a risk assessment and risk management measures,
- carry out the assessment of the valid information system and information security,
- specify the requirements for the capture, storage and accompanying services (legal, business, technological),
- draft the plan for the capture, storage and accompanying services, and the establishment or update of the information system.

(2) All phases referred to in the preceding paragraph should be properly documented.

(3) The method and scope of implementation of individual stages of the preparation for the capture, storage and accompanying services are defined by the rules governing uniform technological requirements.

3.2. Internal rules

Article 7

(Preparation and adoption of internal rules)

(1) The internal rules referred to in the Act may be – depending on the person who drafted them and the holder of the material whose management they govern – internal rules for operation, internal rules for the provision of services, or model internal rules.

(2) Based on the findings from the stage of preparation for the capture and storage and/or accompanying services, the person referred to in Article 17 of the Act shall draft and adopt internal rules or adopt model internal rules.

(3) If a person has adopted model internal rules, such rules should be adopted as a whole. In adopted internal rules the person shall, in accordance with the instructions of the drafter of the model internal rules, adapt only those provisions or parts of provisions that refer to the person's status, internal organisation or other internal matters. Such changes should not in any way interfere with the quality of document and archive protection.

(4) The person should inform the National Archives about the adoption of the confirmed model internal rules and communicate the following data: name of person who adopted the internal rules, his or her registered address, registration number of the legal person, mailing address, e-mail address, name of owner of the model internal rules, number and date of the decision confirming the model internal rules.

(5) Persons may prepare and submit for confirmation to the National Archives the model internal rules that persons of the same type adopt in accordance with the preceding paragraph.

(6) The method of adoption of model internal rules is specified by the rules governing uniform technological requirements.

Article 8 **(Contents of internal rules)**

(1) Internal rules should include at least the following:

1. provisions on the internal organisation and qualifications and responsibilities of personnel concerning all activities governed by the internal rules;
2. provisions on document management, which include at least the following:
 - a) provisions on the types and nature of documents,
 - b) provisions on the classification and/or organisation of documents,
 - c) provisions on the registration of documents,
 - d) provisions on the elimination and destruction of documents whose retention period expired;
3. provisions on the capture and storage of documents, which include at least the following:
 - a) provisions on the method of implementation of capture and storage,
 - b) provisions on control activities,
 - c) provisions on documenting the implementation of capture and storage;
4. provisions on accompanying services:
 - a) provisions on the scope and method of provision of accompanying services,
 - b) provisions on control activities,
 - c) provisions on documenting the provision of accompanying services;
5. provisions on the information system infrastructure and its management including basic technical and procedural characteristics, security level and infrastructure liability data, which include at least the following:
 - a) provisions on risk assessment and management,
 - b) provisions on premises and locations,
 - c) provisions on the physical and technical protection of premises and infrastructure in these premises,
 - d) provisions on the classification of information sources and their management,
 - e) provisions on the suitability testing of infrastructure or its parts,
 - f) provisions on security settings and use of information and communication technology and equipment,
 - g) provisions on the internal control of information system operation,
 - h) provisions on measures in case of unexpected events and on recovery plan,
 - i) provisions on the management of changes;
6. provisions on periodic changes and supplements to internal rules and on their validity;
7. provisions on the internal and possible external evaluation of implementation of internal rules.

(2) When internal rules address archives, they should also contain at least the following:

- a) provisions on cooperation with the competent archival institution,
- b) provisions on the selection of archives from documents,
- c) provisions on the transfer of archives to competent archival institutions.

(3) Persons acting in compliance with the regulations on administrative operations or regulations on the operation of a judicial authority may refer to internal rules as regards the provisions referred to in Paragraphs 1 and 2 of this Article.

(4) Model internal rules should be adequately compiled to allow persons to adopt them as a whole and in an unequivocal way with reference to the implementation of all planned activities, and should, in addition to the provisions referred to in Paragraphs 1 and 2 of this Article, include the instruction for adoption that shall contain at least the following:

- a) description of the procedure of implementation of preliminary preparation,
- b) description of the procedure of adoption of model internal rules,
- c) definition of the permitted scope of adaptation of provisions or parts of provisions that refer to the status, internal organisation or other internal matters of the person adopting model internal rules (personalisation),
- d) disclaimer that the person adopting model internal rules should notify the National Archives of the adoption.

(5) A detailed definition of the contents of internal rules in terms of their purpose and scope shall be an integral part of the rules governing uniform technological requirements.

Article 9 (Confirmation of internal rules and entry in the register)

(1) An application for the confirmation of internal rules shall be filed with the National Archives on a prescribed form.

(2) The National Archives may, in the confirmation procedure, examine the compliance of internal rules with the provisions of the Act and implementing regulations issued on the basis thereof.

(3) Notwithstanding the provision referred to in the preceding paragraph, the examination of the compliance of internal rules is not obligatory in the part for which a competent authority or independent organisation issues a person the certificate of conformity defined in the rules on uniform technological requirements.

(4) If the National Archives establishes that the submitted internal rules are in compliance with the Act and implementing regulations issued on the basis thereof, the internal rules shall be confirmed and entered in the register of confirmed internal rules.

(5) On the basis of the notification on the adoption of internal rules referred to in Article 7 of this Decree, the National Archives shall enter the adopted internal rules in the register.

(6) If the National Archives establishes in the examination procedure that the submitted internal rules are not in compliance with the Act, the present Decree or rules on uniform technological requirements, the submitted internal rules shall not be confirmed and the entry in the register of confirmed internal rules shall be refused. If it establishes that the deficiencies can be eliminated, it shall notify the person who submitted the claim for the confirmation of internal rules in writing and set the deadline for the elimination of these deficiencies.

(7) The contents of the request for the confirmation of internal rules and the list of the associated documentation are prescribed by the rules governing uniform technological requirements.

Article 10 (Monitoring of the implementation of internal rules)

(1) The monitoring of the implementation of internal rules referred to in Article 21 of the Act shall be performed according to the requirements of the Act, the implementing regulations issued on the basis thereof, confirmed internal rules and conclusions made during the stage of preparation for capture and storage.

(2) The monitoring of implementation of internal rules shall take the form of an internal examination with internal assessors who examine the implementation of internal rules and the operation of the information system for the capture, storage and accompanying services relating to documents and archives in digital form.

(3) Internal assessors should have professional qualifications in records management, archival science, information infrastructure and security.

(4) The monitoring of the implementation of internal rules shall be performed on the basis of a preliminary assessment plan, which also includes the criteria for the assessment of individual provisions of instruments, acts and documents referred to in Paragraph 1 of this Article.

(5) The plan referred to in the preceding paragraph shall contain at least the scope of examination of the implementation of provisions of acts and documents referred to in Paragraph 1 of this Act and the method of implementation of the examination. The initial assessment plan should foresee the examination of the implementation of internal rules as a whole. The examination shall be carried out at least every two years. When internal rules address archives, the examination of the implementation of internal rules shall be carried out at least once a year. The procedure of certification of the service shall be considered the monitoring of implementation of internal rules for the provision of service certified by the National Archives.

(6) At the end of the examination, a report shall be prepared, including conclusions on compliance with or derogation from the provisions of acts and documents referred to in Paragraph 1 of this Article and the measures proposed for the elimination of discrepancies found and the deadline for the execution of measures. Any data on which the report conclusions are based shall be properly documented in the attachment to the report.

(7) When the report has proposed measures for the elimination of discrepancies, the management board of the owner of internal rules shall provide for the execution of such measures within the proposed time limits and a new examination of the implementation of internal measures in the part to which the measures refer.

(8) The manner of demonstration of professional qualifications of internal assessors is determined by the rules on uniform technological requirements.

Article 11 **(Amendments of internal rules)**

(1) Deficiencies in internal rules shall be established on the basis of the monitoring of the implementation of internal rules referred to in Article 21 of the Act and Article 10 of this Decree.

(2) Persons whose internal rules have been confirmed by the National Archives should submit the amended internal rules for reconfirmation if:

- the amendments directly affect the accessibility, applicability, integrity, authenticity or durability of the captured or stored documents and archives in digital form,
- the amendments broaden the scope of internal rules.

(3) The request for the confirmation of amended internal rules should be accompanied by the documentation set out by the rules on uniform technological requirements as well as the list of the amendments made.

IV. CAPTURE AND CONVERSION OF DOCUMENTS AND ARCHIVES

Article 12 (Capture of original documents in digital form)

(1) The capture of original documents in digital form shall comprise the import or creation of new material units in digital form, including metadata, in the information system.

(2) The procedure of capture referred to in the preceding paragraph should comprise at least the following:

1. registering of all units of documents regardless of the format, mode of document creation and other technological features;
2. classification of captured documents;
3. proper capture of the contents of documents, which encompasses:
 - all key content-related data, or creates all necessary metadata, including the data providing the integrity (intactness of contents), authenticity (provability of connection of captured documents with the contents of original documents and/or their origin) and usability of documents (enabling the complete interpretation of data as reasonable information), and provides for the strictly controlled and documented addition of such data,
 - added data that are clearly separated, saved and marked differently from the original data (additional content-related data and technical metadata), and all significant notes and data on the capture procedure and original documents;
4. automatic or manual control of the proper capture of content-related data and metadata in order to eliminate mistakes and/or deviations;
5. preservation of a sufficient quantity of documentation in order to prove that the applied tools, methods and procedures provide for reliable capture.

(3) A person responsible for the proper implementation of the procedure referred to in the preceding paragraph shall be appointed.

(4) The procedure of capture referred to in Paragraph 1 of this Article is determined by the rules on uniform technological requirements.

Article 13 (Conversion and capture of documents and archives originally produced in physical or analogue form)

(1) All forms of digitisation are considered as the conversion and capture of documents and archives originally produced in physical or electronic analogue form.

(2) The procedure of digitisation referred to in the preceding paragraph should comprise at least the following:

1. registering of all units of documents and archives regardless of the format or medium, mode of creation and other technological features;
2. proper conversion and capture of the contents of documents and archives in the digital form, which:
 - encompasses all key content-related data;

- captures or creates all necessary metadata, including the data providing the integrity (intactness of contents), authenticity (provability of connection of reproductions with the contents of original documents and archives and/or their origin) and usability of documents and archives (enabling complete interpretation of data as reasonable information with the possibility to identify material units), and provides for the strictly controlled and documented addition of such data,
 - encompasses added data that are clearly separated, saved and identified differently from original data (additional content-related data and technical metadata), and all significant notes and data on the capture procedure and originals;
3. automatic or manual control of the proper implementation of digitisation in order to eliminate mistakes and/or deviations;
 4. registering of digitised documents and archives;
 5. keeping of a sufficient quantity of documentation in order to prove that the applied tools, methods and procedures of digitisation provide for reliable capture in the digital form.

(3) A person responsible for the proper implementation of the procedure referred to in the preceding paragraph shall be appointed.

(4) The procedure of digitisation referred to in Paragraph 1 of this Article is determined by the rules on uniform technological requirements.

Article 14 (Conversion of documents and archives to microfilm)

(1) Conversion to microfilm shall be any conversion of documents and archives from the physical or digital form to microfilm.

(2) For the needs of long-term storage, the procedure of conversion to microfilm should comprise at least the following:

1. registering of all converted units of documents and archives regardless of the original format or medium, mode of creation and other technological features;
2. proper capture of the contents to microfilm, which:
 - captures all key content-related data;
 - saves and identifies added data, which are clearly separated from the original data, and all significant notes and data on the procedure of conversion to microfilm and on original materials;
3. automatic or manual control of the proper implementation of conversion to microfilm in order to eliminate mistakes and/or deviations;
4. keeping of a sufficient quantity of documentation in order to prove that the applied tools, methods and procedures of conversion to microfilm ensure the preservation of the integrity and authenticity of the contents of the converted documents and archives.

(3) A person responsible for the proper implementation of the procedure referred to in the preceding paragraph shall be appointed.

(4) The conditions of conversion to microfilm are determined by the rules on uniform technological requirements.

Article 15 (Other conversions)

(1) The provisions of articles in this chapter shall apply *mutatis mutandis* to other conversions and to conversions of specific material from individual fields (for example public registers, image material, spatial data etc.).

- (2) The conversion of official registers shall be obligatory when:
- the keeping of register ends,
 - the register keeping method is changed,
 - the register to be transferred to the competent archival institution is prepared,
 - this is required by professional and technical instructions of the competent archival institution.

V. ARRANGEMENT, APPRAISAL AND DESTRUCTION OF DOCUMENTS AND SELECTION OF ARCHIVES

5.1. Arrangement and appraisal

Article 16 (Arrangement of documents)

Documents shall be considered arranged if individual documents or grouped documents (file, case, dossier) are arranged in accordance with the method of document administration or records management of the creator.

Article 17 (Appraisal of documents)

The National Archives, which are responsible for performing the uniform professional provision of the public archive activity, shall prepare a list of the documents that may be appraised as archives, and publish it on its website.

Article 18 (Communication of data to the competent archival institution)

(1) The creator should notify the archival institution on their organisational structure, competences and/or duties, object of commerce, mode of document management or record management, functions and activities, and kept registers of documents.

(2) The creator should provide to the archival institution the data necessary for the appraisal of their documents.

(3) The creator should notify the competent archival institution of changes in competences or operations that influence the mode of document management, and of the transfer of documents to another person within 30 days at the latest.

Article 19 (Commission for the adoption of written professional instructions for the selection of archives)

(1) On the basis of the data on the creator and system of operation and on the basis of the classification plan and/or the list of documents, the commission for the adoption

of written professional instructions for the selection of archives shall adopt written professional instructions issued by the competent archival institution.

(2) For entities under public law that are active in the entire national territory and whose organisation units fall under the competence of several archives, uniform common written professional instructions may be prepared.

(3) The commission for the preparation of uniform common professional written instructions shall be appointed by the National Archives following the consent of regional archives. The commission shall be obliged to harmonise these instructions with the inter-archival working group that covers this field. The harmonised uniform common professional instructions shall be issued by the National Archives.

Article 20 (Written professional instructions of an archival institution)

(1) Written professional instructions should include at least the following elements:

- name of person for whom written the professional instructions are issued,
- definition and indication of the archives with clarification,
- names and surnames and signatures of members of the commission for the adoption of written professional instructions.

(2) The professional instructions shall further define:

- the archives not covered by the first professional instructions, and
- other guidelines for the creator or holder of documents and archives.

Article 21 (Further professional and technical instructions of archival institution)

(1) Further professional and technical instructions for archives in digital form referred to in Article 40 of the Act shall contain the following for each type of archives:

- quantity of archives with accompanying documentation,
- procedure of preparation of archives for transfer,
- content-related and technical arrangement of archives,
- forms and recording media,
- procedure and manner of archive transfer.

(2) Detailed contents of further professional and technical instructions are specified in the rules on uniform technological requirements.

5.2. Selection of archives

Article 22 (Selection of archives)

(1) Archives shall be selected every five years, unless determined otherwise by the written professional instructions of the competent archival institution.

(2) Before the selection of archives, the creator or holder should notify the archival institution thereof in writing.

(3) The creator or holder should follow the written professional rules for selection referred to in Articles 34 and 40 of the Act.

(4) The creator or holder shall describe the selected archives in accordance with Article 23 of this Decree, and keep them arranged and technically equipped until the transfer to the archival institution.

Article 23 (List of transferred archives)

Archives shall be considered described for the needs of transfer when, after the selection of archives from documents, the creator or holder has prepared a description list of archives at least at the level of grouped documents containing the following elements:

1. basic data:
 - name of archive creator,
 - time of creation of archives,
 - quantity of transferred archives expressed in running metres or bytes, and quantity of archives expressed in number of technical units,
 - name of person who compiled the description list of archives,
 - date when the description list of archives was prepared;
2. elements of description list:
 - code of technical unit,
 - code of description unit,
 - classification code of description unit (if existing),
 - title of description unit,
 - time of creation of description unit,
 - periods of inaccessibility.

Article 24 (Technical equipment of archives)

(1) Archives transferred in physical form shall be technically equipped when individual or grouped documents have been filed, for example in paper envelopes or folders, and the latter have been placed in a technical unit defined by the competent archival institution in accordance with Article 40 of the Act.

(2) Archives transferred in physical form should not be tied with metal paper clips and other metal objects and should not be in a plastic envelope.

(3) Technical units should be equipped with labels including at least the following:

- name of archives creator; if necessary, also the name of internal organisation unit, or a code determined by the archival institution,
- serial number of technical unit.

(4) Labels on technical units may, in accordance with the instructions of the competent archival institution, also contain other data.

(5) Detailed rules for the technical arrangement of archives in digital form shall be determined by further professional and technical instructions of the competent archival institution referred to in Article 40 of the Act.

5.3. Destruction of documents

Article 25
(Destruction of documents)

The creator and/or holder may, after the written instructions have been issued by the competent archival institution, initiate the procedures of elimination and destruction of the documents referred to in Articles 13, 13a and/or 14 of the Act.

Article 26
(Work of commission concerning destruction of documents)

(1) The commission participating in the procedures of elimination and destruction of documents whose storage period has expired in accordance with Article 13a of the Act and/or have been microfilmed or captured and converted to digital form in accordance with Articles 13 or 14 of the Act, shall be appointed by the head of the creator or holder or a person authorised by the head.

(2) Prior to the process of destruction, the commission should make minutes that contain at least the following:

- name and address of creator and/or holder,
- name of employee of the creator or holder responsible for the compliance with obligations referred to in Article 39 of the Act,
- names and surnames of commission members,
- date of destruction of documents.

(3) To the minutes referred to the preceding paragraph the Commission shall attach the list of documents to be destroyed, which shall include at least the following items:

- name and address of creator,
- time of creation of documents,
- data on contents,
- data from the documents register of the creator,
- certificate of destruction of documents in case the destruction is performed for the authority by an external provider.

5.4. External service providers for archives in physical form

Article 27
(External service providers)

When the creator or owner selects an external service provider for the services of arrangement, selection, description and provision of secure premises for the archives in the physical form before their transfer to the competent archival institution in accordance with the present Decree, such provider should fulfil the same conditions regarding professional qualifications and preservation as the creator.

VI. TRANSFER OR ARCHIVES

Article 28
(Transfer or archives)

The time limit for the transfer of public archives determined in the written professional instructions for the competent archival institution shall begin by the transfer of

documents to the permanent collection of the creator, in accordance with the operating provisions.

Article 29
(Minutes on transfer and acquisition of archives)

(1) The competent archival institution shall write the minutes on transfer and acquisition of archives on the form published on the National Archives website.

- (2) The minutes referred to in the preceding paragraph shall include:
- title and address of the creator and/or holder who transfers archives, and name of the responsible person,
 - title and address of the archival institution who acquires the archives, and name of the responsible person,
 - names and surnames and signatures of the employees competent for the transfer and acquisition of archives,
 - place and date of transfer,
 - name of archive creator,
 - reference number of fonds/collection or archives when individual documents are being transferred,
 - time of creation of archives,
 - quantity of transferred archives expressed in running metres or bytes, and quantity of archives expressed in number of technical units or number of documents when individual documents are transferred,
 - conclusions on the status of archive preservation and the related transferor's explanation,
 - data concerning access to archives,
 - data on the existence and holders of intellectual property rights for archives,
 - statement of holders on the transfer of rights referred to in the preceding indent and on the conditions for publication of archives on the Web,
 - list of archives that exceptionally remained with the transferor, where the reason for this and deadline for their transfer are indicated.

(3) The list of acquired archives referred to in Article 23 of this Decree shall be attached to the minutes referred to in Paragraph 1 of this Article.

Article 30
(Costs of selection, transfer, technical equipment, transport and delivery)

(1) The creator and/or holder shall cover the costs related to selection, technical equipment and transfer of archives to the archival institution, including transport and/or delivery to the archival institution and necessary restoration work.

(2) If necessary restoration work is carried out by the competent archival institution instead of the creator or owner, the competent archival institution shall require from the creator and/or owner financial compensation determined in the rules governing the compensation of costs in archival institutions.

VII. STORAGE, PRESERVATION AND ARCHIVAL DEPOTS

7.1. General Provisions

Article 31
(Extent of preservation)

Preservation shall comprise the following:

- definition of conditions for adequate premises and equipment for the preservation of documents and archives,
- definition of necessary measures for the protection of documents and archives against theft, burglary, wear, dust, fire, water, inadequate temperature and humidity, light and harmful radiation and other adverse biological, chemical and physical impacts.

7.2. Archival depots

Article 32
(Archival depots)

(1) Archival depots shall be used only for the preservation of documents and archives.

(2) Archival depots should be:

1. separated from other premises;
2. safe from water, humidity, fire, earthquakes, unauthorised entry and lighting, and adequately separated from gas appliances, plumbing, sewage systems, fireplaces, flue ducts, central heating mains, electric fittings not intended for the operation of depots, and similar dangerous fittings and systems;
3. constructed so as to guarantee stable and proper microclimatic conditions for the preservation of documents and archives;
4. adequately hydro and thermally insulated;
5. equipped with adequate electric fittings with central electric power switch-off in all depots;
6. equipped with luminaries not emitting harmful radiation.

(3) Combustible, inflammable and other hazardous substances should not be stored in archival depots and their immediate vicinity.

(4) Archival depots should have:

1. functional, mechanically, chemically and biologically stable equipment;
2. adequate fire extinguishers and related systems;
3. devices for measuring or regulating humidity levels and temperature;
4. fire, unauthorised entry and flood alarm systems;
5. protection against harmful radiation;
6. adequate technical equipment for all types and formats of documents and archives;
7. devices for uninterrupted power supply for the storage of documents and archives in digital form.

(5) The equipment of archival depots should provide for:

1. rational placement of digitalised documents and archives;
2. protection against damage;
3. easy access to digitalised documents and archives;
4. circulation of air;
5. simple cleaning.

Article 33

(Storage of documents and archives in archival depots)

(1) Documents and archives shall be kept in archival depots with appropriate microclimatic conditions. Appropriate microclimatic conditions for individual types of archives are provided in Annex 1, which shall be an integral part of this Decree.

(2) Documents and archives comprising less than 30 running metres may be exceptionally stored outside archival depots in locked cabinets in a fireproof and waterproof place, with requirements referred to in Article 32 of this Decree applying *mutatis mutandis*.

Article 34

(Measures for protection of documents and archives in archival depots)

(1) The measures for protection of materials under Article 31, indent 2 of this Decree shall include:

1. maintaining archival depots and archival equipment in a clean condition;
2. monthly control of depots, documents and archives and elimination of circumstances that could result in damage to documents and archives;
3. assurance of adequate temperature and humidity in archival depots;
4. compulsory measurement of temperature and humidity and keeping a record of temperature and humidity for each archival depot separately;
5. ventilation of archival depots;
6. compulsory constant detection and maintenance of fire prevention and extinguishing devices;
7. lighting switch-off when nobody is present in depots;
8. prevention of unauthorised access to depots.

(2) During processing and use of documents and archives, open fire and any substances or appliances that could damage the materials or destroy them in any other way should not be used.

(3) Before their transfer to the archival depot, documents and archives should be disinfected, dried and dusted.

7.3. Storage and preservation of documents and archives in physical form

Article 35

(Paper, packaging)

In order to preserve archives, more permanent paper types and protective packaging shall be used, the characteristics of which shall be defined by the National Archives and published on its website.

Article 36

(Preparation for permanent preservation)

(1) Documents whose storage period is unlimited or at least 75 years and archives shall be prepared as follows:

1. they shall be flattened and/or folded in a format suitable for storage in an archival depot;
2. they shall be put into adequate technical units that should not be hermetically closed but should prevent the intrusion of dust; these units shall be then placed on shelves;
3. they shall be put into chests of drawers and only exceptionally hung (for large formats);

4. when arranging materials, metal objects and foils (artificial substances) without documentary value shall be removed, however, the original arrangement of grouped documents should remain visible;
5. they shall be placed horizontally on shelves, tied together into no more than three superimposed units, and unbound up to no more than 5 cm (it applies to materials larger than an A3 format).

(2) When a creator cannot act in accordance with the preceding paragraph, they shall notify the competent archival institution, which should promptly issue instructions on the treatment of such material.

Article 37
(Storage, arrangement and use of documents and archives)

(1) When storing, arranging and using documents and archives, these should be treated with care to prevent damage or destruction and to maintain their original evidential value. Documents and archives should not be bent, their edges should not be cut; it is also prohibited to write, draw, stick, rub, erase on them or in any way remove recordings (writings) from them.

Article 38
(Transfer and transport of archives)

Archives shall be transferred and transported in a way and with equipment that assures the protection of archives from damage.

Article 39
(Damaged archives)

Damaged archives should undergo necessary conservation and restoration work in the shortest possible period.

Article 40
(Preservation of archives when archives are used for exhibition purposes)

When archives are used for exhibition purposes, they shall be treated in accordance with Annex 1 to this Decree.

7.4. Storage and preservation of documents and archives in digital form

7.4.1. Hardware and software

Article 41
(Conditions to be fulfilled by hardware and software)

(1) Providers of capture and storage services and accompanying services who provide services for entities under public law should use hardware and software certified by the National Archives for the capture and storage of archives in digital form and for accompanying services.

(2) Entities under public law should, according to the law, order hardware and software certified by the National Archives for the capture and storage of archives in digital form and for accompanying services. If software is developed by entities under public law, the certification of the software shall be carried out before the beginning of its use at the latest.

(3) The hardware and software referred to in the preceding paragraphs that should be certified, and the conditions for the acquisition of the certificate issued by the National Archives shall be detailed by the rules on uniform technological requirements.

7.4.2. Form and recording medium

Article 42 (Long-term preservation format)

As a long-term preservation format we shall consider any format fulfilling the following conditions:

1. it ensures the preservation of the contents of documents and archives so as to represent an arranged whole of all necessary data and links among them;
2. it is widely approved and recognised and/or used, while its use is supported by hardware and software accessible and established in the market;
3. it is directly usable for content reproduction or can be simply converted into a directly usable form;
4. it is able to automatically detect and report unanticipated events during conversion;
5. it is independent of specific software or hardware and/or environment;
6. the specification of the format is stable and does not change frequently, new versions being compatible with older versions;
7. it is founded on an international, national or generally recognised and, as a rule, an open standard, if such exists and is not protected by intellectual property rights, and
8. it shall fulfil other requirements of the Act and this Decree.

Article 43 (Long-term preservation medium)

A long-term preservation medium shall be an electronic recording medium fulfilling the following conditions for the duration of the conservation period:

1. it assures preservation of the data recording also upon disconnection from the power supplies;
2. it is widely approved and recognised and/or used, while its use is supported by market-established hardware and software;
3. recording on the medium shall be based on an international, national or generally recognised and, as a rule, an open standard, if it exists;
4. terms of use, durability period of the record and the way of assuring the permanence of the record (e.g. periodic examination, copying) are known, and
5. it shall provide for several copies from the existing to the future media.

7.4.3. Storage

Article 44 (General conditions of storage)

(1) The conditions of storage for entities under public law and providers of capture and storage services and accompanying services who provide services for entities under public law shall be as follows:

- in the case of long-term preservation, documents and archives should be kept in the format referred to in Article 42 and on media referred to in Article 43 of this Decree,
- in addition to the secure storage on the main location, the provider should also guarantee secure storage of at least two copies of documents and archives on two geographically remote locations in order to prevent the loss of or unauthorised access to such materials,
- in the case of the storage of documents and archives using cloud computing, such materials may be stored only in a private cloud, where the physical location of the storage of such materials is known in all stages of storage and processing of documents and archives and which may not be located outside the borders of the Republic of Slovenia.

(2) In addition to secure storage at the main location, other persons should also guarantee the secure storage of at least one copy of documents and archives at a geographically remote location.

Article 45 **(Additional requirements for the storage service provider)**

(1) The storage service provider should provide for adequate physical protection of their hardware and control of physical access to the information storage system.

(2) The storage service provider's information and communication infrastructure linked to another information and communication network should be protected by reliable security mechanisms (intrusion prevention/detection system, a firewall and similar) preventing unauthorised access through such network and limiting access only through protocols strictly necessary for data storage, while all other protocols should be blocked. If the system was designed to allow communication with the provider's preservation system through another network, it should be possible to use a secure (e.g. encrypted) connection upon the client's request.

(3) The storage service provider's information storage system should be composed only of hardware and software needed for storage, and it should have sufficient security mechanisms preventing abuse by employees and providing for clear distribution of duties by fields.

(4) The storage service provider's data affecting the reliability and security of the provider's operations should not leave the system in an uncontrolled way as this could jeopardise operations in accordance with the Act, this Decree, the rules on uniform technological requirements and the internal rules of the provider. When the data carriers are no longer in use, they should be removed and the data they contain should be securely deleted. At the request of the client, the storage service provider should reliably destroy the media when the media are not used any more.

(5) The storage service provider should perform documented security checks of their infrastructure every business day. If they provide their services 24 hours per day, 365 days per year, they should perform the check every day. The storage service provider should record all their findings and interventions.

(6) The storage service provider should have an elaborated procedure of managing the rights of access to their information system for the storage and to the documents and archives contained therein.

(7) The storage service provider should keep the register of procedures and interventions in the infrastructure that affect the reliability of their provision of the storage service. Such registers should be kept for at least five years.

7.4.4. Special conditions relating to the storage of archives

Article 46 (Additional requests for the storage of archives)

When the storage of archives in digital form is provided outside the competent archival institution, the competent archival institution should be immediately notified on all changes affecting the storage of such material and on the results of the audits performed. When these changes are planned, the competent archival institution should be notified at least ten working days before the changes are effected.

Article 47 (Special conditions for official registers and other databases of creators)

(1) The capture and storage of data in official registers or other databases of creators defined as archives by written professional instructions (hereinafter referred to as: database) should, in addition to meeting the requirements referred to in Articles 12, 13, 44 and 46 of this Decree, provide the following:

- documented sources of data from these databases in a way that enables their use outside the environment in which they were created,
- documented establishment and management of the database,
- documented supervision of accessible rights to databases,
- tracking changes in databases and the storage of the history of data changes.

(2) The database operator should notify the competent archival institution of all changes to the data model of the database within one month after the change has been effected.

Article 48 (Archives related services – special conditions)

(1) Services of capture, storage and accompanying services in relation to archives in the digital form for creators and competent archival institutions may be performed only by a provider whose service of capture and storage or accompanying service has been certified with the National Archives in compliance with Article 85 of the Act.

(2) In the public procurement procedure concerning services of capture, storage and accompanying services in relation to archives, only providers whose equipment, service or accompanying service has been certified with the National Archives in compliance with the preceding paragraph may be selected.

7.4.5. (Provision of capture, storage and accompanying services)

Article 49
(Services – general conditions)

(1) Any provider of capture, storage and accompanying services should fulfil the following general conditions:

1. they have been registered with the competent court or other authority;
2. no petition for the compulsory settlement, bankruptcy or liquidation proceedings or any other proceedings resulting in or aiming at the abandonment of business should have been introduced or initiated against the provider;
3. the provider's operations should not be conducted by forced administration and/or, pursuant to regulations of the country of establishment, no other procedure similar to those mentioned should have been introduced;
4. they should be economically and financially capable (without mature outstanding liabilities);
5. no serious professional mistake should have been proven to have been made by the provider in any way in the field related to the capture, storage and accompanying services in the last five years.

(2) Any provider of capture, storage and accompanying services should employ at least three persons who have completed at least secondary education in the field of technology, organisation, information or similar field of natural science.

(3) A provider of services of capture, storage and accompanying services should employ a person holding a degree in law acquired by a second-cycle study programme or a degree that corresponds to the level of education obtained under second-cycle study programmes in accordance with the act regulating the Slovenian Qualifications Framework (level 8), or having concluded a consulting contract with such person.

(4) Persons referred to in Paragraph 2 of this Article should have passed the professional competence test as provided by Paragraph 8 of Article 39 of the Act.

VIII. FILM ARCHIVES

Article 50
(Method of transfer of film tapes)

(1) Film archives on a 35mm film tape shall be transferred as an original picture and sound negative or digital intermediate plus one film projection copy (print).

(2) In cases when an intermediate needs to be made, film archives made on a 35mm film tape shall be transferred to the National Archives after the intermediate and the projection copy (print) have been made. If there is no need for the making of intermediate, film archives shall be transferred to the archival institution after no more than five prints have been made.

(3) If a picture and sound negative has been blown up from an 8mm, super 16mm and 16mm to a 35mm film tape, film archives shall be transferred as a negative, intermediate and a film projection copy (print).

Article 51
(Method of transfer of analogue carriers)

(1) For film archives on an analogue carrier, the materials shall be transferred as a final edited product and a viewing copy in the format and on the carrier as defined by Article 43 of this Decree.

(2) Film archives on analogue carriers shall be transferred to the archival institution immediately after the final edited film has been made.

(3) In the case of other audio-visual works on an analogue carrier, which were made during activities of entities under public law and other legal or natural persons, and were supported with public funds, materials shall be transferred in the same way as described in Paragraph 1 of this Article.

Article 52 (Method of transfer of digital carriers)

(1) Film archives on a digital carrier shall be transferred as a digital master and a digital viewing copy in the format and on the carrier as defined by Article 43 of this Decree.

(2) If a copy on film tape is available, it should also be transferred.

(3) Film archives on digital carriers shall be transferred to the archival institution immediately after the final edited film has been made. In the case of transfer to a 16mm or 35mm tape, archives shall be transferred to the archival institution after a print has been made.

(4) Audio-visual works on a digital carrier, which were made during activities of creators and other legal or natural persons and were supported with public funds, shall be delivered in the same way as described in the preceding paragraphs of this Article.

IX. PRIVATE ARCHIVES

Article 53 (Registration criteria)

(1) Private documents shall be assumed to have the nature of archives when these materials are created by a person under private law whose work importantly contributed to social development and who is recognised as such in their environment.

(2) In the appraisal of private documents, the criteria for the appraisal of public archives provided by the Act shall apply *mutatis mutandis*.

Article 54 (Basic elements of private archives treatment)

(1) In the treatment of private archives, which includes especially the protection, maintenance, selection, arrangement, capture, storage, conservation and restoration of materials, the provisions of this Decree governing public archives shall apply *mutatis mutandis*. The archival institution providing the storage of private archives shall be eligible for the compensation of the costs determined by the rules governing the compensation of costs in archival institutions.

(2) If private archives are kept by the owner, the competent archival institution should, following the owner's request, prepare instructions and clarifications concerning the treatment of private archives.

X. PROCESSING

10.1. General provision

Article 55 (Processing)

Processing of archives in archival institutions shall include the arrangement, description and compilation of finding aids with the aim of providing archives accessibility.

10.2. Archive arrangement

Article 56 (Two principles of archive arrangement)

(1) Archives shall be arranged according to the professional principles of provenience (principle of origin) and original arrangement.

(2) According to the provenience principle, archives generated in the course of activities of one creator shall be treated as a whole.

(3) According to the original arrangement principle, it is required that archives shall be preserved following the arrangement system used by the creator and/or owner.

(4) If the original arrangement has not been preserved or it is impossible to restore it within a reasonable period, archives shall be arranged by contents, geographic criteria, numerically, chronologically, in alphabetical order, by types of materials or by periods and/or using a combination of the above-stated methods.

Article 57 (Archival fonds and collections)

(1) An archival fond represents archives created, as a rule, in the course of activities of one creator.

(2) An archival collection includes archives of different origins and/or of different creators of archives, which have been collected by contents or types of archives and according to other criteria.

(3) Archives in fonds and collections shall be divided into description units.

(4) An arrangement system of archives shall comprise the structure, division and classification system of description units.

Article 58

(Inventory examination of all archives)

(1) Every 10 years an archival institution shall organise an inventory examination of all archives kept by the institution.

(2) An inventory examination shall be performed by the commission appointed for this purpose by the director of the archival institution among the employees of the institution.

(3) The commission shall draft minutes of the course of the inventory examination and the related conclusions.

Article 59

(Elimination, duplication and destruction of documents in archival institutions)

(1) If it has been determined during processing that archives are duplicated or that they include documents other than archives, such materials shall be returned to the transferor. When this is not possible, such materials shall be destroyed under supervision of a commission.

(2) The commission appointed by the director of the competent archival institution shall approve the destruction of archives from the preceding paragraph and shall confirm by minutes that such archives have been destroyed. The list of eliminated materials shall form an appendix to the minutes. Both shall be kept in the dossier of the fonds.

10.3. Registering archives

Article 60

(Registering archives)

(1) Archives shall be registered by levels reflecting the status of a description unit in the structure of fonds or collection.

(2) The levels of description are the following:

- fonds or collection,
- sub-fonds,
- series,
- sub-series,
- aggregated document (e.g. file, case, dossier) and
- document.

(3) Each description unit, regardless of the level of description, should contain the following compulsory elements of description: reference number, title, time of creation of description unit, level of description, description units at the level of fonds or collection, sub-fonds, as well as the quantity and volume of materials of a description unit.

(4) Each description unit at levels lower than fonds or sub-fonds should be linked to the technical units in which it is stored.

Article 61

(Description elements)

(1) The archives description elements are data that identify a description unit, define the origin, contents and arrangement of the description unit, conditions of access and use and description unit links.

(2) The identification elements are as follows:

- reference number of description unit,
- former reference numbers of description unit,
- classification code of description unit,
- reference number of technical unit,
- title of description unit,
- time of creation of archives in description unit,
- type of archives,
- volume of description unit in running metres or, for digital materials, in bytes,
- quantity of archives in description unit,
- external characteristics of archives,
- level of description.

(3) The origin elements include the following items:

- name of creator,
- time of creator's existence,
- creator's history,
- fonds' history,
- name of archive transferor,
- date and number of acquisition of archives.

(4) The contents and arrangement elements are as follows:

- contents of description unit of archives,
- system of arrangement of archives,
- appraisal, selection and disposal criteria.

(5) The elements of access and use include the following:

- legal status of archives,
- restrictions on accessibility,
- intellectual property rights,
- language and script of archives,
- status of preservation,
- finding aids.

(6) The linking elements are as follows:

- other owners of parts of the archive description unit,
- copies of archives irrespective of copying technology,
- archives of related contents,
- publications of archives.

Article 62

(Making of archival lists, inventories and guides)

(1) An archival list is a finding aid in which description units, regardless of the level of description, contain at least the compulsory elements of description determined by this Decree.

(2) An archival inventory is a more detailed description. Its introductory part contains the elements of origin and system of arrangement, while indexes of persons and places are located after the description units.

(3) An archival guide through fonds and collections represents an archival description at the level of fonds and/or collections. Fonds and/or collections are classified in the guide on the basis of classifications.

(4) The description of each fond or collection in the archival guide contains, in addition to the compulsory description elements, at least the creator's history, fond history, contents, arrangement system, language of materials and finding aids; a compulsory part of the guide shall be the data on the history of the archival institution and its archives, conditions of access and use, instructions for the use of the guide and citation, and tables of contents.

(5) Description elements referred to in the preceding paragraph shall apply *mutatis mutandis* to the archival guide for a certain topic, period of time or type of materials.

Article 63 **(Designation of description units)**

(1) The reference number of a description unit shall consist of the code of the country, archival institution, reference number of the fond or collection and description unit code.

(2) The code for Slovenia is SI, the codes of archival institutions are as follows: AS (Arhiv Republike Slovenije – Archives of the Republic of Slovenia), ZAC (Zgodovinski arhiv Celje – Celje Historical Archives), PAK (Pokrajinski arhiv Koper – Koper Regional Archives), ZAL (Zgodovinski arhiv Ljubljana – Ljubljana Historical Archives), PAM (Pokrajinski arhiv Maribor – Maribor Regional Archives), PANG (Pokrajinski arhiv Nova Gorica – Nova Gorica Regional Archives) and ZAP (Zgodovinski arhiv Ptuj – Ptuj Historical Archives).

Article 64 **(Designation of technical units)**

(1) Technical units used for the protection of archives shall be designated as a part of a fond and/or collection. Consecutive numbering shall be used in designation.

(2) If there is more than one numbering in the fonds or collection, such parallel numbering systems must be distinguished using special codes.

XI. REGISTERS

Article 65 **(Register of fonds and collections)**

- (1) The register of fonds and collections shall contain the following data:
- reference number of the fond and/or collection,
 - title of the fond and/or collection,
 - classification code of the fond and/or collection,
 - name and/or names and period of archive creator's existence,
 - time of creation of archives,
 - volume and quantity of archives,
 - date of transfer of archives to the archival institution, and serial number in the acquisition book,
 - name of transferor and/or transferors,

- indication of finding aids.

(2) The competent archivist shall notify the register keeper of any changes to the data referred to in the preceding paragraph. The data are an integral part of dossiers of fonds and collections that are the basis for the keeping of records referred to in the preceding paragraph.

- (3) The dossiers of fonds and collections shall comprise in particular:
- minutes on the archive transfer to and acquisition by the archival institution, including the list of transferred materials,
 - data on the facts that affected the state of preservation of archives,
 - data on arrangement state of archives before archival processing,
 - data on structure of the fond,
 - data on appraisal, arrangement and description,
 - list of eliminated materials referred to in Article 59 of this Decree including substantiation,
 - data on the required and performed conservation and/or restoration work on archives,
 - data on the necessary and completed reproduction of archives,
 - finding aids elaborated in the archival institution,
 - list of documents in the dossier.

(4) Registers and accompanying documentation shall be kept permanently.

Article 66 (Register on archives transfer)

(1) The register on archive acquisitions (hereinafter referred to as: acquisition book) shall include the following items:

- serial number,
- date of acquisition,
- name of transferor,
- title of the fond and/or collection,
- time of creation of archives,
- quantity and scope of archives,
- potential links to previous entries,
- notes.

(2) The competent archivist shall communicate the data for the entry in the acquisition book to the custodian of the register within fifteen days of the acquisition of archives by the archival institution.

(3) Registers and accompanying documentation shall be kept permanently.

Article 67 (Register on users and use of archives)

(1) For the purpose of surveillance of the implementation of the provisions of the Act and statistical analyses, the archival institution shall keep a register of users and use of archives at the archival institution.

- (2) The register from the preceding paragraph shall comprise the following:
- user's identification code allocated by the archival institution;
 - name or title of user and their address,
 - number and type of identity document,

- data on materials (fond reference number, title, codes of description and technical units),
- date and purpose of use,
- data on competent employee.

(3) Registers and accompanying documentation shall be kept permanently.

Article 68

(Register and documentation on archives in neighbouring countries and abroad that relate to Slovenia and Slovenians)

(1) The register on archives in neighbouring countries and abroad that relate to Slovenia and Slovenians shall be kept by the National Archives and comprise the following:

- country,
- institution keeping the archives (official name and place of the institution),
- data on the fond or collection (reference number, title, time of creation and volume of registered archives),
- data on person who made the entry in the register (official name of institution, name of person (persons) describing archives),
- date of description of archives,
- serial number and date of entry in the register.

(2) The documentation on archives located in neighbouring countries and abroad and related to Slovenia and the Slovenians shall include the following items:

- description lists, inventories, guides and other finding aids compiled by foreign archival institutions,
- description lists, inventories, guides and other finding aids compiled as the result of registration of such materials,
- lists of reproductions of such archives acquired for the purpose of completing archives in archival institutions or for research.

(3) Persons who registered archives in neighbouring countries and abroad should, after the registering is completed, submit to the National Archives the documentation referred to in the preceding paragraph and the report on registering.

(4) The National Archives shall annually publish reports on completed registering.

(5) Registers and accompanying documentation shall be kept permanently.

Article 69

(Register of public symbols, coats-of-arms, flags, seals, stamps and rubber stamps)

(1) The register of public symbols, coats-of-arms, flags, seals, stamps and rubber stamps shall be kept by the National Archives.

(2) The register shall be kept by entities prescribing public symbols, coats-of-arms, flags, seals, stamps and rubber stamps.

(3) The register shall contain the following data:

- current number,
- title and address of the subject,
- date of entry in the register;
- date and code number of the regulation concerning the coat-of-arms and/or flag.

(4) The documentation containing documents referred to in Paragraphs 5, 6 and 7 of this Article shall be attached to the register.

(5) State authorities and authorities of local communities who are responsible for the adoption of regulations on public symbols, coats-of-arms and seals, should, within one month after regulations on public symbols, coat-of-arms and seals are adopted, amended or supplemented, transfer to the National Archives a depiction of the coat-of-arms and flag, the regulation defining geometric, artistic and colour rules for the creation of the coat-of-arms and flag (including an indication of the colour code), and prints of seals, stamps and rubber stamps that are used.

(6) The depiction should be accompanied with a justification explaining the historical grounds and symbolism of the coat-of-arms, flag, seal, stamp or rubber stamp.

(7) All required documentation should be submitted in written and electronic form. Written documents shall be submitted in a colour version.

(8) Registers and accompanying documentation shall be kept permanently.

XII. USE OF ARCHIVES

Article 70 (Use of archives)

(1) In archival institutions, public archives are used for scientific research, cultural and journalistic purposes, presentations of archives, education, needs of judicial, administrative and other official procedures and for other purposes.

(2) Private archives shall be used in archival institutions in compliance with the provisions of this Chapter unless otherwise provided by a legal act that serves as the basis to keep private archives in archival institutions.

12.1 Finding aids for use of archives

Article 71 (Finding and other aids for the use of archives)

(1) Finding aids for the use of archives shall be description lists, inventories and guides.

(2) Other aids may be acquisition lists made by the transferor, and documents registers, indexes and aids made in the process of the creator's operation.

12.2 Public announcements and submitting information on the World Wide Web

Article 72 (Accessibility and use of registers and public archives on the World Wide Web)

(1) On the World Wide Web, archival institutions should provide access to:

1. the register of fonds and collections;

2. finding aids elaborated in electronic form or accessible in digital form;
3. the register of creators referred to in Paragraph 2 of Article 54 of the Act;
4. public archives accessible in digital form, in accordance with the technical capabilities of archival institutions.

(2) The accessibility on the Web referred to in the fourth item of the preceding paragraph in relation to the archives that are not suitable for publication on the Web in original form due to technical limitations, can be provided by archival institutions through the use of sight versions of materials. Upon a user's request, archival institutions should provide for electronic access to the original format of such archives.

(3) Archives on the World Wide Web shall enable the accessibility of archives protected by intellectual property rights subject to regulations governing intellectual property rights.

(4) On the World Wide Web, the National Archives should also provide the access to:

1. the register of confirmed internal rules and confirmed model internal rules;
2. the register of equipment and services providers;
3. the register of certified equipment and services.

(5) As a rule, users shall be allowed access and use of archives, if these are published on the World Wide Web, on the basis of a user's web registration.

(6) Competent archival institutions shall keep the statistics on the access and use of the data referred to in Paragraph 1 of this Article in accordance with Articles 63 and 64 of the Act and Article 67 of this Decree.

Article 73 (Information systems in archival institutions)

(1) Information systems in archival institutions should enable the capture, management and use of archives and data on archives in such way as to enable the traceability of any changes related to archives.

(2) Databases concerning the archives in archival institutions shall be linked into a co-operative information system, which shall also constitute the register of the archives in archival institutions.

12.3. Terms for use of public archives in an archival institution reading room

Article 74 (Registration form)

(1) A natural or legal person who wants to use archives (hereinafter referred to as: user) should, before the first use of archives in an archival institution reading room or online, fill in a registration form published on the National Archives website.

- (2) The registration form for a user shall include at least the following data:
1. user identification data:
 - a) natural person: name, permanent or temporary residence, type and number of identity document,

- b) legal person: name and official address of the legal person, registration number in the Business or Court Register, name of the representative and their relation to the legal person, type and number of identity document;
2. date when the registration form was filled in;
3. signatures of user and competent employee of the archival institution working in the reading room.

(3) A minor should submit a statement signed by their parents, legal guardian or educational institution on the assumption of liabilities for any material damage to the archives and equipment and for the abuse of protected data from the archives.

(4) On the basis of a completed registration form, the user shall acquire a unique identification code used when ordering archives and their reproductions.

(5) The competent employee of the archival institution shall acquaint the user with the terms of use of archives in accordance with this Decree and the reading room rules. An integral part of the registration form shall be the statement that the user has been acquainted with the terms of use and accessibility of the archives.

(6) The user shall notify the archival institution on any changes in the data stated in the registration form.

Article 75 (Ordering archives)

(1) The user of public archives shall order archives in the reading room of the archival institution or electronically with a completed order form for use of archives published on the National Archives website. The order form shall include at least the following:

1. user's identification code;
2. name;
3. purpose of archives use;
4. reference number, title of fond or collection, technical and/or description unit of archives;
5. date of order;
6. date of use;
7. signature of user and archival institution employee who accepted the order.

(2) The user of archives should themselves settle any relationship with reference to the use of archives protected by intellectual property rights with the author of the archives and/or their legal successors.

(3) The archival institution shall confirm the receipt of a request for use and inform the user on the time, place and method of access to the archives or inaccessibility of the archives ordered if this is the case.

Article 76 (Archival institution obligations)

(1) An archival institution should provide a user with all available information sources in relation to archives being kept by the institution and inform the user on fonds or parts of fonds and the extent of fonds in which the user may expect to find the data for which they are searching.

(2) An archival institution shall not be obliged to find data for scientific and research purposes.

(3) Prior to the use of archives, an archival institution shall acquaint the user with the reading room rules and terms of access to archives.

Article 77
(Archival institution reading rooms)

(1) The reading room of an archival institution shall be generally open for users on archival institution's business days for at least six hours per day, while the reading room of a remote archival institution's unit shall be open every business day of such dislocated unit for at least four hours per day.

(2) The archival institution reading room rules shall lay down the detailed rules for ordering and use of archives in the archival institution, in particular the working hours of the reading room, and conditions for entrance into the archival institution and its reading room.

Article 78
(Method of use of archives)

(1) As a rule, public archives shall be used in the original.

(2) Private archives shall be used in accordance with Article 70 of the Act.

(3) If reproductions of archives have been made, these reproductions shall be used to ensure preservation and reduce the risk of damage to the original archives. The use of originals in such cases may be exceptionally allowed by the head of an archival institution.

(4) Film and digital archives shall be used in the form of viewing copies.

(5) The user shall use archives in such a way as to keep them in an orderly and undamaged condition.

(6) The user covers the costs of restoration and conservation work on the archives if such work is required as a consequence of the damage caused by their intentional or unintentional improper treatment of the archives.

(7) The costs referred to in the preceding paragraph shall be determined by the rules governing the compensation of costs in archival institutions.

(8) The daily quantity of archives for the use in the reading room shall be determined by the reading room rules.

Article 79
(Violation of reading room rules)

(1) If a user uses the archives improperly and violates the rules of an archival institution reading room, the competent employee should give them a warning.

(2) Such warning shall be written on the user's registration sheet.

(3) If a user continues to act as described in Paragraph 1 of this Article despite a warning by the competent employee of the archival institution, they may be removed from the reading room.

Article 80 (Exceptions)

- (1) A user cannot use archives that:
- are undergoing processing, restoration and digitisation,
 - have been damaged to such extent that they cannot be used in the original, and their reproductions have not been made yet,
 - are being used by another user.

(2) The competent employee of the archival institution shall inform the user of the archives of the reason why the archives ordered cannot be used and shall inform them when the materials will be available.

Article 81 (Reproduction of archives)

(1) The user of public archives shall order archives for their own use by an order form published on the National Archives website.

(2) The order form referred to in the preceding paragraph should contain at least the following data:

1. user's identification code;
2. user's name;
3. indication of method of reproduction;
4. reference number and title of description unit and the code of the technical unit containing the documents to be reproduced;
5. date of order;
6. signature of archive user;
7. date of reproduction, signature of employee who made the reproduction, and the number of reproductions.

(3) A user may, for their own use, take their own photographs of archives in an archival institution reading room on the basis of a written consent of the competent archival institution.

(4) The competent archival institution shall lay down the details with reference to the mode and limitation of reproduction in the reading room order.

Article 82 (Authorisation for publication or any other public presentation of reproductions)

If materials are protected by copyright or related rights and the rights holder is known, the user should acquire prior authorisation for the publication of reproductions from the rights holder and submit it to the archival institution.

Article 83 (Lending of public archives)

(1) Public archives can be lent for exhibition and similar purposes on the basis of a written contract.

(2) The written contract referred to in the preceding paragraph should include at least the following:

1. list of archives lent;
2. purpose of lending;
3. method of insurance and lending period;
4. potential compensation for lending;
5. user's statement that they agree with the reimbursement of costs of conservation and restoration if the archives are damaged, and that they shall be criminally liable if the archives are destroyed.

(3) During the lending period, the user should ensure all archives preservation conditions in compliance with the provisions of this Decree.

(4) If archives are not yet reproduced, the lender shall cover the archival institution's costs for the digitisation of archives that will be the subject of lending.

(5) When presenting lent archives and in accompanying publications, the organiser of the exhibition should state the title of the archival institution and the reference number and title of the fonds from which the archives were taken.

12.4 Terms for use of public archives concerning official procedures

Article 84 (Access and use concerning official procedures)

If archives are used for the needs of official procedures, the user shall complete the application for the acquisition of data from archives that is published on the National Archives website. The application shall include:

1. user identification data:
 - a) natural person: name, permanent or temporary residence, type and number of identity document,
 - b) legal person: name and official address of the legal person, registration number in the Business or Court Register, name of the statutory representative;
2. contact information of the user;
3. indication of whether the user is a party to a procedure or demonstrates their legal interest in the initiation or participation in procedures;
4. type of official procedure and name of authority conducting it;
5. user's statement that they will protect the data referred to in Paragraphs 1 and 2 of Article 65 of the Act;
6. the maximum quantity of descriptive data on the materials they want to use for the needs of official procedures;
7. date of filling out the application and signature of user.

Article 85 (Official documents issued by archival institutions)

(1) The credibility of extracts and the fact that transcriptions and reproductions are identical to the original archives shall be confirmed by archival institutions in physical or digital form.

(2) Confirmation in physical form shall be effected by a print of seal on the back of the extract, transcription or reproduction. The form of the text of confirmation on the seal is provided in Annex 2, which shall be an integral part of this Decree. If there are several

sheets, the confirmation shall be effected by binding the sheets with a string protected by a label with a stamp and the print of seal on the back.

(3) The confirmation in digital form shall be effected by basic technological tools (for example, fingerprint, electronic signature, time stamp).

Article 86 (Access to protected data and their use)

(1) A person intending to initiate or participate in official procedures should, to be granted an access to archives containing protected data, demonstrate their legal interest by an adequate document.

(2) The legal interest should refer directly to the applicant, who shall be granted access to only the parts of documents containing protected data that are necessary for the demonstration of their legal interest.

(3) In the application, the person should specify the parts of the archives containing the protected information they wish to access, and explain the reasons why the access to and use of such materials are important for the decision in a specific official procedure.

(4) In the context of already initiated administrative and legal procedures, state authorities, authorities of local self-government communities, holders of public authority or other persons under public law conducting the procedure shall have unlimited access to archives containing protected data on the basis of a claim.

(5) A legal representative or authorised person of the user who has requested the use of materials referred to in this paragraph should present and/or produce a power of attorney in relation to the representation. The user's attorney shall access the protected personal data referred to in Paragraph 2 of Article 65 in accordance with regulations governing attorneys.

XIII. REGISTRATIONS, CERTIFICATIONS, REGISTERS

13.1 Registration of equipment and service providers

Article 87 (Application)

(1) In order to be entered in the register referred to in Article 83, the future provider of equipment or services shall submit an application for registration with the National Archives using the prescribed form.

(2) The application for registration should be filed in the Slovenian language, while the attached documentation may also be in another language if this has been previously approved by the National Archives.

(3) The form of the application for registration of a provider referred to in Paragraph 1 of this Article and the list of associated documents shall be determined by the rules governing uniform technological requirements.

13.2 (Certification of equipment and services)

Article 88 (Application)

(1) In order to acquire the certificate referred to in Article 85, a provider of equipment or services should file a request with the National Archives using the prescribed form in person, by mail, electronically through the uniform e-government state portal or the National Archives website.

(2) The application should be filed in the Slovenian language, while the attached documentation may also be in another language if this has been previously approved by the National Archives.

(3) The form of the application for the certification of equipment and/or services referred to in Paragraph 1 of this Article and the list of associated documents shall be determined by the rules governing uniform technological requirements.

Article 89 (Contract and/or agreement)

(1) Based on the request filed by the provider and general conditions for the implementation of certification, the National Archives shall send to the provider a proposal of the Contract on Certification Implementation within fifteen days after a complete application has been filed.

(2) If the service provider is an entity under public law, an agreement on certification implementation shall be signed with the provider.

(3) The National Archives shall initiate the decision-making certification procedure in accordance with the contract and/or agreement and general conditions for certification implementation on the basis of the provider's signature of the contract and/or agreement on certification implementation.

Article 90 (Cost of certification procedure)

(1) The cost of certification shall consist of the compensation to the National Archives for the conduct of the certification procedure, and the cost of procedure.

(2) The cost of procedure shall be the sum of costs borne by the National Archives or its authorised external consultant in the course of or as a result of the certification procedure, and shall be chargeable to the provider.

(3) The National Archives shall prescribe the cost of the certification procedure according to the general certification rules.

13.3 Registers of electronic storage

Article 91 (Register of confirmed internal rules)

(1) The National Archives shall keep the register of confirmed internal rules and confirmed model internal rules.

(2) The register shall include the following data:

1. for the entity:
 - a) name or title of applicant,
 - b) official address of applicant,
 - c) registration number;
 - d) e-mail address,
 - e) telephone number of applicant,
2. internal rules:
 - a) type of internal rules,
 - b) designation of internal rules,
 - c) description of purpose of internal rules,
 - d) version, date of confirmation and date of expiry of confirmation of internal rules,
 - e) number of the confirmation decision;
3. additionally for model internal rules:
 - a) documents of model internal rules (list of documents),
 - b) persons who may adopt model internal rules,
 - c) data on persons referred to in Paragraph 4 of Article 7 of this Decree who adopted the confirmed model internal rules.

(3) The Register shall be publicly available, accessible online and free of charge. The National Archives shall publish it on its website.

(4) The data from the register shall be updated immediately after the Decision has been issued. An appeal against the decision on registration shall not suspend updating in the register.

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

Article 92 **(Register of equipment and service providers)**

(1) The National Archives shall keep the register of equipment and service providers.

(2) The register shall include the following data:

1. name or title of equipment and/or service provider;
2. official address of provider;
3. registration number of provider;
4. provider's e-mail address and web address (if any);
5. telephone and fax number of provider;
6. provided service and/or equipment;
7. date and number of the registration decision;
8. date, number of the decision, other data on certification, and validity of certificate.

(3) The Register shall be publicly available, accessible online and free of charge. The National Archives shall publish it on its website.

(4) The data from the register shall be updated immediately after the registration decision and/or the resolution on certification has been issued. An appeal against the decision on entry into the register shall not suspend the updating of data in the register.

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

13.4 Keeping of documentation

Article 93 (Keeping of documentation)

(1) After the conclusion of the examination process, the documentation delivered for the needs of conducting registration and certification procedures and the procedure of confirmation of internal rules shall be kept at the National Archives.

XIV. ARCHIVAL COMMISSION, COUNCIL ON ARCHIVES, COUNCIL OF DIRECTORS OF PUBLIC ARCHIVAL INSTITUTIONS

14.1 Archival Commission

Article 94 (Archival Commission)

The archival commission referred to in Article 67 of the Act shall act within the National Archives.

Article 95 (Members of the Commission)

The Archival Commission shall have five members and shall be composed of two experts in archival science, one expert in historiography and two experts in state administration, one of which shall be an expert in legal matters.

Article 96 (Activities, appointment, termination and recall of Commission members)

(1) The Commission members shall perform their activities for the Archival Commission on a non-professional basis.

(2) The Government of the Republic of Slovenia shall appoint the members, Chairman and Deputy Chairman of the Archival Commission upon the Minister's proposal for a five-year period.

(3) The membership of an Archival Commission member shall be terminated if the latter has resigned or has been recalled.

(4) A recall of an Archival Commission member is possible only on the basis of justified reasons.

Article 97 (Technical, administrative and management tasks)

The technical, administrative and management tasks for the Archival Commission shall be performed by the National Archives.

Article 98
(Meetings and decisions of the Archival Commission)

(1) The Archival Commission shall meet on sessions convened by its Chairman or, when absent, Deputy Chairman.

(2) The Archival Commission shall decide with a majority of votes from all its members.

Article 99
(Rules of procedure of the Archival Commission)

The Archival Commission shall adopt the Rules of Procedure specifying its methods of work. The Rules of Procedure shall be approved by the Government of the Republic of Slovenia.

14.2. Council on Archives

Article 100
(Council on Archives)

(1) The Council on Archives shall be a consulting body of the minister for professional consultation in archive-related activities, discussing and providing opinions on professional issues concerning the area and development of archive-related activities.

(2) The chairperson and members of the Council, who shall be recognised experts in archival science and protection of archives, shall be appointed by the Minister for a five-year period; they may be reappointed more than once.

(3) The organisation and manner of operation of the Council shall be regulated by rules of procedure that the Council shall adopt by a majority of votes.

(4) Administrative and technical work for the Council shall be performed by the Ministry.

Article 101
(Structure of the Council on Archives and appointment of its members)

- (1) The Council on Archives shall be composed of five members, namely:
- three (3) members shall be representatives of providers of the archival public service,
 - one (1) member shall be a representative of university institutions delivering programmes in archival science,
 - one (1) member shall be a representative of the Ministry.

(2) The Ministry shall invite the proposers to submit the names of proposed members selected from professionals with the highest professional or scientific titles. The Ministry shall conduct the candidacy procedure and draft the final proposal of the composition based on the list of candidates.

(3) The Minister shall issue a decision on the appointment of the members of the Council on Archives.

Article 102
(Tasks of the Council on Archives)

The Council on Archives shall primarily perform the following tasks:

1. issue opinions on regulations, development plans and strategies governing archival activities;
2. propose initiatives for the implementation of archival science and practice;
3. consider professional bases or recommendations in the field of archival activities;
4. provide initiatives and proposals in its area of work.

14.3. Council of Directors of Public Archival Institutions

Article 103
(Council of directors of public archival institutions)

(1) The Council of directors of public archival institutions shall be a consulting body of the Minister for consultations in professional and business coordination of the archival public service.

(2) The organisation and manner of operation of the Council shall be regulated by the rules of procedure confirmed by the minister.

(3) Administrative and technical work for the Council shall be performed by the Ministry.

Article 104
(Tasks of the Council of directors of public archival institutions)

The Council of directors of public archival institutions shall primarily perform the following tasks:

1. discuss the issues and provide proposed solutions related to the implementation of common tasks of the archival public service;
2. discuss and coordinate proposals of inter-archival working groups;
3. provide initiatives and proposals in its area of work to the minister.

XV. TRANSITIONAL AND FINAL PROVISIONS

Article 105
(Conclusion of ongoing procedures)

Procedures initiated prior to the enforcement of this Decree shall be completed pursuant to the provisions of the Decree on Documents and Archives Protection (Official Gazette of the Republic of Slovenia, No. 86/06).

Article 106
(Transitional period)

(1) The National Archives shall publish the guidelines concerning the quality of paper and technical equipment (boxes) and publish them on its website within three months of the entry into force of this Decree.

(2) The National Archives shall prepare the forms and applications referred to in this Decree and publish them on its website within three months of the entry into force of this Decree.

Article 107
(Expiration of regulations)

On the day of entry into force of this Decree, the Decree on Documents and Archives Protection (Official Gazette of the Republic of Slovenia, No. 86/06) shall cease to be valid.

Article 108
(Entry into force)

This Decree shall enter into force on the thirtieth day following its publication in the Official Gazette of the Republic of Slovenia and shall apply as of 1 January 2018.

Prior to the entry into force of this Decree, the provisions of the Decree on Documents and Archives Protection (Official Gazette of the Republic of Slovenia, No. 86/06) shall apply.

No. 00716-7/2017
Ljubljana, 27 July 2017
EVA 2013-3340-0032

Government of the Republic of
Slovenia
Dr Miroslav Cerar, m.p.
Prime Minister

[Annex 1: Conditions for the preservation of archives in depots and at exhibitions](#)

[Annex 2: Text of confirmation on an extract, transcription or reproduction](#)