

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o varstvu dokumentarnega in arhivskega gradiva ter arhivih obsega:

- Zakon o varstvu dokumentarnega in arhivskega gradiva ter arhivih – ZVDAGA (Uradni list RS, št. 30/06 z dne 23. 3. 2006),
- Zakon o spremembah in dopolnitvah Zakona o varstvu dokumentarnega in arhivskega gradiva ter arhivih – ZVDAGA-A (Uradni list RS, št. 51/14 z dne 7. 7. 2014).

## **ZAKON O VARSTVU DOKUMENTARNEGA IN ARHIVSKEGA GRADIVA TER ARHIVIH (ZVDAGA)**

**(neuradno prečiščeno besedilo št. 1)**

### **I. UVODNE DOLOČBE**

#### **1. člen (predmet varstva)**

Ta zakon ureja varstvo dokumentarnega in arhivskega gradiva, veljavnost oziroma dokazno vrednost takega gradiva, varstvo javnega in zasebnega arhivskega gradiva, kot kulturnega spomenika, dostop do arhivskega gradiva v arhivih in pogoje za njegovo uporabo, naloge javne

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The unofficial consolidated version of the Protection of Documents and Archives and Archival Institutions Act comprises:

- Protection of Documents and Archives and Archival Institutions Act – ZVDAGA (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 30/06 of 23 March 2006),
- Act Amending the Protection of Documents and Archives and Archival Institutions Act – ZVDAGA-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 51/14 of 7 July 2014).

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

**(Unofficial consolidated version No. 1)**

### **I. INTRODUCTORY PROVISIONS**

#### **Article 1 (Subject of protection)**

This Act lays down the protection of documents and archives, the validity or probative value of such documents, the protection of public and private archives as cultural monuments, access to archives in archival institutions and conditions for their use, the tasks of public

arhivske službe in nadzor nad izvajanjem tega zakona ter predpisov, izdanih na njegovi podlagi.

## **2. člen (pomen izrazov)**

Posamezni izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:

- »dokumentarno gradivo« so vse vrste in oblike zapisov, ki so nastali ali bili prejeti pri poslovanju pravnih in fizičnih oseb;
- »dokumentarno gradivo v analogni obliki« (npr. analogni avdio/video zapis) je dokumentarno gradivo v analogni obliki zapisa in shranjeno na strojno berljivem nosilcu zapisa;
- »dokumentarno gradivo v digitalni obliki« je dokumentarno gradivo v digitalni obliki zapisa in shranjeno na strojno berljivem nosilcu zapisa;
- »dokumentarno gradivo v digitalni obliki za dolgoročno hrambo« pomeni gradivo, katerega vsebina je zapisana v digitalni obliki in shranjena na strojno berljivem nosilcu zapisa, pri čemer tako digitalna oblika kot tudi nosilec zapisa zagotavljata učinkovito dolgoročno hrambo in upoštevanje tehnološkega napredka v skladu s tem zakonom;
- »dokumentarno gradivo v fizični obliki« je dokumentarno gradivo na fizičnem nosilcu zapisa (npr. na papirju, filmu itd.), ki omogoča reprodukcijo vsebine brez uporabe informacijsko komunikacijskih ali sorodnih tehnologij;
- »dokumentarno gradivo v elektronski obliki« je dokumentarno gradivo v digitalni ali analogni obliki;
- »izvirno dokumentarno gradivo« je dokumentarno gradivo, ki je nastalo ali bilo prejeto pri lastnem poslovanju ali bilo poslano tretjim osebam;
- »arhivsko gradivo« je dokumentarno gradivo, ki ima trajen pomen za zgodovino, druge znanosti in kulturo ali trajen pomen za pravni interes pravnih in fizičnih oseb; arhivsko gradivo je kulturni spomenik;
- »javno arhivsko gradivo« je arhivsko gradivo javnopравnih oseb;
- »osebe« so pravne osebe javnega prava, pravne osebe zasebnega prava ter fizične osebe;
- »javnopravne osebe« so za potrebe tega zakona državni organi, samoupravne lokalne skupnosti ter pravne osebe javnega prava in zasebnega prava ter fizične osebe, ki so nosilci javnih pooblastil ali

archival services and supervision of the implementation of this Act and the related implementing regulations.

## **Article 2 (Definitions)**

For the purposes of this Act, the following definitions shall apply:

- "documents" shall mean any type and form of written content created or received during the activities of legal and natural persons;
- "documents in analogue form" (e.g. analogue audio/video content) shall mean documents in analogue form stored on a machine-readable medium;
- "documents in digital form" shall mean documents in digital form stored on a machine-readable medium;
- "documents in digital form for long-term preservation" shall mean materials in digital form stored on a machine-readable medium where the digital form and the medium ensure effective long-term preservation and take into consideration technological advances in accordance with this Act;
- "documents in physical form" shall mean documents on a physical medium (e.g. on paper, film, etc.), allowing for the reproduction of the content without the use of information and communication technologies or similar technologies;
- "documents in electronic form" shall mean documents in digital or analogue form;
- "original documents" shall mean documents which were created or received during one's own activities or which were sent to third parties;
- "archives" shall mean documents with lasting importance for history, other sciences and culture or lasting importance for the legal interests of legal and natural persons; archives shall be considered a cultural monument;
- "public archives" shall be archives of entities under public law;
- "persons" shall be legal persons under public law, legal persons under private law and natural persons;
- "entities under public law" shall mean state authorities, self-governing local communities and legal entities under public law and private law, and natural persons that are holders of public authority

- izvajalci javnih služb;
- »zasebno arhivsko gradivo« je arhivsko gradivo pravnih oseb zasebnega prava in fizičnih oseb, ki ima lastnosti arhivskega gradiva in je kot arhivsko gradivo določeno na podlagi tega zakona ali odločbe državnega arhiva;
- »dolgoročna hramba gradiva« je hramba gradiva v digitalni obliki za daljše časovno obdobje in se nanaša na gradivo, katerega rok hrambe je več kot pet let;
- »hramba gradiva« je tista hramba izvirnega ali zajetega dokumentarnega gradiva, ki izpolnjuje pogoje po tem zakonu in zagotavlja uporabnost ter avtentičnost vsebine hranjenega gradiva;
- »iznos« je fizični prenos arhivskega gradiva iz Republike Slovenije v drugo državo članico Evropske unije ali Evropskega gospodarskega prostora;
- »izvoz« je fizični prenos arhivskega gradiva iz Republike Slovenije kot dela carinskega območja Evropske unije v tretjo državo, ki ni članica Evropske unije ali Evropskega gospodarskega prostora;
- »nosilec zapisa« je fizični nosilec zapisa, na katerega se zapiše vsebina skladno z obliko zapisa;
- »notranja pravila« so pravila, ki jih kot svoj interni pravni akt sprejme oseba glede izvajanja zajema in dolgoročne hrambe svojega dokumentarnega in arhivskega gradiva v digitalni obliki ter spremljevalnih storitev, ali ponudnik storitev glede izvajanja zajema in dolgoročne hrambe oziroma spremljevalnih storitev;
- »oblika zapisa« so tiste organizacijske in tehnološke značilnosti zapisa, ki določajo, kako je vsebina zapisana, hranjena in prikazana v procesu hrambe;
- »ponudnik storitve zajema in hrambe oziroma spremljevalnih storitev« je vsaka oseba, ki za druge osebe odplačno ali neodplačno opravlja takšne storitve;
- »ponudnik strojne in programske opreme« je vsaka oseba, ki drugim osebam odplačno ali neodplačno omogoči uporabo strojne ali programske opreme za zajem oziroma hrambo gradiva v digitalni obliki ali izvajanje spremljevalnih storitev;
- »pristojni arhivi« so Arhiv Republike Slovenije (v nadaljnjem besedilu državni arhiv), kot organ državne uprave in regionalni arhivi kot javni zavodi;

- or public service providers;
- "private archives" shall mean the archives of legal persons under private law and natural persons, possessing all the characteristics of archives and defined as archives pursuant to this Act or a decision of a national archival institution;
- "long-term preservation of documents" shall mean preservation of documents in digital form for a long period of time and shall refer to documents with a period of preservation of more than five years;
- "document preservation" shall mean any preservation of original or recorded documents meeting the conditions under this Act and ensuring the use and authenticity of the content of the protected document;
- "transfer" shall mean physical transfer of archives from the Republic of Slovenia to another Member State of the European Union or the European Economic Area;
- "export" shall mean physical transfer of archives from the Republic of Slovenia as part of the customs area of the European Union to a third country that is not a Member State of the European Union or the European Economic Area;
- "medium" shall mean a physical medium on which the content is recorded in accordance with the form of recording;
- "internal rules" shall be the rules adopted by a person as an internal legal act regarding the recording and long-term preservation of the person's documents and archives in digital form and accompanying services, or by a service provider regarding recording and long-term preservation and accompanying services;
- "form of recording" shall mean all the organisational and technological characteristics of a recording defining how content is recorded/captured, stored and displayed in the process of preservation;
- "provider of capture and storage services or accompanying services" shall mean any person providing such services for others in return for payment or free of charge;
- "provider of hardware and software" shall mean any person that enables others to use hardware or software for the capture or preservation of documents in digital form or the accompanying services in return for payment or free of charge;
- "competent archival institutions" shall mean the Archives of the Republic of Slovenia (hereinafter: National Archives) as a state administration authority and regional archival institutions as public institutions;

- »spremljevalne storitve« so storitve odbiranja, pretvorbe, urejanja, uničevanja, zagotavljanja varnih prostorov in druge storitve, ki ne predstavljajo storitve hrambe in zajema;
- »storitve hrambe gradiva v digitalni obliki« so storitve, ki so neločljivo povezane z ohranjanjem vsebine gradiva v digitalni obliki, vendar ne gre za ponudbo opreme za takšno hrambo;
- »storitve zajema gradiva« so storitve, ki ob pretvorbi izvirnega dokumentarnega gradiva v novo elektronsko obliko zapisa ali na mikrofilm izpolnjujejo vsa načela in pogoje po tem zakonu;
- »strojna oziroma programska oprema« je vsaka strojna oziroma programska oprema, ki v celoti ali delno omogoča zajem oziroma hrambo gradiva v digitalni obliki ali izvajanja spremljevalnih storitev;
- »zajem« je vsak uvoz metapodatkov o gradivu ali gradiva samega v strojno berljivi obliki v informacijski sistem za upravljanje z dokumenti ali v informacijski sistem za hrambo;
- »zajeto dokumentarno gradivo« je dokumentarno gradivo, ki je nastalo ob pretvorbi izvirnega dokumentarnega gradiva v novo elektronsko obliko zapisa ali na mikrofilm.

## II. TEMELJNA NAČELA ZAKONA

### 3. člen

#### (načelo ohranjanja dokumentarnega gradiva oziroma uporabnosti njegove vsebine)

Hramba dokumentarnega gradiva pomeni ohranjanje izvirnega dokumentarnega gradiva ali uporabnosti vsebine tega gradiva. Hrambi izvirnega dokumentarnega gradiva je zato enaka hramba zajetega gradiva, če zagotavlja zajetemu gradivu vse učinke izvirnega gradiva (uporabnost vsebine gradiva).

### 4. člen

#### (načelo trajnosti)

Hramba dokumentarnega gradiva mora zagotavljati trajnost tega gradiva oziroma trajnost reprodukcije njegove vsebine.

- "accompanying services" shall mean the services of selection, conversion, arrangement, destruction, ensuring secure premises and other services not included in capture and storage services;
- "storage services for documents in digital form" shall mean services inextricably linked with the preservation of content stored in digital form but not an offer of equipment for such preservation;
- "capture services" shall mean all services fulfilling the principles and conditions under this Act during the conversion of documents to a new electronic form or to microfilm;
- "hardware or software" shall mean any hardware or software enabling total or partial capture or storage of materials in digital form or the provision of accompanying services;
- "capture" shall mean any import of meta-data related to the material or the material itself in a machine-readable form into an information system for document management or an information system for storage;
- "captured documents" shall mean all documents produced during the conversion of original documents to a new electronic form or to microfilm.

## II. FUNDAMENTAL PRINCIPLES

### Article 3

#### (Principle of preservation of documents and/or usability of their content)

Preservation of documents represents preservation of the original documents or usability of their content. The preservation of captured material has equal status to the preservation of original documents if captured material retains all the effects of the original material (usefulness of material content).

### Article 4

#### (Durability principle)

Preservation of documents shall ensure the durability of the documents and/or durability of reproduction of their content.

**5. člen  
(načelo celovitosti)**

Hramba dokumentarnega gradiva mora zagotavljati nespremenljivost in integralnost dokumentarnega gradiva oziroma reprodukcije njegove vsebine, urejenost dokumentarnega gradiva oziroma njegove vsebine ter dokazljivost izvora dokumentarnega gradiva (provenience).

**6. člen  
(načelo dostopnosti)**

Dokumentarno gradivo oziroma reprodukcija njegove vsebine mora biti ves čas trajanja hrambe zavarovana pred izgubo ali okrnitvijo celovitosti ter dostopna pooblaščenim uporabnikom ali uporabnicam (v nadaljnjem besedilu: uporabnikom).

**7. člen  
(načelo varstva kulturnega spomenika)**

Arhivsko gradivo je kulturni spomenik in mora biti varovano kot takšno.

**III. DOKUMENTARNO GRADIVO**

1. Zajem gradiva, ki je izvorno nastalo v digitalni obliki

**8. člen  
(zajem gradiva izvorno v digitalni obliki)**

Zajem gradiva, ki je v digitalni obliki, mora biti urejen tako, da se zagotovi učinkovit zajem za posamezno enoto gradiva (zajem metapodatkov, komunikacijskih podatkov, podatkov, potrebnih za vsebinsko ali oblikovno neokrnjen prikaz, itd.).

**Article 5  
(Integrity principle)**

Preservation of documents shall ensure the stability and integrity of documents and/or reproduction of their content, good order of documents and/or their content and provability of the provenience of documents.

**Article 6  
(Accessibility principle)**

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

**Article 7  
(Principle of cultural monument protection)**

Archives represent a cultural monument and shall be protected accordingly.

**III. DOCUMENTS**

1. Capture of documents originally created in digital form

**Article 8  
(Capture of documents originally in digital form)**

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

2. Zajem gradiva, ki je izvirno nastalo v fizični ali elektronski analogni obliki

**9. člen**  
**(pretvorba gradiva v digitalno obliko)**

Zajem gradiva, ki je izvirno v fizični obliki ali v elektronski, vendar ne tudi v digitalni obliki, mora biti urejen tako, da se zagotovi zanesljiva pretvorba.

**10. člen**  
**(zanesljiva pretvorba)**

Za zanesljivo pretvorbo se šteje pretvorba:

- ki iz zajetega gradiva zagotavlja reprodukcijo vseh bistvenih sestavin vsebine izvirnega gradiva glede na naravo in namen posameznih enot izvirnega gradiva (ohranjanje celovitosti gradiva);
- ki ohranja uporabnost vsebine izvirnega gradiva;
- ki zagotavlja avtentičnost gradiva z zajemom ključnih vsebin izvirnega gradiva ali s strogo kontroliranim in dokumentiranim dodajanjem vsebin, ki potrjujejo enako avtentičnost zajetega gradiva, kot jo je imelo izvirno gradivo;
- ki vsebuje primerno število kontrol pravilnosti in kakovosti pretvorbe ter se odpravijo napake oziroma odstopanja;
- pri kateri se posebej in jasno ločeno od izvirne vsebine shranijo dodane vsebine ter vse pomembne opombe in podatki glede postopka pretvorbe in glede izvirnega gradiva;
- pri kateri se hrani primeren obseg dokumentacije, s katero se dokazuje, da uporabljene metode in postopki redno zagotavljajo zanesljivo pretvorbo, in
- izpolnjuje pogoje, ki jih dodatno predpiše Vlada Republike Slovenije.

3. Pretvorba zajetega gradiva v digitalno obliko za dolgoročno hrambo

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

**Article 9**  
**(Conversion of documents into digital form)**

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

**Article 10**  
**(Reliable conversion)**

Conversion shall be deemed to be reliable if:

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

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

**11. člen**  
**(pretvorba v obliko za dolgoročno hrambo)**

Če je predpisano trajanje hrambe gradiva za obdobje več kot petih let, se zajeto gradivo iz običajne digitalne oblike pretvori v digitalno obliko za dolgoročno hrambo.

**12. člen**  
**(zanesljiva pretvorba v obliko za dolgoročno hrambo)**

Za zanesljivo pretvorbo v digitalno obliko za dolgoročno hrambo se šteje pretvorba, ki ohranja celovitost in uporabnost vsebine zajetega gradiva v običajni digitalni obliki. Če se avtentičnost zajetega gradiva dokazuje z vsebinami, ki s tekom časa izgubljajo ali povsem izgubijo vrednost oziroma se izničijo, se avtentičnost zajetega gradiva v digitalni obliki za dolgoročno hrambo zagotovi s strogo nadzorovanim dodajanjem vsebin (npr. ponoven e-podpis vsebin), ki potrjujejo avtentičnost zajetega gradiva. Takšne vsebine se lahko dodajajo na ravni posameznih enot ali na ravni celotnega zajetega gradiva.

4. Uničenje izvirnega dokumentarnega gradiva

**13. člen**  
**(uničenje pretvorjenega izvirnega dokumentarnega gradiva)**

Če je opravljena pretvorba izvirnega dokumentarnega gradiva v dokumentarno gradivo v digitalni obliki ali na mikrofilmu, ki izpolnjuje enake pogoje uporabnosti kot izvirno dokumentarno gradivo, in je zagotovljena hramba v skladu z določbami tega zakona glede hrambe dokumentarnega gradiva v digitalni obliki ali na mikrofilmu, se izvirno dokumentarno gradivo lahko uniči, če ta ali drug zakon ne določa drugače.

**13.a člen**  
**(izločanje in uničevanje izvirnega dokumentarnega gradiva po**

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

Where the prescribed period for the preservation of material is longer than five years, captured material shall be converted from the usual digital form into a digital form for long-term preservation.

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

Conversion into a digital form for long-term preservation shall be deemed to be reliable if it preserves the integrity and usability of the content of captured material as in the usual digital form. If the authenticity of captured material can be proved through its content, which partially or completely loses value or is destroyed in the course of time, the authenticity of captured material in the digital form for long-term preservation shall be assured through strictly controlled addition of content (such as re-signing of content), confirming the authenticity of captured material. Such content may be added for individual units or for the entire captured material.

4. Destruction of original documents

**Article 13**  
**(Destruction of converted original documents)**

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

**Article 13a**  
**(Removal and destruction of original documents after the expiry of**

### **preteku rokov hranjenja)**

(1) Izvirno dokumentarno gradivo, ki so mu potekli predpisani roki hranjenja in nima več pomena za tekoče poslovanje javnopravne osebe in nima lastnosti arhivskega gradiva v skladu s pisnimi strokovnimi navodili pristojnega arhiva iz 34. člena tega zakona, se lahko izloči in uniči. O nameravanem uničenju je treba obvestiti pristojni arhiv, kadar ta zahteva to v pisnih strokovnih navodilih iz 34. člena tega zakona.

(2) Za izločitev in uničenje izvirnega dokumentarnega gradiva je pristojna komisija za izločitev in uničenje izvirnega dokumentarnega gradiva javnopravne osebe, ki postopek dokumentira z zapisnikom na podlagi popisa gradiva. Vsebino zapisnika in popisa se podrobneje določi z uredbo. V roku trideset dni po sestavi zapisnika o izločitvi in uničenju in obvestilu pristojnemu arhivu, če ga ta zahteva v pisnih strokovnih navodilih iz 34. člena tega zakona, se gradivo lahko uniči oziroma odda v industrijsko predelavo, če pristojni arhiv ne določi drugače.

### **14. člen**

#### **(uničenje dokumentarnega gradiva z daljšim rokom hrambe)**

Izvirno dokumentarno gradivo, za katero je predpisan rok hrambe več kot pet let in nima lastnosti arhivskega gradiva, je dovoljeno uničiti samo, če je bilo gradivo pretvorjeno v digitalno obliko za dolgoročno hrambo ali zapisano na mikrofilm, če ta ali drug zakon ne določa drugače.

### **15. člen**

#### **(določitev izjem)**

(1) Uničenje izvirnega dokumentarnega gradiva v fizični obliki, ki ima lastnosti arhivskega gradiva, po pretvorbi v digitalno obliko ali zapisu na mikrofilm ni dovoljeno, razen če pristojni arhiv izrecno ne določi drugače.

### **retention periods)**

(1) Original documents may be removed and destroyed after the expiry of the statutory retention period and after they bear no relevance for the current business of an entity under public law and they no longer have the characteristics of archival material in accordance with the written professional instructions of the competent archival institution under Article 34 of this Act. The competent archival institution should be informed of the planned destruction, if this is envisaged in the written professional instructions under Article 34 of this Act.

(2) The removal and destruction of original documents shall be entrusted to the competent commission for the removal and destruction of original documents of entities under public law, which shall document the procedure with a written record based on the list of materials. The content of the record and the list shall be defined in detail by an implementing regulation. Within 30 days of the minutes on removal and destruction being taken and the competent archival institution being informed, should this be required in the written professional instructions under Article 34 of this Act, the materials may be destroyed or handed for industrial reprocessing unless decided otherwise by the competent archival institution.

### **Article 14**

#### **(Destruction of documents with a longer retention period)**

Original documents that do not have the nature of archives and for which a retention period of more than five years has been prescribed, may be destroyed only if the materials have been converted into digital form for long-term preservation or recorded on a microfilm, unless provided otherwise by this Act or any other Act.

### **Article 15**

#### **(Exceptions)**

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



(2) Državni arhiv lahko določi gradivo, ki se zaradi njegove kulturne ali zgodovinske vrednosti sploh ne sme uničiti.

#### **16. člen (evidentiranje uničenja gradiva)**

(1) Uničenje gradiva iz prvega stavka prejšnjega člena opravi najmanj tričlanska komisija, ki jo imenuje predstojnik javnopravne osebe. V komisiji sodeluje tudi predstavnik pristojnega arhiva. Komisija sestavi zapisnik in popis gradiva.

(2) Zapisnik obsega naziv in naslov javnopravne osebe, ime in priimek uslužbenca ali uslužbenke (v nadaljnjem besedilu: uslužbenca), članov komisije iz prvega odstavka, datum uničenja gradiva in popis gradiva, kot prilogo.

(3) Popis gradiva za uničenje obsega naziv in naslov javnopravne osebe, vsebino in čas nastanka gradiva oziroma podatke iz evidence o dokumentarnem gradivu javnopravne osebe.

5. Priprava oseb na zajem in hrambo dokumentarnega gradiva v digitalni obliki

#### **17. člen (priprava in organizacija zajema in hrambe)**

(1) Javnopravna oseba, ki bo zajemala ali hranila gradivo v digitalni obliki, ponudnik storitve zajema in hrambe oziroma spremljevalnih storitev in osebe, ki želijo uveljavljati veljavnost in dokazno vrednost svojega gradiva v skladu z določbami 31. člena tega zakona, morajo slediti naslednjim fazam priprave oziroma organizacije zajema in hrambe:

- priprava na zajem in hrambo;
- priprava in sprejem notranjih pravil za zajem in hrambo gradiva v

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

#### **Article 16 (Registering destruction of materials)**

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

(2) The record shall include the title and address of the entity under public law, name of employee, members of the commission referred to in paragraph one, date of destruction of materials and a list of materials, as an annex.

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

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

#### **Article 17 (Preparation and organization of capture and storage)**

(1) Entities under public law performing capture and storage of materials in digital form, providers of capture and storage or accompanying services and persons wishing to enforce the validity and the probative value of their documents in accordance with the provision of Article 31 of this Act, should prepare and organise the capture and storage by taking the following steps:

- preparation for capture and storage;
- preparation and adoption of internal rules for capture and storage of

- digitalni obliki;
- spremljanje izvajanja notranjih pravil in ukrepanje ob odstopanjih v skladu z notranjimi pravili;
- spremembe in dopolnitev notranjih pravil zaradi spremembe veljavnih predpisov, tehnološkega napredka, spoznanj stroke ali ugotovitev pomanjkljivosti pri internem nadzoru.

(2) Minister, pristojen za arhive, podrobneje predpiše obseg in izvedbo faz priprave oziroma organizacije zajema in hrambe s pravilnikom o enotnih tehnoloških zahtevah.

### **18. člen (notranja pravila)**

(1) Javnopravna oseba, ki bo zajemala ali hranila gradivo v digitalni obliki, in ponudnik storitve zajema in hrambe oziroma spremljevalnih storitev morata sprejeti notranja pravila v skladu s tem zakonom, pravilnikom o enotnih tehnoloških zahtevah iz prejšnjega člena, drugimi podzakonskimi predpisi ter pravili stroke in ravnati v skladu z njimi.

(2) Druge osebe sprejmejo notranja pravila po lastni presoji oziroma če to zahteva drug zakon. Pri tem morajo smiselno upoštevati določbe prejšnjega člena.

### **19. člen (potrjevanje notranjih pravil)**

(1) Javnopravna oseba, ki bo zajemala in hranila gradivo v digitalni obliki, razen organov državne uprave, in ponudnik storitev zajema in hrambe dokumentarnega gradiva v digitalni obliki ter ponudnik spremljevalnih storitev glede zajema ali hrambe gradiva v digitalni obliki, ki izvaja storitve za javnopravne osebe, obvezno pošljejo svoja notranja pravila v potrditev državnemu arhivu. Državni arhiv preveri skladnost notranjih pravil z zahtevami tega zakona, na njegovi podlagi izdanimi podzakonskimi predpisi ter pravili stroke, in odloči o potrditvi predloženih notranjih pravil.

- materials in digital form;
- supervision of the implementation of internal rules and measures to adopt in case of breach of the internal rules;
- changes and additions to internal rules following amendments of applicable regulations, technological advances, expert findings or any deficiencies detected in internal supervision.

(2) The minister responsible for archival institutions shall prescribe in detail the scope and implementation of stages of preparation and organisation of capture and storage by adopting rules on uniform technological requirements.

### **Article 18 (Internal rules)**

(1) Entities under public law involved in capture and storage of materials in digital form and providers of capture and storage services and accompanying services shall adopt internal rules in accordance with this Act, the rules on uniform technological requirements referred to in the preceding article, other implementing regulations and professional rules, and shall act accordingly.

(2) Other persons shall adopt internal rules at their own discretion or if this is envisaged by another act. In drafting rules, the provisions of the preceding article shall apply *mutatis mutandis*.

### **Article 19 (Confirmation of internal rules)**

(1) With the exception of state administration authorities, entities under public law performing capture and storage of materials in digital form and providers of capture and storage services for documents in digital forms and providers of accompanying services related to capture and storage of documents in digital form providing services for entities under public law, shall submit their internal rules to the National Archives for confirmation. Prior to issuing a decision confirming the submitted internal rules, the National Archives shall verify the compliance of internal rules with the requirements of this Act, implementing regulations issued on its basis and the rules of the

(2) Druge osebe lahko predložijo svoja notranja pravila v potrditev državnemu arhivu. Stroške preverjanja skladnosti nosi oseba, ki je predložila svoja notranja pravila v potrditev državnemu arhivu.

(3) Državni arhiv ob potrditvi določi tudi rok, v katerem morajo osebe, ki so predložile svoja notranja pravila v potrditev državnemu arhivu, notranja pravila spremeniti oziroma dopolniti in jih poslati v vnovično potrditev.

## **20. člen** **(prevzem vzorčnih notranjih pravil)**

Oseba lahko notranja pravila iz 18. člena tega zakona pripravi tako, da privzame vnaprej pripravljena notranja pravila, ki so jih pripravile druge istovrstne osebe za svojo uporabo ali za širšo uporabo (npr. panožna združenja), kot svoja. Če v celoti in brez kakršnihkoli sprememb ali dopolnitev privzame od državnega arhiva potrjena notranja pravila, se šteje, da so tako privzeta notranja pravila osebe od državnega arhiva že potrjena.

### 6. Spremljanje izvajanja notranjih pravil

## **21. člen** **(spremljanje izvajanja notranjih pravil)**

(1) Osebe, ki imajo s strani državnega arhiva potrjena notranja pravila in organi državne uprave morajo spremljati izvajanje notranjih pravil.

(2) Spremljanje iz prejšnjega odstavka se izvaja kot notranje preverjanje, ki ga je potrebno ustrezno dokumentirati. Nadzor nad ustreznostjo spremljanja izvaja inšpektorat, pristojen za arhivsko gradivo.

(3) Vlada Republike Slovenije podrobneje opredeli zahtevano

profession.

(2) Other persons may submit their internal rules to the National Archives for confirmation. The costs of compliance verification shall be incurred by the person that submitted its internal rules to the National Archives for confirmation.

(3) In its decision on confirmation, the National Archives shall also set a deadline within which the relevant persons should change or complement their internal rules and submit them for re-confirmation.

## **Article 20** **(Adoption of model internal rules)**

Persons may also draft the internal rules under Article 18 of this Act by adopting as their own the model internal rules adopted by other similar persons for their own use or for wider use (e.g. trade associations). If a person fully adopts the internal rules confirmed by the National Archives without any modifications or amendments, such internal rules shall be deemed to be already confirmed by the National Archives.

### 6. Monitoring of internal rules implementation

## **Article 21** **(Monitoring of internal rules implementation)**

(1) Persons whose internal rules had been confirmed by the National Archives and state administration authorities shall be bound to monitor the implementation of the rules.

(2) The monitoring referred to in the preceding paragraph shall be carried out in the form of internal verification and shall be adequately documented. The efficiency of monitoring shall be controlled by the inspectorate responsible for archival institutions.

(3) The Government of the Republic of Slovenia shall define in

strokovno usposobljenost notranjih presojevalcev in določi obseg, način in dokumentiranje izvedbe postopka iz prejšnjega odstavka.

**22. člen**  
**(obvezno noveliranje notranjih pravil)**

Osebe, ki imajo s strani državnega arhiva potrjena notranja pravila in organi državne uprave morajo pripraviti in sprejeti oziroma prevzeti spremembe in dopolnitve notranjih pravil vedno, ko se pri spremljanju izvajanja notranjih pravil ugotovijo pomanjkljivosti, ki ne pomenijo odstopanja od notranjih pravil, temveč pomanjkljivost samih pravil.

7. Hramba dokumentarnega gradiva

**23. člen**  
**(hramba dokumentarnega gradiva)**

(1) Dokumentarno gradivo se hrani v ustreznih prostorih in opremi, v ustreznih klimatskih pogojih, zavarovano pred vlomom, požarom, vodo, biološkimi, kemičnimi, fizikalnimi in drugimi škodljivimi vplivi, ter zagotavlja dostopnost, kar pomeni varovanje pred izgubo in stalno zagotavljanje dostopa zgolj pooblaščenim uporabnikom ves čas trajanja hrambe, in celovitost, kar obsega nespremenljivost in neokrnjenost ter urejenost tega gradiva.

(2) Vlada Republike Slovenije predpiše podrobnejše pogoje hrambe dokumentarnega gradiva.

**24. člen**  
**(izjeme)**

Določba prejšnjega člena ne velja za tiste primere, ko drugi predpisi določajo strožje pogoje hrambe dokumentarnega gradiva.

detail the required professional qualifications of internal supervisors and the scope, manner and documents pertinent to the procedure referred to in the preceding paragraph.

**Article 22**  
**(Mandatory amendments to internal rules)**

Persons whose internal rules have been confirmed by the National Archives and state administration authorities shall prepare and adopt or implement any changes and amendments to internal rules every time the implementation monitoring reveals a deficiency, not in the sense of an internal rules violation but a deficiency in the rules themselves.

7. Preservation of documents

**Article 23**  
**(Preservation of documents)**

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

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

**Article 24**  
**(Exceptions)**

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

## 8. Hramba dokumentarnega gradiva v digitalni obliki

### **25. člen (hramba dokumentarnega gradiva v digitalni obliki)**

Hramba dokumentarnega gradiva v digitalni obliki je hramba izvirnega dokumentarnega gradiva ali varna hramba zajetega dokumentarnega gradiva v digitalni obliki.

### **26. člen (hramba izvirnega dokumentarnega gradiva v digitalni obliki)**

Varna hramba izvirnega dokumentarnega gradiva v digitalni obliki mora ves čas trajanja hrambe omogočati:

- dostopnost izvirnega gradiva, kar pomeni varovanje pred izgubo in stalno zagotavljanje dostopa zgolj pooblaščenim uporabnikom ves čas trajanja hrambe;
- uporabnost, kar pomeni zmožnost reprodukcije in primernost reprodukcije za uporabo ves čas trajanja hrambe;
- celovitost, kar obsega nespremenljivost in neokrnjenost reprodukcije vsebine glede na vsebino izvirnega gradiva.

### **27. člen (hramba zajetega dokumentarnega gradiva v digitalni obliki)**

Varna hramba zajetega dokumentarnega gradiva v digitalni obliki mora ves čas trajanja hrambe omogočati reprodukcijo vsebine izvirnega dokumentarnega gradiva, ki izpolnjuje naslednje pogoje v enaki meri, kot bi jih to izvirno gradivo:

- dostopnost, kar pomeni varovanje pred izgubo in stalno zagotavljanje dostopa zgolj pooblaščenim uporabnikom ves čas trajanja hrambe;
- uporabnost, kar pomeni zmožnost reprodukcije in primernost reprodukcije za uporabo ves čas trajanja hrambe;
- avtentičnost, kar pomeni dokazljivost povezanosti reproducirane vsebine z vsebino izvirnega gradiva oziroma izvorom tega gradiva;

## 8. Preservation of documents in digital form

### **Article 25 (Preservation of documents in digital form)**

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

### **Article 26 (Preservation of original documents in digital form)**

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

- accessibility of original material, which means protection from loss and constant access for authorized users only during the entire retention period;
- usability, which means capacity for reproduction and adequacy of reproduction for use during the entire retention period;
- integrity, which includes the unchanged state and intactness of reproduced content relative to the content of the original material.

### **Article 27 (Storage of captured documents in digital form)**

During the entire retention period, secure storage of captured documents in digital form shall enable reproduction of the content of original documents, fulfilling the following conditions to the same degree as the original material would:

- accessibility, which means protection from loss and constant access only for authorized users, during the entire retention period;
- usability, which means capacity for reproduction and adequacy of reproduction for use during the entire retention period;
- authenticity, which means provability of connectedness of reproduced content with the content of the original material and/or source of that material;

- celovitost, kar obsega nespremenljivost in neokrnjenost ter urejenost reprodukcije vsebine glede na vsebino izvirnega gradiva.

## 9. Dolgoročna hramba v digitalni obliki

### **28. člen (dolgoročna hramba v digitalni obliki)**

Dokumentarno gradivo se dolgoročno hrani v digitalni obliki zapisa in na nosilcu zapisa za dolgoročno hrambo, s čimer se zagotavlja dolgoročna ohranitev vsebine dokumentarnega gradiva.

### **29. člen (oblika zapisa)**

Za obliko zapisa iz prejšnjega člena se šteje takšna oblika, ki zagotavlja ohranitev vsebine gradiva in vse druge pogoje hrambe gradiva v digitalni obliki, in sicer več kot pet let, ter omogoča po tem obdobju pretvorbo v novo digitalno obliko zapisa, ki bo takrat izpolnjevala pogoje varne hrambe gradiva.

### **30. člen (nosilec zapisa)**

Za nosilec zapisa iz 28. člena tega zakona se šteje takšen elektronski nosilec zapisa, ki zagotavlja vse pogoje varne hrambe gradiva in omogoča večje število prepisov s sedanjih na bodoče nosilce zapisa.

## 10. Veljavnost in dokazna vrednost dokumentarnega gradiva v digitalni obliki

### **31. člen (enakost izvirnemu gradivu na podlagi zakona)**

- integrity, which includes the unchanged state, intactness and good order of reproduced content relative to the content of the original material.

## 9. Long-term preservation in digital form

### **Article 28 (Long-term preservation in digital form)**

On a long-term basis documents shall be stored in digital form and on a medium for long-term preservation that ensures long-term preservation of the content of documents.

### **Article 29 (Format)**

The format ensuring preservation of the content of materials and all other conditions for storage in digital form for more than five years and allowing conversion of the record into a new digital form after that period of time, which shall then fulfil the conditions for secure preservation of materials, shall be deemed a form referred to in the preceding Article.

### **Article 30 (Medium)**

An electronic medium ensuring all the conditions for secure storage of materials and enabling a large number of copies to be made from the existing to new media shall be deemed a medium pursuant to Article 28.

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

### **Article 31 (Equality to original material on statutory basis)**

Na podlagi zakona se vsaka enota varno hranjenega gradiva v digitalni obliki šteje za enako posamezni enoti izvirnega gradiva, če sta bila zajem in varna hramba opravljena v skladu s tem zakonom, njegovimi podzakonskimi predpisi, pri državnem arhivu potrjenimi notranjimi pravili ter če drug zakon ne določa drugače.

### **32. člen (črtan)**

### **33. člen (presojanje enakosti izvirnemu gradivu v konkretnih primerih)**

(1) Če oseba, ki hrani gradivo, hrambe nima urejene z notranjimi pravili, se enota hranjenega gradiva v digitalni obliki šteje za enako posamezni enoti izvirnega gradiva, če izpolnjuje pogoje varne hrambe v enaki meri kot enota izvirnega gradiva.

(2) Prejšnji odstavek se uporablja tudi:

- v primeru hrambe v skladu z od nadzornega organa potrjenimi notranjimi pravili, če gre za primer, ki ga pravila ne urejajo;
- v primeru, da oseba, ki hrani gradivo, ima notranja pravila, vendar v konkretnem primeru hrambe teh pravil ni spoštovala.

## **IV. ARHIVSKO GRADIVO**

### **1. Arhivsko gradivo in njegova hramba**

### **34. člen (arhivsko gradivo)**

(1) Arhivsko gradivo javnopravnih oseb določi pristojni javni arhiv s pisnimi strokovnimi navodili za odbiranje arhivskega gradiva iz dokumentarnega gradiva za vsako javnopravno osebo posebej.

Pursuant to an Act, each unit of safely protected documents in digital form shall correspond to an individual unit of original documents, if the capture and storage were conducted in accordance with this Act, its implementing regulations, the internal rules confirmed by the National Archives, and unless provided otherwise by another Act.

### **Article 32 (Deleted)**

### **Article 33 (Evaluation of equality with original material in specific cases)**

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

(2) The preceding paragraph shall also apply:

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

## **IV. ARCHIVES**

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

### **Article 34 (Archives)**

(1) Archives of entities under public law shall be defined by the competent public archival institution in written professional instructions for the selection of archives for each entity under public law.

(2) Do izdaje strokovnih navodil se z vsem dokumentarnim gradivom ravna tako kot z arhivskim gradivom.

(3) Javno arhivsko gradivo javnopravna oseba odbira iz dokumentarnega gradiva in izroča pristojnim javnim arhivom.

(4) Dokumentarno gradivo drugih pravnih in fizičnih oseb, ki ima lastnosti arhivskega gradiva, postane arhivsko gradivo na podlagi odločbe državnega arhiva ali s prevzemom v pristojni arhiv na podlagi druge alineje prvega odstavka 61. člena tega zakona.

(5) Pravne osebe zasebnega prava in fizične osebe morajo same poskrbeti za hrambo zasebnega arhivskega gradiva, lahko pa ga izročijo pristojnim javnim arhivom v obliki depozita, volijo, podarijo ali prodajo na podlagi druge in tretje alineje prvega odstavka 61. člena tega zakona.

### **35. člen (odločanje v primeru nejasnosti)**

V primeru nejasnosti, ali je predmet obravnave šteti za arhivsko gradivo, za muzealijo ali za knjižnično gradivo, odloči ministrica ali minister (v nadaljevanju minister), pristojna oziroma pristojen za arhive, z odločbo.

### **36. člen (hramba arhivskega gradiva)**

(1) Javno arhivsko gradivo ne glede na obliko ali nosilec zapisa prevzemajo v hrambo izključno pristojni arhivi, razen če ta zakon ne določa drugače.

(2) Arhivsko gradivo v fizični obliki se trajno in strokovno neoporečno hrani v ustreznih prostorih in opremi, v ustreznih klimatskih pogojih, zavarovano pred vlomom, požarom, vodo, biološkimi, kemičnimi, fizikalnimi in drugimi škodljivimi vplivi (materialno varstvo).

(2) Until professional instructions are issued, all documents shall be treated as archives.

(3) An entity under public law shall select its public archives from its documents and deliver them to the competent public archival institutions.

(4) The documents of other legal and natural persons with the characteristics of archives shall become archives on the basis of a decision by the National Archives or after being handed to the competent archival institutions pursuant to indent two of paragraph one of Article 61 of this Act.

(5) Legal entities under private law and natural persons shall make all the necessary arrangements to preserve archives or hand the material to the competent public archival institutions in the form of a deposit, legacy, gift or purchase pursuant to indent two and three of paragraph one of Article 61 of this Act.

### **Article 35 (Decisions in indefinite cases)**

Where it is not clear if the object concerned is to be treated as an archive, museum object or library material, the minister responsible for archival institutions shall issue a decision.

### **Article 36 (Preservation of archives)**

(1) Public archives irrespective of format or media shall be acquired for preservation exclusively by the competent archival institutions, unless provided otherwise by this Act.

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



(3) Hramba arhivskega gradiva v digitalni obliki je dovoljena samo kot dolgoročna hramba zajetega gradiva v skladu z notranjimi pravili.

(4) Vlada Republike Slovenije predpiše podrobnejše pogoje hrambe arhivskega gradiva.

### **37. člen** **(poročanje pristojnemu arhivu)**

Na zahtevo pristojnega arhiva mora oseba, ki v digitalni obliki hrani zasebno arhivsko gradivo ali do izročitve pristojnemu arhivu javno arhivsko gradivo, poročati o načinu in postopkih hrambe. Poročilo mora vsebovati predvsem naslednje podatke:

- podatke o uporabljeni opremi in storitvah,
- podatke o uporabljenih oblikah in nosilcih zapisa,
- podatke o zagotavljanju trajne dostopnosti podatkov,
- podatke o načrtovanih in izvedenih pretvorbah v drugo obliko zapisa ali prepisih na drug nosilec zapisa,
- podatke o ukrepih za zagotavljanje celovitosti, avtentičnosti in uporabnosti gradiva,
- podatke o drugih pomembnih dejavnikih hrambe gradiva.

#### 2. Javno arhivsko gradivo

### **38. člen** **(javno arhivsko gradivo)**

(1) Javno arhivsko gradivo je last Republike Slovenije, razen arhivskega gradiva, za katero so pristojni arhivi samoupravnih lokalnih skupnosti in ki je last samoupravne lokalne skupnosti.

(2) Javno arhivsko gradivo se odbere iz dokumentarnega gradiva na podlagi pisnih strokovnih navodil pristojnega arhiva in dodatnih pisnih strokovnih navodil predstavnikov pristojnega arhiva ob samem

(3) The preservation of archives in digital form shall be allowed only as long-term storage of captured material in accordance with internal rules.

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

### **Article 37** **(Reporting to competent archival institution)**

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

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

#### 2. Public archives

### **Article 38** **(Public archives)**

(1) Public archives are the property of the Republic of Slovenia except for the archives under the responsibility of archival institutions of self-governing local communities which are the property of self-governing local communities.

(2) Public archives shall be selected from documents in accordance with written professional instructions by the competent archival institution and additional written professional instructions by

odbiranju.

**39. člen**  
**(dolžnosti javnopravnih oseb)**

(1) Javnopravne osebe morajo skrbeti za ohranjanje, materialno varnost, celovitost in urejenost dokumentarnega gradiva, ki ga prejemajo ali nastaja pri njihovem delu, dokler ni iz tega gradiva odbrano arhivsko gradivo.

(2) Javnopravne osebe morajo pristojnemu arhivu zagotoviti ogled dokumentarnega gradiva ter mu dati podatke, ki jih potrebuje za vodenje evidenc o arhivskem gradivu, pod pogoji, ki jih določa zakon.

(3) Javnopravne osebe morajo sodelovati s pristojnim arhivom pri izdelavi navodil za odbiranje javnega arhivskega gradiva iz dokumentarnega gradiva. Prav tako morajo navesti katero dokumentarno gradivo ima trajen pomen za pravni interes pravnih in fizičnih oseb.

(4) Javnopravne osebe morajo odbrati arhivsko gradivo iz dokumentarnega gradiva po navodilih pristojnega arhiva iz 34. člena tega zakona ter izdelati popis odbranega gradiva.

(5) Javnopravne osebe morajo obvestiti pristojni arhiv o statusnih spremembah ter spremembah na področju upravljanja z dokumentarnim gradivom.

(6) Javnopravne osebe morajo tudi potem, ko je arhivsko gradivo že odbrano, zagotoviti hrambo tistega dokumentarnega gradiva, ki mu še ni potekel rok hrambe.

(7) Za izvajanje obveznosti iz prejšnjih odstavkov morajo javnopravne osebe zagotavljati ustrezne materialne, kadrovske in finančne pogoje ter določiti osebo, odgovorno za izvajanje teh obveznosti.

(8) Uslužbenci javnopravnih oseb, ki upravljajo z

representatives of the competent archival institution during the selection process.

**Article 39**  
**(Duties of entities under public law)**

(1) Entities under public law should provide for the preservation, material safety/security, integrity and good order of archives that they receive or produce in their activities, until a selection of archives is made from the documents.

(2) Entities under public law should allow the competent archival institution to inspect documents and provide information needed for keeping registers on archives under the conditions provided by an Act.

(3) Entities under public law must cooperate with the competent archival institution in drafting the instructions for selecting public archives from documents. They must also define which documents have permanent value for the legal interests of legal and natural persons.

(4) Entities under public law should select archives from their documents following the instructions of the competent archival institution under Article 34 of this Act, and draw up a list of selected material.

(5) Entities under public law should inform the competent archival institution of any status changes and modifications in document management.

(6) Entities under public law should ensure the preservation of documents for which the retention period has not yet expired even after the archives have been selected.

(7) In order to comply with the obligations under the preceding paragraphs, entities under public law must ensure adequate conditions in terms of material, personnel and finances, and appoint a person responsible for discharging these obligations.

(8) Employees of entities under public law who manage

dokumentarnim gradivom in delavci ponudnikov storitev, ki opravljajo dela zajema, in hrambe gradiva v digitalni obliki ter spremljevalnih storitev, morajo imeti najmanj srednjo izobrazbo in opravljen preizkus strokovne usposobljenosti pri pristojnem arhivu. Opravljen preizkus strokovne usposobljenosti velja na celotnem območju Republike Slovenije.

(9) Minister, pristojen za arhive, predpiše podrobnejše pogoje za strokovno usposobljenost in preizkus strokovne usposobljenosti uslužbencev javnopravnih oseb, ki upravljajo z dokumentarnim gradivom in delavcev ponudnikov storitev, ki opravljajo dela zajema in hrambe gradiva v digitalni obliki ter spremljevalnih storitev.

(10) Evidenco preizkusov strokovne usposobljenosti uslužbencev javnopravnih oseb in delavcev ponudnikov hrambe gradiva v digitalni obliki vodijo pristojni arhivi zaradi nadzora nad strokovno usposobljenostjo uslužbencev, ki ravnajo z dokumentarnim gradivom. Evidenca vsebuje osebno ime, datum in kraj rojstva uslužbenca, naziv javnopravne osebe, kjer je uslužbenec zaposlen, in datum ter uspeh opravljanja preizkusa. Evidenca se hrani trajno. Evidenca iz prvega odstavka tega člena se za uslužbenca obveščevalno varnostnih služb vodi ločeno ter označeno s stopnjo tajnosti ZAUPNO.

#### **40. člen** **(izročitev arhivskega gradiva arhivu)**

(1) Javnopravne osebe morajo izročiti javno arhivsko gradivo arhivu najkasneje 30 let po nastanku gradiva in sicer tudi gradivo:

- ki vsebuje osebne podatke v skladu s predpisi, ki urejajo področje osebnih podatkov;
- ki vsebuje tajne podatke v skladu s predpisi, ki urejajo področje tajnih podatkov;
- ki je posebej varovano kot zaupno, če tako določa zakon ali poslovnik državnega organa ali organa samoupravne lokalne skupnosti.

(2) Kot javno arhivsko gradivo, ki ga je javnopravna oseba dolžna izročiti v roku iz prejšnjega odstavka, se lahko štejejo tudi spletne

documents, and contracting staff of service providers of capture and storage in digital form and accompanying services, must have at least a secondary education and should have passed the professional competence test with the competent archival institution. The professional competence test is valid in the entire territory of the Republic of Slovenia.

(9) The minister responsible for archival institutions shall define in detail the conditions for professional qualifications and the professional competence test for employees of entities under public law handling documents and for employees of service providers of capture and storage in digital form and accompanying services.

(10) A register of professional competence test results for employees of entities under public law and employees of service providers of capture and storage in digital form, shall be kept by the competent archival institutions in order to monitor the professional competence of staff handling documents. The register shall include the employee's personal name, date and place of birth, name of the entity under public law where the employee works, and date and results of the test. The register shall be kept permanently. The register referred to in paragraph one of this Article shall be kept separately for employees of intelligence and security services and marked with confidentiality level CONFIDENTIAL.

#### **Article 40** **(Transfer of archives to archival institution)**

(1) Entities under public law should hand over public archives to an archival institution no later than 30 years after their creation, including archives:

- containing personal data in accordance with the regulations on the protection of personal data;
- containing confidential information in accordance with the regulations on classified information;
- enjoying special protection as confidential archives, should this be provided by an Act or the rules of procedure of a state body or a self-governing local community.

(2) Public archives which need to be handed in within the deadline under the preceding paragraph shall include internet

objave in izvod internih, službenih in poslovnih publikacij, letakov, reklamnih objav in podobnega gradiva, ki ga je objavila javnopravna oseba.

(3) Kadar je gradivo iz prvega in drugega odstavka tega člena pri ustvarjalcu še vedno v uporabi in je neobhodno potrebno za njegovo poslovanje, se tridesetletni rok izročitve javnega arhivskega gradiva za posamezno gradivo iz prvega in drugega odstavka tega člena izjemoma lahko podaljša za največ deset let na podlagi odločbe arhiva. Vlogi za izdajo navedene odločbe mora javnopravna oseba obvezno priložiti popis arhivskega gradiva, v zvezi s katerim prosi za izjemno podaljšanje roka.

(4) Javnopravna oseba je dolžna izročiti javno arhivsko gradivo pristojnemu arhivu v izvorniku, urejeno, popisano, v zaokroženih in kompletnih celotah ter tehnično opremljeno po navodilih pristojnega arhiva.

(5) Javnopravna oseba, ki izroči javno arhivsko gradivo pristojnemu arhivu, je dolžna v zapisniku o izročitvi in prevzemu navesti morebitne omejitve dostopnosti in razloge v skladu s 65. členom tega zakona, v popisu gradiva pa konkretno navesti roke nedostopnosti za posamezne popisne enote gradiva.

(6) Če pristojni arhiv ugotovi, da se arhivsko gradivo, ki bi mu moralo biti predano v skladu z določbami prejšnjih odstavkov, nahaja pri drugih osebah, lahko od teh oseb zahteva, da mu to gradivo predajo. Te osebe morajo to gradivo predati v primernem roku, ki ga določi pristojni arhiv.

(7) Arhivsko gradivo se določa iz dokumentarnega na podlagi vrednotenja dokumentarnega gradiva. Merila za vrednotenje so naslednja:

- potrebe zgodovinarstva, drugih znanosti in kulture;
- potrebe za trajno pravno veljavo za doseganje pravic oseb;
- pomembnost vsebine gradiva;
- specifičnost dogodkov in pojavov v določenem času;
- specifičnost kraja ali območja;
- pomen javno pravne osebe;

publications and copies of internal, work or business publications, fliers, advertisements and similar material published by the entity under public law.

(3) Where the materials referred to in paragraphs one and two of this Article remain in use with the creator and are indispensable for its business, the 30-year deadline for handing over public archives may be exceptionally extended for individual materials referred to in paragraphs one and two of this Article for a period of no longer than 10 years on the basis of a decision by the archival institution. On filing the request for such a decision, the entity under public law shall include a mandatory list of archives which require exceptional extension of deadline.

(4) Entities under public law shall be bound to hand over archives to the competent archival institution in the original form, arranged, documented, and in comprehensive and complete units, with technical annotations following the instructions of the competent archival institution.

(5) In the record of transfer and receipt, entities under public law which hand over public archives to the competent archival institution shall be bound to include any restrictions to access and reasons for this in accordance with Article 65 of this Act, while the list of materials shall contain specific restriction deadlines for each archival unit on the list.

(6) Should the competent archival institution establish that the archives which should have been handed over to it in accordance with the provisions of the preceding paragraphs can be found with third persons, it may demand that such persons hand over the materials. These third persons should hand over the materials in due time as defined by the competent archival institution.

(7) Archives shall be identified from documents based on evaluation of the documents. The appraisal criteria shall be the following:

- needs in history, other scientific disciplines and culture;
- needs for permanent legal value for enforcing personal rights;
- importance of the content;
- specific nature of events and phenomena in a certain time;
- specific place or area;
- importance of the entity under public law;

- pomen avtorja;
- pomen gradiva z vidika kulturne raznolikosti;
- izvirnost dokumentov;
- izvirnost podatkov in informacij;
- reprezentativni izbor;
- notranje in zunanje značilnosti gradiva in
- druga merila, ki jih določi pristojni arhiv.

(8) Pisno strokovno navodilo za odbiranje arhivskega gradiva iz dokumentarnega sprejme komisija pristojnega arhiva, ki jo imenuje predstojnik arhiva. Najmanj tričlansko komisijo sestavljajo predstavniki pristojnega arhiva in predstavnik javnopravne osebe, za katero se sprejema pisno navodilo. Ob statusnih in organizacijskih spremembah javnopravnih oseb ter ob spremembi poslovanja ali upravljanja z dokumentarnim gradivom je treba navodilo obravnavati in prilagoditi spremembam.

(9) V primeru izročitve gradiva v digitalni obliki pristojni arhiv z dodatnim strokovno-tehničnim navodilom, ki ga izda najkasneje ob začetku odbiranja arhivskega gradiva kot del pisnih strokovnih navodil iz 34. člena tega zakona, predpiše tudi obseg, postopek in način izročitve gradiva ter oblike in nosilce zapisov.

(10) Vlada Republike Slovenije podrobneje določi način in postopek odbiranja arhivskega gradiva iz dokumentarnega gradiva in postopek izročanja javnega arhivskega gradiva arhivu.

#### **41. člen**

##### **(prenehanje javnopravne osebe, statusne spremembe javnopravne osebe ter prenehanje pravne osebe zasebnega prava)**

(1) Ob vsaki statusni spremembi javnopravne osebe je treba javno arhivsko gradivo odbrati, v primeru prenehanja javnopravne osebe brez znanega pravnega naslednika pa ne glede na tridesetletni rok izročiti pristojnemu arhivu.

(2) Organ, ki vodi postopek prenehanja oziroma izvaja statusno

- importance of the author;
- importance of the material in light of cultural diversity;
- originality of documents;
- originality of data and information;
- representativeness;
- internal and external qualities of the material, and
- other criteria set out by the competent archival institution.

(8) Written professional instructions for the selection of archives from documents shall be adopted by a commission within the competent archival institution appointed by the director of the archives. The commission shall be composed of at least three members who are representatives of the competent archival institution and the entity under public law to which the instructions refer. In cases of status or organisational changes of entities under public law, modifications in business or document management, the instructions should be reviewed and adapted accordingly.

(9) In the case of handing over documents in digital form, the competent archival institution shall issue an additional professional and technical instruction no later than at the time of archive selection as part of the written instructions under Article 34 of this Act, and shall define the scope, procedure and manner of transfer as well as the form and medium for such recordings.

(10) The Government of the Republic of Slovenia shall define in detail the manner and procedure of selecting archives from documents, and the procedure for handing over public archives to the archival institution.

#### **Article 41**

##### **(Winding up of entity under public law, status changes of entity under public law and winding up of private law entity)**

(1) For each status change of an entity under public law, the public archives should be selected and, in the event of winding up of an entity under public law without any known legal successor, handed over to the competent archives regardless of the 30-year period.

(2) The body conducting the winding up procedure or the

spremembo javnopravne osebe, mora zagotoviti odbiranje in izročitev javnega arhivskega gradiva arhivu v skladu z določbami tega zakona ter na podlagi obveznih pisnih strokovnih navodil pristojnega arhiva za odbiranje arhivskega gradiva iz 34. člena tega zakona.

(3) Organ iz prejšnjega odstavka mora poskrbeti za nadaljnjo hrambo, urejenost in dostop do dokumentarnega gradiva, ki mu še ni potekel rok hrambe, do izteka rokov.

(4) V primeru prenehanja pravne osebe zasebnega prava pristojno sodišče, ki vodi postopek prenehanja, odloči o hrambi dokumentarnega gradiva, ki mu še niso potekli predpisani roki hranjenja in hrambi arhivskega gradiva v skladu s tem zakonom.

#### **42. člen (odtujitev arhivskega gradiva)**

(1) Javnopravna oseba ne sme prenesti javnega arhivskega gradiva na drugo osebo, razen če tako možnost določa ta zakon. Vsak pravni posel, sklenjen v nasprotju s to določbo, je ničen.

(2) Za izvoz ali iznos arhivskega gradiva je potrebno dovoljenje ministra, pristojnega za arhive.

(3) Trajni izvoz ali iznos arhivskega gradiva je prepovedan, razen v primeru izmenjave arhivskega gradiva.

(4) Začasni izvoz ali iznos arhivskega gradiva se dovoli za največ eno leto od datuma prehoda državne meje, z možnostjo podaljšanja za največ pet let.

(5) Za izvoz in iznos arhivskega gradiva se smiselno uporabljajo določbe zakona, ki ureja izvoz in iznos predmetov kulturne dediščine.

3. Filmsko arhivsko gradivo

#### **43. člen**

status change for the entity under public law should ensure the selection and handing over of public archives to the archival institution in accordance with the provisions of this Act, and on the basis of obligatory written professional instructions of the competent archival institution for the selection of archives under Article 34 of this Act.

(3) The body referred to in the preceding paragraph should provide for continued preservation, good order and access to documents until the retention period expires.

(4) In the case of winding up of a private law entity, the competent court in charge of the procedure shall decide on the preservation of documents within retention periods and the preservation of archives in accordance with this Act.

#### **Article 42 (Alienation of archives)**

(1) Entities under public law shall not transfer public archives to a third person, unless otherwise provided by this Act. Any legal transaction concluded contrary to this provision shall be void.

(2) In order to export or remove archives, a permit shall be required from the minister responsible for archival institutions.

(3) Permanent export or removal of archives shall be prohibited, except in the case of archive exchange.

(4) Temporary export or removal of archives shall be permitted for no longer than one year from the date of crossing the national border, with the possibility of an extension for no longer than five years.

(5) For the export and removal of archives, the provisions of the Act governing the export and removal of cultural heritage objects shall be applied *mutatis mutandis*.

3. Film archives

#### **Article 43**

### **(filmsko arhivsko gradivo)**

(1) Filmsko arhivsko gradivo je zmontirani originalni slikovni in tonski negativ filma, posnet na filmskem traku, in ena projekcijska kopija istega filma ter filmi, posneti na digitalnih ali analognih nosilcih, ki jih izdelajo slovenski ali tuji producenti ali producentke (v nadaljnjem besedilu: producenti) oziroma so izdelani v koprodukciji slovenskih in tujih producentov v Republiki Sloveniji in veljajo za slovenski film.

(2) Producent, ki je posnel film s pomočjo javnih sredstev, mora takoj po izdelavi filma izročiti filmsko arhivsko gradivo državnemu arhivu.

(3) Slovenski koproducent, ki je posnel film s tujim koproducentom z javnimi sredstvi, je dolžan izročiti projekcijsko kopijo državnemu arhivu. Ko slovenski koproducent nastopa kot večinski koproducent, izroči takoj po izdelavi filma filmsko arhivsko gradivo državnemu arhivu.

(4) Po izročitvi filmskega arhivskega gradiva državnemu arhivu ministrstvo, pristojno za kulturo, preko Filmskega sklada Republike Slovenije zagotovi producentom namenska finančna sredstva za izdelavo intermediata, če je to potrebno za izdelavo kopij za prikazovanje.

(5) Arhivsko gradivo so tudi druga avdiovizualna dela, ki na podlagi veljavnih predpisov veljajo za slovenska.

(6) Vlada Republike Slovenije predpiše način predaje filmskega arhivskega gradiva in avdiovizualnih del.

### **4. Zasebno arhivsko gradivo**

#### **44. člen (evidentiranje zasebnega arhivskega gradiva)**

(1) Zasebno arhivsko gradivo je last fizičnih in pravnih oseb zasebnega prava.

### **(Film archives)**

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

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

(3) A Slovenian co-producer that has produced a film in cooperation with a foreign producer using public funds shall be bound to transfer a projection copy (print) to the National Archives. Wherever a Slovenian producer represents a majority co-producer, they shall transfer the film archives to the National Archives immediately after the film has been produced.

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

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

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

### **4. Private archives**

#### **Article 44 (Registering of private archives)**

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

(2) Evidentiranje dokumentarnega gradiva v zasebni lasti, za katero se domneva, da ima lastnosti arhivskega gradiva, izvajajo pristojni arhivi. Pristojni arhivi v evidenci vodijo za namene izvrševanja tega zakona tiste osebne in druge podatke iz evidentiranega dokumentarnega gradiva, ki so potrebni za ustrezno oceno ali označitev gradiva. V evidenci se vodijo tudi podatki o lastniku ali lastnici (v nadaljnjem besedilu: lastnik) oziroma posestniku ali posestnici (v nadaljnjem besedilu: posestnik) gradiva, in sicer za fizično osebo osebno ime, uradno dodeljena identifikacijska oznaka in naslov stalnega ali začasnega prebivališča ter za pravno osebo ali osebo, registrirano za opravljanje dejavnosti, naziv ali firma, sedež, poslovni naslov in uradno dodeljene identifikacijske oznake (davčna številka, matična številka in podobno). Podatki se v evidenci hranijo trajno.

(3) Na podlagi evidentiranja iz prejšnjega odstavka državni arhiv z odločbo razglasi zasebno dokumentarno gradivo, ki ima lastnosti arhivskega gradiva, za arhivsko gradivo. Odločba vsebuje podatke o lastniku in vsebini, obsegu in času nastanka zasebnega arhivskega gradiva ter dolžnosti lastnika zasebnega arhiva.

(4) Državni arhiv vodi evidenco izdanih odločb in določi podrobnejši način evidentiranja in pristojne arhive za posamezna področja zasebnega arhivskega gradiva.

#### **45. člen**

##### **(pravice in dolžnosti lastnikov zasebnega arhivskega gradiva)**

Lastniki zasebnega arhivskega gradiva:

- imajo pravico do brezplačnih strokovnih pojasnil in nasvetov pristojnih arhivov glede varovanja, vzdrževanja, odbiranja, urejanja, konzerviranja in restavriranja gradiva;
- so dolžni spoštovati pojasnila in nasvete iz prejšnje alineje;
- so dolžni hraniti gradivo trajno, strokovno neoporečno in celovito;
- so dolžni dajati pristojnemu arhivu podatke o gradivu, ki so potrebni za izvajanje tega zakona;

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

(3) On the basis of registering pursuant to the preceding paragraph, the National Archives shall by a decision declare private documents with the nature of archives as archives. Such decision shall contain data on the owner and content, volume and time of creation of private archives as well as the duties of the owner of private archives.

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

#### **Article 45**

##### **(Rights and duties of private archive owners)**

Owners of private archives:

- shall have the right to expert explanations and advice free of charge from the competent archival institutions regarding the protection, maintenance, selection, arranging, preserving and restoring of materials;
- shall be bound to abide by the explanations and advice under the preceding indent;
- shall be bound to preserve the material permanently, professionally and comprehensively;
- shall be bound to provide the competent archival institution with information on the materials needed for the implementation of this Act;



- so dolžni omogočiti pristojnemu arhivu dostop do arhivskega gradiva na kraju samem;
- so dolžni omogočiti uporabo svojega arhivskega gradiva, pri čemer imajo pravico določiti pogoje uporabe v skladu z zakonom.

**46. člen**  
**(hramba zasebnega arhivskega gradiva v pristojnem arhivu)**

Zasebno arhivsko gradivo, ki ga sprejme pristojni arhiv na predlog lastnika v hrambo, ostane v zasebni lasti in se obravnava v skladu z določbami pisne pogodbe o hrambi, s katero se lahko določijo posebni pogoji glede hrambe in dostopnosti zasebnega arhivskega gradiva.

**47. člen**  
**(uvoz in izvoz ter iznos zasebnega arhivskega gradiva)**

(1) Zasebno arhivsko gradivo tujega izvora je dovoljeno uvažati v skladu z mednarodnimi konvencijami in veljavno zakonodajo izvoznice.

(2) Lastnik zasebnega dokumentarnega gradiva, za katero se domneva, da ima lastnosti arhivskega gradiva, lahko izvozi oziroma iznosi zasebno dokumentarno gradivo le na podlagi dovoljenja pristojnega ministra za arhive.

(3) Vlada Republike Slovenije predpiše, kdaj se domneva, da ima zasebno dokumentarno gradivo lastnosti arhivskega gradiva.

(4) Minister, pristojen za arhive, lahko dovoli začasen oziroma trajen izvoz oziroma iznos zasebnega arhivskega gradiva na predlog lastnika in po predhodnem strokovnem mnenju državnega arhiva.

(5) Lastnik zasebnega arhivskega gradiva mora v primeru trajnega izvoza oziroma iznosa dopustiti pristojnemu arhivu, da ga pred

- shall be bound to enable the competent archival institution access to archives in situ;
- shall be bound to enable use of their archives whereby they shall have the right to set the conditions of use according to an Act.

**Article 46**  
**(Preservation of private archives in the competent archival institution)**

Private archives received for preservation by the competent archival institution on the proposal of their owner shall remain private property and shall be treated in compliance with the provisions of an agreement on preservation, concluded in writing, which may lay down special conditions concerning storage and access to the private archives.

**Article 47**  
**(Import, export and transfer abroad of private archives)**

(1) The import of private archives of foreign origin shall be permitted in accordance with international conventions and the applicable law of the exporter.

(2) Private documents which are deemed to have the nature of archives may be exported or transferred from the country by their owner only on the basis of approval given by the minister responsible for archival institutions.

(3) The Government of the Republic of Slovenia shall specify cases in which private documents are deemed to have the nature of archives.

(4) The minister responsible for archival institutions may allow the temporary or permanent export or transfer of private archives abroad on the owner's proposal and upon the preliminary expert opinion of the National Archives.

(5) In the event of permanent export or transfer abroad, the owner of private archives must allow them to be copied by the competent

izvozom oziroma iznosom kopira.

(6) Državni arhiv določi seznam zasebnega arhivskega gradiva, ki ga je zaradi izjemnega pomena za znanost in kulturo prepovedano trajno izvoziti oziroma iznositi.

#### **48. člen (prodaja zasebnega arhivskega gradiva)**

(1) Republika Slovenija ima predkupno pravico pri prodaji zasebnega arhivskega gradiva. Republika Slovenija lahko prepusti predkupno pravico samoupravnim lokalnim skupnostim.

(2) Lastnik zasebnega arhivskega gradiva mora ponudbo za prodajo svojega gradiva najprej poslati ministrstvu, pristojnemu za arhive.

(3) Ministrstvo, pristojno za arhive, se do ponudbe opredeli na podlagi strokovnega mnenja pristojnega arhiva, ob upoštevanju predpisov, ki urejajo predkupno pravico, v dveh mesecih po prejemu obvestila.

#### **49. člen (ogrožitev zasebnega arhivskega gradiva)**

Če se ugotovi, da je zasebno arhivsko gradivo v nevarnosti, da bo uničeno ali poškodovano, se obvesti o tem pristojni arhiv.

#### **50. člen (državna sredstva za varstvo zasebnega arhivskega gradiva)**

Država zagotavlja v državnem proračunu sredstva, potrebna za pospeševanje varstva zasebnega arhivskega gradiva.

#### **50.a člen (gradivo političnih strank)**

archival institution prior to export or transfer abroad.

(6) The National Archives shall determine the list of private archives which shall be prohibited from permanent export or transfer abroad due to their exceptional significance for science and culture.

#### **Article 48 (Sale of private archives)**

(1) The Republic of Slovenia shall have the pre-emptive right in the event of sale of private archives. The Republic of Slovenia may cede its pre-emptive right to a self-governing local community.

(2) The owner of private archives must first forward to the ministry responsible for archival institutions the offer for sale of their archives.

(3) Taking into consideration the regulations governing the pre-emptive right, the ministry responsible for archival institutions shall decide on the offer on the basis of an expert opinion of the competent archival institution within two months of receipt of notification.

#### **Article 49 (Threat to private archives)**

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

#### **Article 50 (State funds for protection of private archives)**

The State shall secure funds in its budget required for promoting the protection of private archives.

#### **Article 50a (Materials of political parties)**

(1) Dokumentarno gradivo političnih strank, katerih poslanci so bili izvoljeni v Državni zbor Republike Slovenije in ki ima lastnosti arhivskega gradiva, stranke same v sodelovanju s pristojnim arhivom odberejo iz dokumentarnega gradiva. To gradivo ima v skladu s tem zakonom status zasebnega arhivskega gradiva.

(2) Politične stranke iz prejšnjega odstavka morajo zagotoviti hrambo svojega arhivskega gradiva v skladu s tem zakonom ali pa ga neodplačno predati pristojnemu arhivu, ki ga je dolžan prevzeti.

(3) V primeru spojitve, združitve ali pripojitve politične stranke iz prvega odstavka tega člena mora stranka predati arhivsko gradivo pravnemu nasledniku, v primeru prenehanja pa pristojnemu arhivu.

#### **50.b člen**

##### **(gradivo oseb zasebnega prava, ki so na podlagi zakona pridobile status delovanja v javnem interesu)**

(1) Osebe zasebnega prava, ki so na podlagi zakona pridobile status delovanja v javnem interesu, same iz svojega dokumentarnega gradiva v delu, ki se nanaša na delovanje v javnem interesu, v sodelovanju s pristojnim arhivom odberejo gradivo, ki ima lastnosti arhivskega gradiva. To gradivo ima v skladu s tem zakonom status zasebnega arhivskega gradiva.

(2) Osebe iz prejšnjega odstavka morajo hraniti svoje arhivsko gradivo v skladu s tem zakonom ali pa ga neodplačno predati pristojnemu arhivu, ki ga je dolžan prevzeti.

(3) V primeru spojitve ali pripojitve osebe iz prvega odstavka tega člena z drugo osebo mora oseba predati arhivsko gradivo pravnemu nasledniku, v primeru prenehanja pa pristojnemu arhivu.

(4) Minister, pristojen za arhive, s pravilnikom predpiše

(1) Political parties whose members have served in the National Assembly of the Republic of Slovenia shall select by themselves the archives from their documents in cooperation with the competent archival institution. In accordance with this Act, this material shall have the status of private archives.

(2) Political parties referred to in the preceding paragraph must ensure the preservation of their archives in accordance with this Act or hand them over free of charge to the competent archival institution, which shall be bound to accept them.

(3) In the event of merger, division or amalgamation of political parties referred to in paragraph one of this Article the political party should hand over the archives to its legal successor, and in the event of dissolution, to the competent archival institution.

#### **Article 50b**

##### **(Materials of entities under private law which obtained the status of entities operating in the public interest)**

(1) Entities under private law which acquired the status of entities operating in the public interest in accordance with an Act, shall select by themselves and in cooperation with the competent archival institutions the material which has the qualities of archives from among all their documents pertaining to operation in the public interest. In accordance with this Act, this material shall have the status of private archives.

(2) Entities referred to in the preceding paragraph must preserve their archives in accordance with this Act or hand them over free of charge to the competent archival institution, which shall be bound to accept them.

(3) In the event of merger, division or amalgamation of an entity referred to in paragraph one of this Article with another entity, the entity must hand over the archives to its legal successor, and in case of dissolution, to the competent archival institution.

(4) The minister responsible for archival institutions shall

podrobnejše kriterije za valorizacijo oseb iz prvega odstavka tega člena.

**51. člen**  
**(arhivsko gradivo verskih skupnosti)**

Za varstvo arhivskega gradiva verskih skupnosti se uporabljajo določbe tega zakona, ki urejajo varstvo zasebnega arhivskega gradiva.

**52. člen**  
**(arhivsko gradivo Rimskokatoliške cerkve)**

(1) Arhivsko gradivo Rimskokatoliške cerkve se odbere iz cerkvenega dokumentarnega gradiva v skladu z njenimi predpisi in ima lastnosti arhivskega gradiva po tem zakonu.

(2) Ministrstvo, pristojno za arhive, v dogovoru s Slovensko škofovsko konferenco določi posamezne pogoje za opravljanje arhivske dejavnosti in dogovorjena sredstva za opravljanje arhivske dejavnosti Rimskokatoliške cerkve.

V. ARHIVSKA JAVNA SLUŽBA

1. Dejavnost arhivske javne službe

**53. člen**  
**(dejavnost arhivov)**

(1) V okviru javne službe arhivi opravljajo:

- vrednotenje dokumentarnega gradiva pri javnopравnih osebah, priprava pisnih navodil za odbiranje arhivskega gradiva iz dokumentarnega gradiva, dajanje pojasnil v zvezi z dolžnostmi javnopравnih oseb glede dokumentarnega in arhivskega gradiva, izvajanje strokovnega nadzora in usposabljanje uslužbencev javnopравnih oseb, ki upravljajo z dokumentarnim gradivom in

define detailed criteria in rules for the evaluation of entities referred to in paragraph one of this Article.

**Article 51**  
**(Archives of religious communities)**

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

**Article 52**  
**(Archives of the Roman Catholic Church)**

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

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

V. ARCHIVAL PUBLIC SERVICE

1. Archival public service activity

**Article 53**  
**(Operation of archival institutions)**

(1) As part of a public service, archival institutions shall perform the following activities:

- evaluation of documents of entities under public law, drafting written instructions for selecting archives from documents, providing explanations regarding the duties of entities under public law relating to documents and archives, conducting professional supervision and training of employees of entities under public law who handle documents and employees of service providers of capture and

- delavcev ponudnikov storitev, ki opravljajo dela zajema, hrambe gradiva v digitalni obliki in spremljevalnih storitev;
- priprava dodatnih pisnih strokovno tehničnih navodil iz 40. člena tega zakona javnopravnim osebam za odbiranje in izročanje arhivskega gradiva v digitalni obliki;
  - evidentiranje in razglašanje zasebnega arhivskega gradiva pravnih oseb zasebnega prava in fizičnih oseb ter izvajanje strokovnega nadzora nad njimi;
  - sodelovanje z lastniki zasebnega arhivskega gradiva, strokovno svetovanje;
  - pridobivanje javnega in zasebnega arhivskega gradiva;
  - strokovno obdelovanje javnega in zasebnega arhivskega gradiva, ki je v arhivih, izdelovanje popisov, inventarjev, vodnikov in drugih pripomočkov za uporabo arhivskega gradiva in njihovo objavlanje, ter objavlanje arhivskih virov;
  - vrednotenje javnega dokumentarnega gradiva v arhivih, izločanje nepotrebne dokumentarnega gradiva in odbiranje arhivskega gradiva v arhivih ob strokovni obdelavi arhivskih fondov in zbirk;
  - hranjenje in materialno varovanje arhivskega gradiva;
  - vodenje evidenc javnega in zasebnega arhivskega gradiva;
  - evidentiranje arhivskega gradiva, ki je v zamejstvu in po svetu ter se nanaša na Slovenijo in Slovence, dopolnjevanje lastnega gradiva z reprodukcijami tega gradiva ter izdelovanje vodnikov in drugih pripomočkov o arhivskem gradivu;
  - dajanje arhivskega gradiva v uporabo, izdajanje prepisov oziroma kopij dokumentov ter potrdil na podlagi dokumentov;
  - posredovanje kulturnih vrednot v zvezi z arhivskim gradivom;
  - opravljanje raziskovalnih nalog na področju arhivistike, zgodovine in drugih ved, povezanih z arhivskim gradivom;
  - izdajanje publikacij.

(2) V javno službo arhivov sodijo tudi naloge varstva arhivskega gradiva nekdanjih državnih, avtonomnih, samoupravnih in drugih organov ter pravnih oseb, za katere so bili ti arhivi ali njihovi predhodniki pristojni po prejšnjih arhivskih predpisih.

(3) Vlada Republike Slovenije določi vrste in oblike evidenc arhivskega gradiva ter osnove za strokovno obdelavo in izdelavo pripomočkov za uporabo.

storage in digital form and accompanying services;

- preparation of additional written professional and technical instructions under Article 40 of this Act for entities under public law regarding the selection and hand-over of archives in digital form;
- keeping a register and deciding on private archives of legal entities under private law and natural persons and exercising professional supervision;
- cooperation with owners of private archives, expert advice;
- acquisition of public and private archives;
- professional processing of public and private archives preserved in archival institutions, making lists, inventories, guides and other aids for using archives and publishing them, and providing archival resources;
- evaluation of public documents in archives, removal of unnecessary documents and selection of archives during the professional processing of archival funds and collections;
- preservation and material protection of archives;
- keeping registers of public and private archives;
- registration of archives in the border areas of neighbouring countries and worldwide which refer to Slovenia and the Slovenian people, complementing their own material with reproductions of the same material, and preparing guides and other aids for archive use;
- providing archives for use, issuing transcripts or copies of documents and certificates on the basis of documents;
- fostering cultural values related to archives;
- conducting research in the field of archival studies, history and other disciplines related to archives;
- issuing publications.

(2) Archival public services shall also include measures for the protection of archives of former state, autonomous, self-governing and other bodies and legal persons, for which the archives or their predecessors were competent under previous archival regulations.

(3) The Government of the Republic of Slovenia shall define the type and form of archive registers, and the foundations for professional processing and developing aids for easier use.

## 2. Izvajalci arhivske javne službe

### **54. člen (javni arhivi in arhivska dejavnost)**

(1) Arhivsko javno službo opravljajo državni arhiv, regionalni arhivi in arhivi samoupravnih lokalnih skupnosti.

(2) Arhivi iz prejšnjega odstavka vodijo register javnopravnih oseb, političnih strank in zasebnopravnih oseb, ki so pridobile status delovanja v javnem interesu, iz tega zakona, za katere ugotovijo svojo pristojnost in od katerih bodo prevzemali arhivsko gradivo, na podlagi podatkov iz Poslovnega registra Slovenije in v sodelovanju z Agencijo za javno pravne evidence in storitve ter ministrstvom, pristojnim za upravo. O spornih primerih odloči minister, pristojen za arhive.

(3) Javni uslužbenci, ki v arhivih opravljajo naloge, povezane z varstvom arhivskega gradiva, morajo imeti opravljen strokovni izpit iz arhivske dejavnosti, najkasneje v roku enega leta od sklenitve delovnega razmerja ali po premestitvi na delovno mesto, na katerem je strokovni izpit iz arhivske dejavnosti določen kot pogoj za zasedbo delovnega mesta. Če javni uslužbenec ne opravi strokovnega izpita, ki je bil kot pogoj določen v pogodbi o zaposlitvi, mu preneha delovno razmerje naslednji dan po preteku roka, določenega s pogodbo o zaposlitvi. Navedeni rok se lahko iz upravičenih razlogov podaljša največ enkrat za obdobje treh mesecev. Podrobneje način izvedbe in pogoje opravljanja strokovnega izpita s pravilnikom določi minister, pristojen za arhive.

(4) Javnega uslužbenca, ki je premeščen in v roku enega leta po premestitvi ne opravi strokovnega izpita iz razlogov, ki so na njegovi strani, se premesti na delovno mesto, za katero izpolnjuje pogoje. Če takega delovnega mesta ni, se javnega uslužbenca premesti po postopku, kot je določen za premestitev iz poslovnih razlogov.

## 2. Archival public service providers

### **Article 54 (Public archival institutions and archival activity)**

(1) Archival public services shall be provided by the National Archives, regional archival institutions and archival institutions of self-governing local communities.

(2) Archival institutions under the preceding paragraph shall keep a register of entities under public law, political parties and entities under private law which acquired the status of public interest entities according to this Act, for which they are competent and from which they will receive archives, based on information provided by the Business Register of Slovenia, the Agency of the Republic of Slovenia for Public Legal Records and Related Services and the ministry responsible for public administration. Decisions on contentious cases shall be taken by the minister responsible for archival institutions.

(3) Public employees performing duties related to the protection of archives must have passed a proficiency examination in archival science within one year at the latest of signing an employment contract or being transferred to a position for which the proficiency examination in archival science is mandatory. If the public employee fails to pass the proficiency examination set out in their employment contract, the employment shall be terminated effective on the date following the expiry of the deadline set out in the employment contract. The deadline may be extended for justified reasons only once for a period of three months. Details on the procedure and the conditions applicable to the proficiency examination shall be set by the minister responsible for archival institutions.

(4) A public employee who is transferred to another position and fails to pass the proficiency examination for reasons of their own shall be reassigned to a position for which they meet the conditions. If such a position does not exist, the public employee shall be reassigned according to the procedure for reassignment due to business reasons.

(5) Naloge državnega arhiva opravlja Arhiv Republike Slovenije, ki je organ v sestavi ministrstva, pristojnega za arhive. Arhiv Republike Slovenije skrbi za enotno strokovno izvajanje javne arhivske dejavnosti.

(6) Naloge regionalnih arhivov, ki so organizirani kot javni zavodi, opravljajo: Zgodovinski arhiv Ljubljana, Pokrajinski arhiv Maribor, Zgodovinski arhiv Celje, Zgodovinski arhiv na Ptuj, Pokrajinski arhiv Koper in Pokrajinski arhiv v Novi Gorici.

(7) Za obravnavo strokovnih vprašanj na posameznih področjih arhivskega strokovnega dela, minister pristojen za arhive, ustanovi medarhivske delovne skupine za posamezna področja arhivske dejavnosti. Za usklajevanje dela medarhivskih delovnih skupin minister določi koordinatorja. Medarhivske delovne skupine delujejo pri državnem arhivu. Delo medarhivskih strokovnih skupin se določi s pravilnikom.

(8) Za strokovno svetovanje na področju arhivske dejavnosti minister, pristojen za arhive, imenuje izmed strokovnjakov za področje varstva arhivskega gradiva Arhivski svet, za strokovno in poslovno koordinacijo arhivske službe pa Svet direktorjev javnih arhivov. Arhivski svet in Svet direktorjev delujeta pri ministrstvu, pristojnem za arhive.

(9) Vlada Republike Slovenije podrobneje določi naloge, sestavo in pristojnosti obeh organov iz osmega odstavka tega člena in predpiše način vodenja evidence iz drugega odstavka tega člena.

## **55. člen** **(državni arhiv in regionalni arhivi)**

(1) Državni arhiv varuje javno arhivsko gradivo državnih organov, nosilcev javnih pooblastil oziroma izvajalcev javnih služb, ki jih

(5) The duties of national archival institution shall be performed by the Archives of the Republic of Slovenia, which is a body affiliated to the ministry responsible for archival institutions. The Archives of the Republic of Slovenia shall provide for a uniform and professional archival public service.

(6) The duties of regional archival institutions operating as public institutions shall be carried out by: the History Archives of Ljubljana, Regional archives of Maribor, History Archives of Celje, History Archives of Ptuj, Regional archives of Koper and Regional Archives of Nova Gorica.

(7) For the purpose of addressing professional issues in different areas of professional archival work, the minister responsible for archival institutions shall establish inter-archival working groups for individual areas of archival activity. For the coordination of work of inter-archival working groups, the minister shall appoint a coordinator. The inter-archival working groups shall operate under the aegis of the national archives. The work of inter-archival working groups shall be defined by rules.

(8) For expert advice in the field of archival activity, the minister responsible for archival institutions shall appoint an Archive Council from among experts for the protection of archives, and for professional and business coordination of the archival service the minister shall appoint a Board of Directors of Public Archival Institutions. The Archive Council and the Board of Directors shall work with the ministry responsible for archival institutions.

(9) The Government of the Republic of Slovenia shall further specify the duties, compositions and powers of both bodies referred to in paragraph eight of this Article, and shall define the manner in which the register under paragraph two of this Article is to be kept.

## **Article 55** **(National Archives and regional archival institutions)**

(1) The National Archives shall protect public archives of state authorities, bodies holding public authority and/or exercising public

zagotavlja država, Banke Slovenije ter državnih in javnih skladov, agencij in drugih pravnih oseb, ki jih ustanovi država in praviloma delujejo za območje celotne države.

(2) Državni arhiv varuje filmsko arhivsko gradivo.

(3) Regionalni arhivi varujejo na območju regionalnega arhiva nastalo javno arhivsko gradivo državnih organov ali njihovih organizacijskih enot ter izvajalcev javnih pooblastil oziroma javnih služb, ki jih zagotavlja država in opravljajo dejavnost na območju ene ali več samoupravnih lokalnih skupnosti.

(4) Regionalni arhivi hranijo tudi arhivsko gradivo samoupravnih lokalnih skupnosti, če te ne ustanovijo lastnega arhiva za varstvo svojega javnega arhivskega gradiva.

(5) Vlada Republike Slovenije ustanavlja regionalne arhive kot javne zavode za opravljanje arhivske dejavnosti tako, da je pokrito območje celotne države.

#### **56. člen (vodenje evidenc)**

(1) Državni arhiv vodi zbirno evidenco javnega arhivskega gradiva v državi in evidenco arhivskega gradiva v zamejstvu in po svetu, ki se nanaša na Slovenijo in Slovence ter vodi evidenco javnih simbolov, grbov, zastav, pečatov, žigov in štampiljk na ravni države.

(2) Evidence iz prejšnjega odstavka tega člena se hranijo trajno.

#### **57. člen (arhivi samoupravnih lokalnih skupnosti)**

(1) Arhivi samoupravnih lokalnih skupnosti varujejo javno arhivsko gradivo organov samoupravnih lokalnih skupnosti, nosilcev javnih pooblastil oziroma izvajalcev javnih služb, ki jih zagotavlja

services provided by the state, of the Bank of Slovenia, and of state and public funds, agencies and other legal persons established by the state and whose activities, as a general rule, cover the entire national territory.

(2) The National Archives shall protect film archives.

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

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

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

#### **Article 56 (Registers)**

(1) The National Archives shall keep a register of public archives in the country and a register of archives in the border areas of neighbouring countries and worldwide which refer to Slovenia and the Slovenian people, and a register of national public symbols, coats of arms, flags, seals, stamps and marks.

(2) The registers referred to in the preceding paragraph shall be kept on a permanent basis.

#### **Article 57 (Archives of self-governing local communities)**

(1) The archival institutions of self-governing local communities shall protect public archives of the authorities of self-governing local communities, bodies holding public authority and/or



samoupravna lokalna skupnost, ter skladov, agencij in drugih pravnih oseb, ki jih ustanovijo samoupravne lokalne skupnosti.

(2) Samoupravna lokalna skupnost lahko ustanovi arhiv za varovanje svojega javnega arhivskega gradiva.

(3) Več samoupravnih lokalnih skupnosti lahko ustanovi skupni arhiv.

(4) Pogoje za ustanovitev arhiva iz drugega in tretjega odstavka tega člena podrobneje določi minister, pristojen za arhive, v soglasju s samoupravnimi lokalnimi skupnostmi, in sicer predvsem glede:

- potrebnih in primernih prostorov ter opreme;
- usposobljenih strokovnih uslužbencev;
- zagotovljenih sredstev za opravljanje arhivske dejavnosti.

(5) Arhiv lahko začne z delom, ko minister, pristojen za arhive, ugotovi, da so izpolnjeni pogoji iz prejšnjega odstavka.

exercising public services provided by the relevant self-governing local community, as well as of funds, agencies and other legal persons set up by self-governing local communities.

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

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

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

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

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

#### **58. člen** **(pogodba med samoupravno lokalno skupnostjo in regionalnim arhivom)**

Če samoupravna lokalna skupnost ne ustanovi lastnega arhiva, hrani njeno javno arhivsko gradivo na podlagi medsebojne pogodbe regionalni arhiv, ki deluje na območju samoupravne lokalne skupnosti.

#### **59. člen** **(državna informacijsko komunikacijska infrastruktura)**

(1) Pristojni arhivi upravljajo skupno informacijsko komunikacijsko infrastrukturo za vodenje evidenc, hrambo, uporabo arhivskega gradiva v digitalni obliki v arhivih ter skrbijo za učinkovito povezovanje med arhivskimi informacijskimi sistemi ter s podobnimi

#### **Article 58** **(Contract between self-governing local community and regional archival institution)**

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

#### **Article 59** **(National information and communication infrastructure)**

(1) The competent archival institutions shall manage a common information and communication infrastructure for keeping registers, and for storage and use of archives in digital form in archival institutions, and shall ensure effective connectivity between different

sistemi pri varovanju kulturne dediščine v Republiki Sloveniji in Evropski uniji.

(2) Za odločanje o dostopu do arhivskega gradiva po 65. in 68. členu tega zakona imajo pristojni arhivi pravico vpogleda v podatke in njihovega izpisa ali prepisa oziroma povezovanja informacijskega sistema arhivov s centralnim registrom prebivalstva, matičnim registrom, poslovnim in sodnim registrom.

(3) V primeru, da pristojni arhiv ne more zagotoviti ustrezne hrambe arhivskega gradiva, lahko organom in drugim osebam, ki hranijo arhivsko gradivo, dovoli hrambo arhivskega gradiva na njihovi infrastrukturi tudi po roku za izročitev arhivskega gradiva pristojnemu arhivu, do trenutka, ko pristojni arhiv ustrezno hrambo lahko zagotovi, vendar najdalj za pet let.

#### **60. člen (pripomočki za uporabo)**

Vsak arhiv mora do konca februarja tekočega leta posredovati državnemu arhivu in vsem drugim arhivom v državi seznam vseh pripomočkov za uporabo, ki so bili v preteklem letu izdelani in so na voljo uporabnikom arhiva, in po en izvod vseh pripomočkov, ki jih je za uporabo objavil.

#### **61. člen (pridobivanje arhivskega gradiva)**

(1) Arhivi pridobivajo arhivsko gradivo:

- s prevzemom javnega arhivskega gradiva na podlagi zakona;
- z odplačnimi oziroma neodplačnimi pravnimi posli (npr. nakup, darilo, oporoka) v primeru zasebnega arhivskega gradiva oziroma če pristojni arhiv ugotovi, da ima zasebno dokumentarno gradivo lastnosti zasebnega arhivskega gradiva;
- s prevzemom zasebnega arhivskega gradiva v hrambo.

(2) S pogodbo se lahko določijo posebni pogoji glede dostopnosti in hranjenja zasebnega arhivskega gradiva.

archival information systems and similar systems designed to protect cultural heritage in the Republic of Slovenia and the European Union.

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

(3) If the competent archival institution fails to ensure adequate preservation of archives, the bodies and entities providing preservation for archives may be allowed to continue storing archives in their own premises even after the deadline for transferring archives to the competent archival institution until the institution can provide for adequate storage, but no longer than five years.

#### **Article 60 (User aids)**

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

#### **Article 61 (Acquisition of archives)**

(1) Archival institutions shall acquire archives:

- by acquisition of public archives on the basis of an Act;
- by legal transactions, either against consideration or not (e.g. purchase, gift, will) in the event of private archives and/or if the competent archival institution has established that private documents have the nature of private archives;
- by acquiring private archives for storage.

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

**62. člen**  
**(lastno varstvo arhivskega gradiva)**

(1) Javnopravna oseba lahko zaradi utemeljenih strokovnih in tehničnih razlogov sama zagotovi lastno varstvo arhivskega gradiva na podlagi dovoljenja ministra, pristojnega za arhive.

(2) Minister, pristojen za arhive, lahko na predlog javnopravne osebe in po predhodnem mnenju pristojnega arhiva ter izpolnjevanju pogojev iz tretjega odstavka tega člena z odločbo dovoli javnopravni osebi lastno varstvo arhivskega gradiva. Z odločbo se določi tudi pristojni arhiv za javnopravno osebo iz tega odstavka.

(3) Minister pristojen za arhive, izda odločbo iz prejšnjega odstavka, če javnopravna oseba izpolnjuje naslednje pogoje:

- ima ustrezne prostore in opremo, ki omogočajo, da je arhivsko gradivo hranjeno v ustreznih pogojih, ki jih predpisuje ta zakon in na njegovi podlagi sprejeti podzakonski predpisi;
- razpolaga z osebjem, ki je ustrezno strokovno usposobljeno, kot to določajo predpisi s področja arhivske dejavnosti;
- ima za to hrambo zagotovljena lastna finančna sredstva, kar se dokazuje s predložitvijo ustrezne izjave,
- ima urejeno pisarniško poslovanje oziroma upravljanje z dokumentarnim gradivom v skladu z veljavnimi predpisi,

Vloga za izdajo dovoljenja mora poleg zgoraj navedenih dokazil, vsebovati tudi podatke o arhivskem gradivu, ki je predmet varstva iz dovoljenja. Navedeni morajo biti podatki o kategorijah arhivskega gradiva, časovnem obdobju ter količini gradiva.

(4) V primeru neizpolnjevanja pogojev, navedenih v prejšnjem odstavku, minister, pristojen za arhive, javnopravno osebo s sklepom seznaní o neizpolnjevanju pogojev ter ji določi rok za izpolnitev pogojev. Ta rok ne sme biti daljši od dveh let. Zoper navedeni sklep je dovoljeno sprožiti upravni spor.

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

(1) For justified professional and technical reasons, an entity under public law may provide its own protection of archives on the basis of a permit issued by the minister responsible for archival institutions.

(2) On the proposal of an entity under public law and based on a preliminary opinion issued by the competent archival institution, the minister responsible for archival institutions may issue a decision allowing the entity under public law to provide its own protection of archives if the conditions under paragraph three of this Article are met. Through the decision, a competent archival institution shall be assigned to the entity under public law under this paragraph.

(3) The minister responsible for archival institutions shall issue a decision under the preceding paragraph if the entity under public law fulfils the following conditions:

- has adequate premises and equipment enabling the storage of archives in appropriate conditions set out in this Act and all related implementing regulations;
- employs staff with suitable professional qualifications set out in the regulations in the field of archival activities;
- has its own financial resources for ensuring storage as certified by an appropriate statement;
- carries out regular office activities or activities related to archive management in accordance with the applicable regulations.

In addition to the aforementioned statements, the request for permission should also include information on the archive subject to protection granted by the permission. The information should include data on the archive category, time period and quantity of archives.

(4) If the conditions referred to in the preceding paragraph are not met, the minister responsible for archival institutions shall issue a decision to the entity under public law on non-compliance and shall set a deadline for meeting the conditions. The deadline should not exceed two years. The decision may be appealed in an administrative dispute procedure.

(5) Če javnopravna oseba ne izpolni pogojev iz prejšnjega odstavka v roku iz prejšnjega odstavka, minister z odločbo zavrne zahtevo. Javnopravna oseba mora v tem primeru takoj začeti z izročitvijo gradiva pristojnemu arhivu.

(6) Ne glede na obseg lastnega arhivskega gradiva, mora javnopravna oseba iz prvega odstavka tega člena imeti zaposlenega vsaj enega uslužbenca, ki ima najmanj izobrazbo pridobljeno po študijskih programih druge stopnje oziroma raven izobrazbe, ki v skladu z zakonom ustreza izobrazbi druge stopnje in opravljen strokovni izpit v skladu s predpisi s področja arhivske dejavnosti in varstva dokumentarnega gradiva.

(7) Minister, pristojen za arhive, v primeru da javnopravna oseba ne izpolnjuje več pogojev iz drugega odstavka tega člena ali ne želi več sama hraniti lastnega arhivskega gradiva, z odločbo odvzame dovoljenje iz tretjega odstavka tega člena.

(8) Javnopravna oseba iz prvega odstavka tega člena je pristojnemu arhivu dolžna poslati letni program in poročilo o lastnem varstvu arhivskega gradiva.

(9) Nadzor nad izvajanjem lastnega varstva arhivskega gradiva izvaja pristojni arhiv.

(10) Javnopravna oseba iz prvega odstavka tega člena za odbiranje in prenos arhivskega gradiva v lastno hrambo smiselno upošteva določbe tega zakona, ki urejajo odbiranje in izročitev javnega arhivskega gradiva.

(11) Javnopravna oseba iz prvega odstavka tega člena je dolžna omogočiti dostop in uporabo arhivskega gradiva v lastnem varstvu v skladu s tem zakonom.

### 3. Uporaba arhivskega gradiva v arhivih

(5) If the entity under public law fails to meet the conditions under the preceding paragraph within the foreseen deadline, the minister shall issue a decision rejecting the request. In this case, the entity under public law must immediately proceed to transfer the archives to the competent archival institution.

(6) Notwithstanding the scope of its own archives, the entity under public law referred to in paragraph one of this Article must have at least one employee with a minimum second-cycle higher education degree or an education degree corresponding to this level according to the applicable regulation, and must have passed a proficiency examination in archival science and protection of documents.

(7) The minister responsible for archival institutions shall issue a decision repealing the permission under paragraph three of this Article if the entity under public law ceases to meet the conditions set out in paragraph two of this Article or refuses to continue providing storage for its own archives.

(8) The entity under public law referred to in paragraph one of this Article shall be bound to submit an annual plan and a report on its private protection of archives to the competent archival institution.

(9) Supervision of private protection of archives shall be provided by the competent archival institution.

(10) For the selection and the transfer of archives to private storage, the entity under public law referred to in paragraph one of this Article shall apply *mutatis mutandis* the provisions of this Article on the selection and transfer of public archives.

(11) The entity under public law referred to in paragraph one of this Article shall be bound to allow access and use of archives in private storage in accordance with this Act.

### 3. Use of archives in archival institutions

**63. člen**  
**(uporaba javnega arhivskega gradiva)**

(1) Javno arhivsko gradivo v arhivih in v lastni hrambi je na podlagi pisne zahteve za uporabo ali preko objave na svetovnem spletu dostopno vsakomur. Zahteva za uporabo mora vsebovati osebno ime oziroma naziv osebe in njeno uradno dodeljeno identifikacijsko oznako, namen uporabe gradiva ter druge podatke, potrebne za dostop do gradiva.

(2) Javno arhivsko gradivo se lahko izposoja za razstavne in podobne namene samo na podlagi pisne pogodbe in v primeru, da je zagotovljeno ustrezno materialno varstvo gradiva.

(3) Arhiv lahko dovoli objavo reprodukcij javnega arhivskega gradiva v reklamne, propagandne ali podobne namene, razen če bi to nasprotovalo značaju ali pomenu arhivskega gradiva.

(4) O uporabi na podlagi zahtev arhiv vodi evidenco. V evidenci uporabe se zbirajo naslednji podatki: osebno ime oziroma naziv osebe, naslov, uradno dodeljena identifikacijska oznaka, datum in namen uporabe oziroma pravni interes iz 68. člena tega zakona, oznaka arhivskega gradiva in drugi podatki.

(5) Uporabnik, ki uporablja arhivsko gradivo, mora pred uporabo tega arhivskega gradiva podpisati izjavo, da:

- je seznanjen s svojimi obveznostmi in omejitvami glede uporabe podatkov iz 65. člena tega zakona, s katerimi bi se seznanil v primerih dostopa do arhivskega gradiva na podlagi 66. in 68. člena tega zakona;
- je seznanjen s svojimi obveznostmi in omejitvami glede uporabe podatkov iz 65. člena tega zakona, na katere bi lahko naletel ob uporabi arhivskega gradiva, ki sicer s strani izročitelja ni bilo označeno kot nedostopno, oziroma ki vsebuje osebne podatke;
- bo tako pridobljene podatke varoval v skladu s tem zakonom ter zakonodajo s področja varovanja osebnih podatkov, varovanja tajnih podatkov, davčnih in poklicnih skrivnosti ter
- da je seznanjen, da je zloraba navedenih podatkov sankcionirana v

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

(1) Public archives in archival institutions and in personal storage shall be available to anyone based on a written request for use or a request published online. The request for use should include the name or title of the person, the officially assigned identification code, the purpose of use and any other information required for access to archives.

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

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

(4) The archival institution shall keep a register of requests for use. The register of use shall include the following data: name and/or title of the person, address, officially assigned identification code, date and purpose of use and/or legal interest under Article 68 of this Act, code of archives and other information.

(5) Before obtaining access to archives, the users of archives shall sign a statement confirming the following:

- that they have been informed of their obligations and restrictions regarding the use of information under Article 65 of this Act of which they might be apprised in accessing the archives pursuant to Articles 66 and 68 of this Act;
- that they have been informed of their obligations and restrictions regarding the use of information under Article 65 of this Act which they might encounter in using archives which were not marked as restricted by the transferring party or which contain personal data;
- that they will protect acquired information in accordance with this Act and the legislation on the protection of personal data, the protection of classified information, tax and business secrets; and
- that they have been informed that any abuse of these data is

kazenskem zakoniku in drugih predpisih in da prevzema vso materialno odgovornost za zlorabo navedenih podatkov.

(6) Uporabnik je dolžan spoštovati morebitne avtorske pravice pri črpanju podatkov iz arhivskega gradiva.

(7) Predpisi, ki celovito urejajo varstvo kulturne dediščine, lahko drugače uredijo uporabo javnega arhivskega gradiva v digitalni obliki s tem, da upoštevajo specifičnosti uporabe arhivskega gradiva, določene v tem zakonu.

(8) Vlada Republike Slovenije podrobneje predpiše obseg in način posredovanja arhivskega gradiva v svetovni splet.

(9) Minister, pristojen za arhive, določi podrobnejše pogoje in način vodenja evidence uporabe javnega arhivskega gradiva ter tarifni pravilnik.

#### **64. člen (obdelava evidence)**

(1) Za namene nadzora nad spoštovanjem določb tega zakona ter statističnih analiz vodi arhiv evidence uporabnikov arhivskega gradiva iz četrtega odstavka prejšnjega člena tega zakona. V njej se obdelujejo samo naslednji osebni podatki: osebno ime, številka in vrsta osebnega dokumenta, naslov stalnega ali začasnega prebivališča, datum in razlog uporabe arhivskega gradiva. Na podlagi pisne privolitve uporabnika pa se lahko obdelujejo tudi podatki o spolu, državljanstvu in stopnji izobrazbe.

(2) Osebne podatke iz evidence iz prejšnjega odstavka tega člena arhiv hrani trajno.

#### **65. člen (roki nedostopnosti arhivskega gradiva)**

(1) Javno arhivsko gradivo v javnih arhivih, ki vsebuje tajne

sanctioned in accordance with the Criminal Code and other regulations, and that they assume all material responsibility for the abuse of these data.

(6) In collecting data from archives, the user shall also be bound to respect any copyrights.

(7) The rules comprehensively regulating the protection of cultural heritage may regulate differently the use of public archives in digital form; however, they should consider the specific nature of use of archives as laid down in this Act.

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

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

#### **Article 64 (Register processing)**

(1) For the purpose of supervising implementation of the provisions of this Act and statistical analysis, the archival institution shall keep a register of archive users referred to in paragraph four of the preceding Article of this Act. Only the following personal data shall be processed in the register: name, number and type of identity document, address of permanent or temporary residence, date and reason for use of the archives. Based on the written approval of the user, data on gender, nationality and education level may also be processed.

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

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

(1) Public archives containing classified information pursuant

podatke po zakonu, ki ureja tajne podatke, ali davčne skrivnosti in katerih razkritje nepoklicani osebi bi lahko povzročilo škodljive posledice za varnost države in drugih oseb ali za njihove pravne interese, postane dostopno za uporabo praviloma 40 let po nastanku, če je s strani izročitelja označeno kot nedostopno v skladu s 40. členom tega zakona.

(2) Javno arhivsko gradivo v javnih arhivih, ki vsebuje osebne podatke, ki se nanašajo na:

- zdravstveno stanje,
- spolno življenje,
- žrtev kaznivih dejanj zoper spolno nedotakljivost, zakonsko zvezo, družino in otroke,
- storilca kaznivih dejanj in prekrškov, razen kaznivih dejanj in prekrškov oseb, zoper katere je bil voden postopek zaradi nasprotovanja nekdanjemu enopartijskemu režimu,
- versko prepričanje in
- etnično pripadnost

postane dostopno za javno uporabo 75 let po nastanku gradiva ali 10 let po smrti posameznika, na katerega se podatki nanašajo, če je datum smrti znan, če ni z drugimi predpisi drugače določeno.

(3) Javno arhivsko gradivo v javnih arhivih, nastalo pred konstituiranjem Skupščine Republike Slovenije 17. maja 1990, je dostopno brez omejitev, razen z omejitvami iz prejšnjega odstavka.

(4) Pri dostopu do javnega arhivskega gradiva po prvem ali drugem odstavku tega člena se kot nedostopni oddvojijo le posamezni dokumenti, ki vsebujejo podatke, ki jih varujejo roki nedostopnosti, in ne širše enote gradiva. Kadar posamezni dokumenti vsebujejo podatke, ki jih varujejo roki nedostopnosti, poleg njih pa tudi podatke, do katerih bi bilo mogoče dostopati, se za dostop pripravi anonimizirana kopija dokumenta, na kateri so podatki, ki jih varujejo roki nedostopnosti prekriti tako, da neposreden ali posreden vpogled ni omogočen.

(5) Če se uporabnik ne strinja z omejitvijo dostopa, lahko vloži ugovor, o katerem odloči arhivska komisija v upravnem postopku oziroma v primerih iz prvega odstavka tega člena Vlada Republike Slovenije v upravnem postopku.

to the Act regulating classified information, or tax secrets whose disclosure to a third party may produce detrimental effects for national security or the security of other entities or their legal interests, shall become available within a period of 40 years after the occurrence, if they are marked as inaccessible/restricted by the transferring party pursuant to Article 40 of this Act.

(2) Public archives containing private information related to:

- an individual's state of health,
- an individual's sex life,
- victims of criminal acts against sexual integrity, marriage, family and children,
- perpetrators of criminal acts and offences, except for criminal acts and offences of persons processed for opposing the former one-party regime,
- religious conviction and
- ethnicity,

shall become publicly available 75 years after the materials were produced or 10 years after the death of the individual to whom the information is related, if the date of death is known, unless otherwise envisaged by applicable regulations.

(3) Public archives from public archival institutions dating back before the constitution of the Assembly of the Republic of Slovenia on 17 May 1990, shall be unrestricted with the exception of limitations under the preceding paragraph.

(4) In accessing public archives under paragraph one and two of this Article, restricted access shall be applied only to individual documents containing information protected by the restricted access period, and not to the larger archival unit. Where individual documents contain information protected by restricted access periods and information which is non-restricted, an anonymised copy of the document shall be prepared on which the protected information will be covered in such a way as to prevent direct or indirect access.

(5) If the user disagrees with the limited access, they may file an objection, which shall be handled in an administrative procedure by the Archival Commission or, in cases referred to in paragraph one of this Article, by the Government of the Republic of Slovenia.

(6) Do izročitve javnega arhivskega gradiva pristojnemu arhivu se glede dostopa in uporabe arhivskega gradiva, ne glede na čas nastanka gradiva, uporabljajo predpisi, ki urejajo dostop do informacij javnega značaja, varstvo tajnih podatkov, varstvo osebnih podatkov, poslovnih in davčnih skrivnosti in drugi predpisi, razen za arhivsko gradivo javnopравnih oseb, ki v skladu z 62. členom tega zakona same zagotavljajo lastno varstvo arhivskega gradiva.

#### **66. člen (izjeme rokov nedostopnosti)**

(1) Vlada Republike Slovenije lahko znanstveno raziskovalni organizaciji, raziskovalcu ali novinarju, na podlagi mnenja arhivske komisije odobri izjemni dostop, če je uporaba javnega arhivskega gradiva, ki vsebuje nedostopne podatke v skladu s prvim odstavkom 65. člena tega zakona ali davčne tajnosti neizogibno potrebna za doseg predvidenega znanstvenega cilja ter javni interes za razkritje prevladuje nad javnim interesom za nedostopnost teh podatkov. Če gradivo, o katerem odloča Vlada Republike Slovenije vsebuje tudi osebne podatke iz drugega odstavka prejšnjega člena, o izjemnem dostopu do celotnega gradiva odloči Vlada Republike Slovenije na podlagi predhodnega mnenja arhivske komisije.

(2) Arhivska komisija lahko znanstveno-raziskovalni organizaciji, raziskovalcu ali novinarju z upravno odločbo odobri izjemni dostop do javnega arhivskega gradiva, ki vsebuje osebne podatke iz drugega odstavka prejšnjega člena, če ta izkaže, da učinkovite ocene gradiva ali izvedbe raziskave oziroma njenega namena ni mogoče doseči brez obdelave podatkov iz drugega odstavka prejšnjega člena ali bi bilo to povezano z nesorazmernim naporom ali stroški.

(3) Uporabnik iz prvega ali drugega odstavka tega člena arhivski komisiji predloži predstavitveni elaborat raziskave, ki mora vsebovati:

- naslov raziskave,
- nosilca raziskave (pravna oseba ali raziskovalec),
- neposredne izvajalce raziskave (osebno ime, naziv, prebivališče,

(6) Until the transfer of public archives to the competent archival institution, the access and use of archives irrespective of the time of creation shall be governed by the regulations on access to public information, the protection of classified information, the protection of personal data, professional and tax secrets and other regulations, except for archives of entities under public law which are bound to provide their own protection of archives pursuant to Article 62 of this Act.

#### **Article 66 (Exceptions concerning restricted access period)**

(1) Based on the Archival Commission's opinion, the Government of the Republic of Slovenia may grant exceptional access to a scientific research organisation, researcher or journalist, if the use of public archives containing restricted data under paragraph one of Article 65 of this Act or tax secrets is indispensable for achieving the foreseen scientific goal and if the public interest in disclosure prevails over the public interest in the restriction of these data. If the materials on which the Government of the Republic of Slovenia is deciding include personal data referred to in paragraph two of the preceding Article, the exceptional access to the entire archives may be granted by the Government on the basis of the prior opinion of the Archival Commission.

(2) The Archival Commission may issue an administrative decision to a scientific research organisation, researcher or journalist granting access to archives containing personal information referred to in paragraph two of the preceding article, if they demonstrate that, without processing the data referred to in paragraph two of the preceding Article, it is not possible to effectively evaluate the materials or conduct research or achieve the research goal, or that it would involve disproportionate efforts or costs.

(3) The user referred to in paragraphs one and two of this Article shall submit to the Archival Commission a detailed presentation of the research, which should include:

- research title,
- research entity (legal entity or researcher),
- direct researchers (name, title, address, relation to the research



- razmerje do nosilca raziskave in morebitni mentor),
- raziskovalno področje (opisno),
- namen oziroma cilj raziskave in
- strokovno utemeljitev o izpolnjevanju pogojev iz prvega ali drugega odstavka tega člena.

(4) Uporabnik, ki mu je po prvem in drugem odstavku tega člena odobren izjemni dostop, podatkov do izteka rokov nedostopnosti po tem zakonu ne sme uporabiti v namene izven raziskave ali jih razkriti osebam, ki niso izvajalci raziskave v skladu s predstavitvenim elaboratom. To dolžnost uporabnik potrdi v pisni obliki pred seznanitvijo s podatki.

#### **66.a člen (izjemno podaljšanje roka nedostopnosti)**

(1) Roki nedostopnosti arhivskega gradiva, določeni v prvem in drugem odstavku 65. člena tega zakona, se na predlog javnopravne osebe, ki je izročila javno arhivsko gradivo, lahko izjemoma podaljša, vendar ne več kot za deset let. Javnopravna oseba, ki predlaga podaljšanje roka nedostopnosti, mora k predlogu priložiti pisno oceno škodljivih posledic, ki bi lahko nastale, če bi bilo gradivo dostopno javnosti.

(2) O izjemnem podaljšanju roka nedostopnosti iz prvega in drugega odstavka 65. člena tega zakona odloča Vlada Republike Slovenije na podlagi mnenja arhivske komisije.

#### **67. člen (arhivska komisija)**

(1) Vlada Republike Slovenije imenuje izmed strokovnjakov ali strokovnjakinj (v nadaljnjem besedilu: strokovnjaki) s področja državne uprave, zgodovine in arhivistike arhivsko komisijo, ki opravlja naslednje naloge:

- daje obvezujoča mnenja v spornih primerih določitve roka nedostopnosti arhivskega gradiva iz 66. in 66.a člena tega zakona;

- entity, mentor, if any),
- research field (descriptive),
- research purpose or aim, and
- expert justification of meeting the conditions under paragraphs one and two of this Article.

(4) Until the expiry of the restricted access period, users who are granted exceptional access under paragraphs one and two of this Article shall not use any data for other purpose outside the research or disclose them to persons not involved in conducting the research according to the detailed presentation. The user shall confirm and agree to this duty in writing prior to obtaining access to the data.

#### **Article 66a (Exceptional extension of restricted access period)**

(1) On the proposal of the entity under public law which transferred the public archives, the periods of restricted access for archives set out in paragraphs one and two of Article 65 of this Act may be extended in exceptional cases but by no more than 10 years. The entity under public law proposing an extension of the restricted access period shall substantiate its proposal with a written assessment of the detrimental effects that might arise if the material was publicly accessible.

(2) Exceptional extension of restricted access period under paragraphs one and two of Article 65 of this Act shall be granted by the Government of the Republic of Slovenia based on an opinion provided by the Archival Commission.

#### **Article 67 (Archival Commission)**

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

- deliver binding opinions in disputable cases for setting the restricted access period for the archives under Articles 66 and 66a of this Act;

- daje mnenja o izjemnem skrajšanju in podaljšanju roka nedostopnosti;
- odloča v primeru dvoma o omejitvah dostopa iz petega odstavka 65. člena tega zakona;
- odloča o izjemnem dostopu do javnega arhivskega gradiva iz drugega odstavka 66. člena tega zakona.

(2) Vlada Republike Slovenije določi sestavo in način dela arhivske komisije.

### **68. člen (dostopnost zaradi potreb uradnih postopkov)**

(1) Osebe, ki nastopajo kot stranke v postopkih ali izkažejo svoj pravni interes za uvedbo ali udeležbo v postopkih, imajo pravico do vpogleda v arhivsko gradivo.

(2) Omejitve dostopnosti arhivskega gradiva iz 65. člena tega zakona ne veljajo za uporabo posamičnih dokumentov in zadev, če gre za postopke, ki jih vodijo državni organi, organi samoupravnih lokalnih skupnosti, nosilci javnih pooblastil in druge osebe javnega prava.

(3) Vpogled obsega pregled, izpis, prepis ali kopiranje gradiva ter uporabo tako pridobljenih podatkov v uradnih postopkih oziroma za drugo uveljavljanje pravic oseb. Osebe, ki se jim omogoči vpogled, so dolžne pri uporabi varovati podatke iz prvega in drugega odstavka 65. člena tega zakona.

(4) Če arhiv ugotovi, da niso izpolnjeni pogoji iz prejšnjega odstavka, dostop z odločbo zavrne.

(5) Originalno arhivsko gradivo, ki bi se zaradi uporabe lahko poškodovalo oziroma uničilo, se daje v uporabo v obliki kopije.

(6) Dokumente, ki so v arhivu in jih državni organi, organi samoupravnih lokalnih skupnosti ali nosilci javnih pooblastil potrebujejo za svoje delo oziroma jih osebe potrebujejo za uveljavitev svojih pravic, izroči

- deliver opinions on exceptional shortening and extension of the restricted period;
- deliberate in case of doubt regarding restricted access pursuant to paragraph five of Article 65 of this Act;
- decide on exclusive access to public archives pursuant to paragraph two of Article 66 of this Act.

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

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

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

(2) Restricted access to public archives pursuant to Article 65 of this Act shall not apply to the use of individual documents and files in the event of procedures conducted by state authorities, authorities of self-governing local communities, holders of public authority and other entities under public law.

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

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

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

(6) The documents held in the archival institution, and which state authorities, authorities of self-governing local communities or holders of public authority require for their work, or which are required by

arhiv v uporabo praviloma v obliki overjene kopije, ki se šteje za izvirnik.

(7) V izjemnih primerih, kadar je za razrešitev zadeve nujno potrebna uporaba izvornika, se lahko organu za določen čas in na podlagi pisne pogodbe posodi izvirno arhivsko gradivo, s tem, da se na stroške organa izdelata varnostna kopija.

#### **69. člen (dolžnosti uporabnikov)**

(1) Uporabnik mora z arhivskim gradivom, ki ga je dobil v uporabo, ravnati s skrbnostjo dobrega gospodarja. Če je gradivo zaščiteno s pravicami intelektualne lastnine, mora uporabnik pred uporabo pridobiti ustrezne pravice.

(2) Pri vsaki objavi ali predstavitvi arhivskega gradiva je treba z imenom ali signaturo navesti arhiv ter arhivski fond oziroma zbirko, iz katere je obravnavano arhivsko gradivo.

#### **70. člen (uporaba zasebnega arhivskega gradiva)**

Uporabo zasebnega arhivskega gradiva v pristojnih arhivih ureja pravni akt, na podlagi katerega arhivi hranijo zasebno arhivsko gradivo. Za vprašanja glede uporabe, ki jih pravni akt ne ureja, velja smiselna uporaba določb o uporabi javnega arhivskega gradiva.

### **VI. ZAGOTAVLJANJE INFRASTRUKTURE IN STORITEV**

#### **1. Strojna in programska oprema**

#### **71. člen**

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

(7) In exceptional cases, where the use of the original is indispensable for resolving a certain issue, original archives may be lent to a state authority for a finite period of time on the basis of a written agreement, whereby a security copy shall be made at the expense of the authority concerned.

#### **Article 69 (Duties of users)**

(1) Users must handle archives which they have obtained for use with the diligence of a good manager. Where archives enjoy intellectual property right protection, users must acquire the appropriate rights prior to their use.

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

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

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

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

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

#### **Article 71**

## **(splošni pogoji, ki jih mora izpolnjevati strojna in programska oprema)**

Vlada Republike Slovenije predpiše splošne pogoje, ki jih mora izpolnjevati:

- programska in strojna oprema za zajem gradiva v digitalni obliki (sam zajem, pretvorba ob zajemu, nadzor zajema, evidentiranje zajema itd.);
- programska in strojna oprema za hrambo gradiva v digitalni obliki (način hrambe, zagotavljanje varnosti gradiva pred uničenjem, zagotavljanje neprekinjenega poslovanja, zagotavljanje varnosti dostopa, prepis oziroma pretvorba gradiva, ohranjanje dokazljivosti avtentičnosti in celovitosti, evidentiranje vseh dogodkov med hrambo oziroma v zvezi s hrambo itd.);
- programska in strojna oprema za spremljevalne storitve hrambe gradiva v digitalni obliki (uničenje, poizvedovanje in analiziranje gradiva itd.).

### 2. Storitve hrambe

#### **72. člen (splošni pogoji hrambe)**

(1) Ponudniki storitev zajema in hrambe dokumentarnega gradiva v digitalni obliki ter ponudniki spremljevalnih storitev morajo za varstvo arhivskega gradiva v digitalni obliki uporabljati samo pri državnem arhivu v skladu s 85. členom tega zakona certificirano opremo in storitve.

(2) Vlada Republike Slovenije predpiše splošne pogoje hrambe gradiva v digitalni obliki in posebne pogoje za specifično gradivo s posameznih področij (npr. javne evidence, slikovno gradivo, prostorski podatki itd.).

### 3. Spremljevalne storitve

#### **73. člen**

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

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

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

### 2. Storage services

#### **Article 72 (General conditions for storage)**

(1) For the protection of archives in digital form, the providers of capture and storage services of documents in digital form and providers of accompanying services shall only use equipment and services accredited with the National Archives in accordance with Article 85.

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

### 3. Accompanying services

#### **Article 73**

### **(določitev spremljevalnih storitev)**

Vlada Republike Slovenije podrobneje določi spremljevalne storitve (npr. zajem gradiva, odbiranje gradiva, uničevanje gradiva itd.).

#### **74. člen (splošni pogoji za opravljanje storitev ter posebni pogoji za specifične storitve)**

Vlada Republike Slovenije predpiše splošne pogoje opravljanja storitev ter posebne pogoje za specifične storitve v zvezi z gradivom s posameznih področij.

## VII. NADZOR

### 1. Inšpekcijski nadzor nad izvajanjem tega zakona

#### **75. člen (inšpekcijski nadzor)**

Inšpekcijski nadzor nad izvajanjem določb tega zakona in na njegovi podlagi izdanih podzakonskih predpisov glede dokumentarnega in arhivskega gradiva ter arhivske javne službe izvaja inšpektorat, pristojen za področje varstva arhivskega gradiva.

#### **76. člen (inšpektor ali inšpektorica)**

(1) Pooblaščenca oseba za opravljanje inšpekcijskega nadzora po tem zakonu je inšpektor ali inšpektorica (v nadaljevanju inšpektor) za področje arhivske dejavnosti, ki mora izpolnjevati poleg splošnih pogojev iz zakona, ki ureja inšpekcijski nadzor, tudi naslednja posebna pogoja:

- opravljen strokovni izpit iz arhivistike;
- najmanj deset let delovnih izkušenj v arhivu.

### **(Specification of accompanying services)**

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

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

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

## VII. SUPERVISION

### 1. Inspection of implementation

#### **Article 75 (Inspection)**

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

#### **Article 76 (Inspector)**

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

- they have passed a proficiency examination in archival science;
- They have at least ten years of working experience in an archival institution.

(2) Pooblaščenca oseba mora varovati osebne, tajne in druge zaupne podatke, določene z zakonom ali drugim predpisom oziroma sklepom državnega organa ali organa samoupravne lokalne skupnosti, ter biti ustrezno varnostno preverjena.

#### **77. člen (inšpekcijska pooblastila)**

Inšpektor ima, poleg pooblastil iz predpisov, ki urejajo inšpekcijsko nadzorstvo, še naslednja pooblastila:

1. pregledovati objekte, prostore in opremo, v katerih se hrani dokumentarno in arhivsko gradivo v skladu s 36. členom tega zakona,
2. nadzirati izpolnjevanje obveznosti varstva dokumentarnega in arhivskega gradiva javnopравnih oseb iz 39. člena tega zakona in zasebnih arhivov,
3. zahtevati pisna pojasnila in izjave od odgovornih oseb zavezancev v zvezi s predmetom nadzorstva in
4. pregledovati in zahtevati vpogled v dokumentacijo, ki se nanaša na ravnanje z arhivskim gradivom in dokumentarnim gradivom.

#### **78. člen (posebni inšpekcijski ukrepi)**

(1) Inšpekcijsko nadzorstvo obsega poleg splošnih ukrepov tudi posebne ukrepe, predvidene s tem zakonom.

(2) Če inšpektor ugotovi, da javnopравna oseba iz 40. člena zakona ni izročila javnega arhivskega gradiva v zakonsko določenem roku, lahko odredi z odločbo izročitev gradiva in določi novi rok.

(3) Če inšpektor ugotovi, da obstaja neposredna nevarnost poškodovanja ali je že nastala škoda na dokumentarnem ali arhivskem gradivu, odredi rok, v katerem se mora taka nevarnost odpraviti, oziroma odredi ukrepe za odpravo škode oziroma za njeno zmanjšanje.

(2) Authorised persons should protect personal, secret and other confidential data, as provided by an Act or other regulations and/or a decision by the state authority or an authority of a self-governing local community, and should have been properly vetted in terms of security.

#### **Article 77 (Powers of inspectors)**

In addition to the powers under the regulations defining inspection, inspectors shall have the following powers:

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

#### **Article 78 (Special inspection measures)**

(1) In addition to the general measures, inspection shall include special measures as envisaged by this Act.

(2) Where an inspector has established that an entity under public law referred to in Article 40 of this Act did not hand over public archives within the prescribed deadline, the hand-over of materials may be ordered by a decision stating a new deadline.

(3) Where an inspector has established the existence of imminent risk of damage, or some damage has already been done to the documents or archives, a deadline for elimination of such danger shall be ordered and/or measures for elimination of damage and/or its reduction shall be defined.

(4) Če inšpektor ugotovi, da zaradi nepravilnega ravnanja oziroma rabe ali zaradi opustitve dolžnega ravnanja z dokumentarnim ali arhivskim gradivom pri javnopравnih osebah obstaja nevarnost njegovega poškodovanja, lahko tako ravnanje ali uporabo prepove in odredi potrebne ukrepe za zagotovitev varstva.

(5) V primeru iz prejšnjega odstavka lahko inšpektor z odločbo tudi začasno odvzame posest in arhivsko gradivo ali dokumentarno gradivo prepusti v začasno hrambo pristojnemu arhivu.

(6) Če pristojni arhiv v primerih iz drugega in petega odstavka tega člena ni sposoben prevzeti dokumentarnega ali arhivskega gradiva, inšpektor prepusti to gradivo v začasno hrambo drugemu javnemu arhivu.

(7) Če se ugotovi, da je zasebno arhivsko gradivo v nevarnosti, da bo uničeno ali poškodovano, lahko inšpektor z odločbo določi pogoje hrambe, konzerviranja oziroma restavriranja zasebnega arhivskega gradiva, lahko pa tudi obveznost izročitve zasebnega arhivskega gradiva pristojnemu arhivu za določen čas do prenehanja nevarnosti.

#### **79. člen** **(izvršitev odločbe oziroma sklepa)**

Pritožba zoper ukrepe iz prejšnjega člena tega zakona ne zadrži izvršitve odločbe oziroma sklepa.

#### **2. Drug nadzor arhivske javne službe**

#### **80. člen** **(nadzor nad zakonitostjo in javno porabo)**

Nadzor nad zakonitostjo dela arhivov izvaja ministrstvo, pristojno za arhive, na podlagi tega zakona in izvršilnih predpisov.

(4) Where an inspector has established that for reasons of improper treatment and/or use or for reasons of failure to act with due care in relation to documents and archives of entities under public law, there is a possible danger of material damage, such acts or use may be prohibited and special measures of protection may be ordered.

(5) In cases referred to in the preceding paragraph the inspector may issue a decision and temporarily deprive the entity of the archives or documents, which shall be temporarily stored by the competent archival institution.

(6) If the competent archival institution is unable to accept documents or archives in cases referred to in paragraphs two and five of this Article, the inspector shall give such material for temporary storage to another public archival institution.

(7) If it has been established that private archives are in danger of being destroyed or damaged, the inspector may issue a decision to define the conditions for storing, conservation and/or restoration of private archives, and the inspector may also impose the obligation to transfer private archives to the competent archival institution for a definite period of time while such danger exists.

#### **Article 79** **(Execution of decision and/or resolution)**

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

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

#### **Article 80** **(Supervision of legality and use of public funds)**

Supervision of the legality of archival institutions shall be exercised by the ministry responsible for archival institutions pursuant to this Act and the implementing regulations.

### 3. Nadzor, ki ga izvaja državni arhiv

#### **81. člen (potrditev notranjih pravil)**

Državni arhiv na zahtevo pregleda predložena notranja pravila in o njihovi skladnosti z zakonom in na njegovi podlagi izdanimi podzakonskimi predpisi in enotnimi tehnološkimi zahtevami ter pravili stroke izda odločbo, s katero pravila potrdi ali pravil ne potrdi.

#### **82. člen (register potrjenih notranjih pravil)**

(1) Državni arhiv vodi javno spletno in brezplačno dostopen register potrjenih notranjih pravil, ki obsega osnovne podatke o potrjenih notranjih pravilih (subjekt, naziv notranjih pravil, veljavnost pravil, datum in številka odločbe o potrditvi).

(2) Če predlagatelj ali predlagateljica (v nadaljnjem besedilu: predlagatelj) tako zahteva, državni arhiv potrjena pravila javno objavi in v registru potrjenih notranjih pravil označi ta pravila kot potrjena notranja pravila, ki jih lahko prevzamejo tudi druge osebe.

#### **83. člen (registracija ponudnikov opreme in storitev)**

(1) Za opravljanje dejavnosti dobave opreme ali izvajanja storitev na področju zajema in hrambe gradiva v digitalni obliki ni potrebno posebno dovoljenje.

(2) Ponudnik opreme in storitev mora svojo dejavnost prijaviti državnemu arhivu najmanj osem dni pred začetkom opravljanja dejavnosti. Državni arhiv na podlagi prijave preveri popolnost prijave in z upravno odločbo odredi vpis ponudnika v register ponudnikov.

### 3. Supervision implemented by the National Archives

#### **Article 81 (Confirmation of internal rules)**

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

#### **Article 82 (Register of confirmed internal rules)**

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

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

#### **Article 83 (Registration of equipment and services providers)**

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

(2) Equipment and services providers should register their activity with the National Archives at least eight days before the start of their activity. On the basis of such registration the National Archives shall verify its completeness and order registration of the provider in the register of providers by an administrative decision.



(3) Nadzor nad delovanjem registriranih ponudnikov opreme in storitev ter nad njihovim izvajanjem določb tega zakona in na njegovi podlagi izdanih podzakonskih predpisov izvaja državni arhiv.

**84. člen**  
**(register ponudnikov opreme in storitev)**

(1) Državni arhiv vodi javno spletno in brezplačno dostopen register ponudnikov opreme in storitev, ki obsega osnovne podatke o ponudnikih opreme in storitev (firma oziroma naziv, sedež in kontaktni podatki ponudnika, ponujana storitev oziroma oprema, datum in številka odločbe o registraciji).

(2) Podatki iz registra se hranijo trajno.

**85. člen**  
**(certifikacija opreme in storitev)**

Ponudnik opreme in storitev lahko za opremo ali storitve, ki jih ponuja drugim osebam, pridobi certifikat pri državnem arhivu.

**86. člen**  
**(certifikacija)**

(1) Državni arhiv s ponudnikom sklene pogodbo o izvajanju certifikacije, s katero uredi odnos med državnim arhivom in ponudnikom v skladu s splošnimi pogoji za izvajanje certifikacije, ki jih določi državni arhiv.

(2) Državni arhiv v postopku certifikacije preveri skladnost opreme in storitev zajema, hrambe in spremljevalnih storitev s tem zakonom in na njegovi podlagi sprejetimi predpisi ter v primeru, da to skladnost ugotovi, certificira ponudnikovo opremo ali storitev ter jo vpiše v

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

**Article 84**  
**(Register of equipment and services providers)**

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

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

**Article 85**  
**(Accreditation of equipment and services)**

Equipment and services providers may acquire certification with the National Archives for equipment or services offered to third parties.

**Article 86**  
**(Certification)**

(1) The National Archives shall conclude an agreement with the provider on certification procedures, thereby regulating the relationship between the National archives and the provider in accordance with the general conditions for the certification procedure set out by the National Archives.

(2) In the certification procedure, the National Archives shall verify the compliance of equipment and services of capture, storage and accompanying services with this Act and the regulations issued on its basis, and in the case of compliance, it shall certify the provider's

register certificirane opreme in storitev.

(3) Certifikat se podeli za strojno opremo trajno, za programsko opremo in storitve zajema, hrambe in spremljevalne storitve pa za obdobje enega leta z možnostjo podaljšanja.

(4) Samo ponudnik opreme ali storitev, ki so vpisane v register certificirane opreme ali storitev, lahko pri svojem poslovanju in nastopu na trgu uporablja naziv ponudnika certificirane opreme oziroma storitev.

#### **87. člen (certifikacijski nadzor)**

(1) Državni arhiv kot certifikacijski organ izvaja nadzor v skladu s splošnimi pogoji in pogodbo iz prejšnjega člena. Glede preverjanja dejavnosti ponudnikov certificirane opreme in storitev morajo splošni pogoji in pogodba iz prejšnjega člena omogočati državnemu arhivu glede izvajanja veljavnih predpisov, enotnih tehnoloških zahtev in priporočil državnega arhiva za certificirano opremo in storitve pooblastila, ki so smiselno enaka inšpekcijskim pooblastilom na področju arhivov ali elektronskega poslovanja.

(2) Če nadzor pokaže neizpolnjevanje veljavnih predpisov, enotnih tehnoloških zahtev in priporočil nadzornega organa za certificirano opremo in storitve ali če ponudnik prekine pogodbo z državnim arhivom, certifikacijski organ izbrše ponudnikovo opremo in storitev iz registra certificirane opreme in storitev.

#### **VII.A IZDAJANJE PREDPISOV, ENOTNIH TEHNOLOŠKIH ZAHTEV IN PRIPOROČIL ZA CERTIFICIRANE PONUDNIKE**

#### **88. člen (predpisi Vlade Republike Slovenije)**

equipment or services and include it in the register of certified equipment and services.

(3) Certification for hardware shall be of a permanent nature, while the certification for software, capture and storage service and accompanying services shall be provided for a period of one year with the possibility of renewal.

(4) Only providers included in the register of certified equipment and service providers may use the title of provider of certified equipment and services in conducting their business and presence on the market.

#### **Article 87 (Certification supervision)**

(1) The National Archives acting as the certification authority shall exercise supervision in accordance with the general conditions and the agreement under the preceding article. With respect to the examination of activities of certified equipment and services providers, the general conditions and the agreement under the preceding article shall confer upon the National Archives adequate powers regarding the implementation of applicable regulations, uniform technological requirements and recommendations for certified providers comparable with inspection powers in the field of archives and electronic business.

(2) In the event of violation of applicable regulations, uniform technological requirements and recommendations of the supervisory authority for certified providers or where a provider terminates its contract with the National Archives, the certification authority shall remove the provider's equipment and services from the register of certified equipment and services.

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

#### **Article 88 (Regulations prescribed by the Government of the Republic of**

## Slovenia)

Vlada Republike Slovenije podrobneje predpiše:

1. pogoje in način zanesljive pretvorbe v digitalno obliko za dolgoročno hrambo iz 10. člena tega zakona;
2. obvezno vsebino ter način sprejema in izvajanja notranjih pravil oseb, ki hranijo dokumentarno gradivo v digitalni obliki iz 18. do 22. člena tega zakona;
3. pogoje in način hrambe dokumentarnega in arhivskega gradiva v fizični obliki iz 23., 25. in 36. člena tega zakona;
4. pogoje in način hrambe dokumentarnega gradiva v digitalni obliki iz 25. do 30. člena tega zakona;
5. osnove za odbiranje in izročanje javnega arhivskega gradiva arhivu iz 40. in 43. člena tega zakona;
6. način predaje filmskega arhivskega gradiva in avdiovizualnih del iz 43. člena;
7. osnove za ravnanje z zasebnim arhivskim gradivom iz 44. do 52. člena tega zakona;
8. vrste in oblike evidenc arhivskega gradiva ter osnove za strokovno obdelavo in izdelavo pripomočkov za uporabo arhivskega gradiva ter evidence javnih simbolov iz 53. in 56. člena tega zakona;
9. način vodenja evidence iz 54. člena tega zakona;
10. obseg in način posredovanja arhivskega gradiva v svetovni splet iz 63. člena tega zakona;
11. določi sestavo in način dela arhivske komisije iz 67. člena tega zakona;
12. splošne pogoje za opremo in storitve iz 71., 72. in 74. člena tega zakona;
13. vsebino in način vodenja ter postopek vpisa v register potrjenih notranjih pravil, register ponudnikov opreme in storitev ter register certificirane opreme in storitev iz 82., 84. in 85. člena tega zakona;
14. druga vprašanja iz tega zakona.

### **89. člen (predpisi ministra)**

Minister, pristojen za arhive, predpiše:

The Government of the Republic of Slovenia shall prescribe in detail:

1. the conditions and method of reliable conversion into digital form for long-term preservation under Article 10 of this Act;
2. the compulsory content and method of adoption and implementation of internal rules by entities storing documents in digital form under Articles 18 to 22 of this Act;
3. the conditions and method of storing documents and archives in physical form under Articles 23, 25 and 36 of this Act;
4. the conditions and method of storing documents in digital form under Articles 25 to 30 of this Act;
5. criteria for selection and transfer of public archives to an archival institution under Articles 40 and 43 of this Act;
6. the transfer method of film material and audio-visual works under Article 43;
7. basic elements of the handling of private archives under Articles 44 to 52 of this Act;
8. types and forms of registers for archives and basic elements of processing and elaboration of user aids for the use of archives, and a register of public symbols under Articles 53 and 56 of this Act;
9. the method of keeping a register under Article 54 of this Act;
10. the extent and method for publishing archives on the internet under Article 63 of this Act;
11. the composition and method of work for the Archival Commission under Article 67 of this Act;
12. general conditions for equipment and services under Articles 71, 72 and 74 of this Act;
13. the content and mode of keeping the register along with the entry procedures for the register of confirmed internal rules, the register of equipment and service providers and the register of certified equipment and service providers under Articles 82, 84 and 85 of this Act;
14. other issues concerning this Act.

### **Article 89 (Regulations prescribed by the minister)**

The minister responsible for archival institutions shall

1. podrobnejše pogoje za čas pripravništva, za opravljanje strokovnih izpitov, vodenje seznama o opravljenih strokovnih izpiti ter pridobivanje strokovnih nazivov za uslužbence v arhivih;
2. merila za strokovno usposobljenost in preizkus strokovne usposobljenosti uslužbencev javnopravnih oseb, ki delajo z dokumentarnim gradivom;
3. podrobnejše pogoje in način vodenja evidence uporabe javnega arhivskega gradiva ter nadomestila stroškov uporabe, konzerviranja in restavriranja arhivskega gradiva;
4. pogoje za ustanovitev arhivov samoupravnih lokalnih skupnosti.

#### **90. člen (pristojnosti ministrstva)**

Ministrstvo, pristojno za arhive:

- spremlja in usmerja razvoj arhivske javne službe in opravlja strokovni nadzor nad njenim opravljanjem;
- sprejema programe varstva arhivskega gradiva, ki jih izvajajo regionalni arhivi;
- podeljuje strokovne nazive za področje arhivske dejavnosti.

#### **91. člen (pristojnosti državnega arhiva)**

(1) Državni arhiv pripravi predlog programa varstva arhivskega gradiva, ki ga sprejme minister, pristojen za arhive.

(2) Državni arhiv sprejme splošne pogoje za izvajanje certifikacije iz 86. člena in zahteve za certificirano opremo in storitve, s katerimi vsem registriranim ponudnikom opreme in storitev priporoča, ponudnikom certificirane opreme in storitev pa naloži zanesljivejše opravljanje dejavnosti.

### VIII. KAZENSKÉ DOLOČBE

prescribe:

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

#### **Article 90 (Powers of the ministry)**

The ministry responsible for archival institutions shall:

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

#### **Article 91 (Powers of the National Archives)**

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

(2) The National Archives shall adopt general conditions for certification procedures under Article 86 and requirements regarding certified equipment and services to increase the reliability of procedures, which is recommended for all registered equipment and service providers, and obligatory for those providing certified equipment and services.

### VIII. PENALTY PROVISIONS

## 92. člen

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek pravna oseba, samostojni podjetnik posameznik ali oseba, ki samostojno opravlja dejavnost:

1. če ne skrbi za dokumentarno gradivo na predpisan način (39. člen);
2. če pristojnemu arhivu ne zagotovi ogleda stanja gradiva (39. člen);
3. če pri izdelavi navodil za odbiranje javnega arhivskega gradiva iz dokumentarnega gradiva ne sodeluje s pristojnim arhivom (39. člen);
4. če za izvajanje obveznosti iz 39. člena tega zakona ne zagotovi ustreznih materialnih, kadrovskih in finančnih pogojev za delo ter ne določi osebe, odgovorne za izvajanje teh obveznosti (39. člen);
5. če ni opravljenega preizkusa strokovne usposobljenosti za delo z dokumentarnem gradivom pri pristojnem arhivu v skladu s 39. členom tega zakona (39. člen);
6. če ne izroči vsega javnega arhivskega gradiva pristojnemu arhivu v zakonsko določenem roku (40. člen) ali če tega gradiva v zakonsko določenem roku ne prenese v lastno hrambo (62. člen);
7. če izročeno javno arhivsko gradivo ni urejeno na predpisan način (40. člen);
8. če kadarkoli pred izročitvijo javnega arhivskega gradiva pristojnemu arhivu iz tega gradiva v nasprotju z veljavnimi predpisi in strokovnimi navodili pristojnega arhiva izloči posamezne dokumente, ki imajo lastnosti arhivskega gradiva (40. člen);
9. če ne označi javnega arhivskega gradiva na predpisan način in v izročitvenem zapisniku ne navede rokov nedostopnosti (40. člen).

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba pravne osebe, samostojnega podjetnika posameznika ali osebe, ki samostojno opravlja dejavnost, državnega organa ali samoupravne lokalne skupnosti, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.200 eurov se kaznuje za prekršek posameznik, ki stori prekršek iz prvega odstavka tega člena.

## Article 92

(1) A fine of EUR 2,000 to 5,000 shall be imposed on legal persons, individual sole traders or individuals who perform independent activities, for the following offences:

1. failing to handle documents in the prescribed manner (Article 39);
2. failing to ensure the competent archival institution the right to inspect the state of the materials (Article 39);
3. failing to cooperate with the competent archival institution in drafting the instructions for the selection of public archives from documents (Article 39);
4. failing to ensure adequate material, staff and financial resources for fulfilling the duties under Article 39 of this Act or if they fail to appoint a responsible person for performing these duties (Article 39);
5. failing to take a test with the competent archival institution regarding professional competence for dealing with documents under Article 39 of this Act (Article 39);
6. failing to transfer all public archives to the competent archival institution within the regulatory period (Article 40) or if they fail to transfer the material to personal storage within the regulatory period (Article 62);
7. if the transferred public archives are not arranged in the prescribed manner (Article 40);
8. removing individual documents having the nature of archives at any time prior to the transfer of public archives to the competent archival institution, violating the applicable regulations and professional instructions of the competent archival institution (Article 40);
9. if the public archives are not marked in the prescribed manner and if the transfer record does not provide periods of restricted access (Article 40).

(2) In the event of an offence referred to in the preceding paragraph, a fine of EUR 500 to 2,000 shall be imposed on the responsible person of a legal person, sole trader, individual who performs independent activities, state authority or self-governing local community.

(3) An individual that commits an offence referred to in paragraph one of this Article shall be liable to a fine of EUR 500 to 1,200.

## 92.a člen

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek oseba iz prvega odstavka 18. člena tega zakona:

1. če ne evidentira uničenja gradiva (13.a člen);
2. če ne sprejme notranjih pravil ali če pri zajemu in hrambi dokumentarnega ali arhivskega gradiva ne ravna v skladu s svojimi notranjimi pravili oziroma ne izpolnjuje predpisanih enotnih tehnoloških zahtev (18. člen)
3. če za varstvo arhivskega gradiva ne uporablja programske in strojne opreme v skladu s splošnimi pogoji iz 71. člena tega zakona oziroma ne uporablja certificirane opreme ali storitev iz 72. člena tega zakona.

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba osebe iz prvega odstavka 18. člena tega zakona, ki stori prekršek iz prejšnjega odstavka.

## 93. člen

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek pravna oseba, ki izvaja statusno spremembo oziroma prenehanje javnopravne osebe:

1. če v primeru prenehanja javnopravne osebe brez znanega pravnega naslednika ne izroči javnega arhivskega gradiva arhivu še pred prenehanjem (41. člen);
2. če ne zagotovi odbiranja in izročitve arhivskega gradiva arhivu v skladu z določbami tega zakona in na podlagi obveznih navodil pristojnega arhiva (41. člen).

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba pravne osebe, državnega organa ali samoupravne lokalne skupnosti, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.200 eurov se kaznuje za prekršek

## Article 92a

(1) A fine of EUR 2,000 to 5,000 shall be imposed on an individual referred to in paragraph one of Article 18 for the following offences:

1. failing to register destruction of materials (Article 13a);
2. failing to adopt rules or not performing the capture and storage of documents and archives in accordance with the rules or in compliance with the uniform technological requirements (Article 18);
3. failing to use hardware and software for the protection of archives as stipulated by the general conditions in Article 71 of this Act or failing to use certified equipment or services under Article 72 of this Act.

(2) In the event of an offence referred to in the preceding paragraph, a fine of between EUR 500 and 2,000 shall be imposed on the responsible person of the entity referred to in paragraph one of Article 18 of this Act.

## Article 93

(1) A fine of EUR 2,000 to 5,000 shall be imposed for an offence on a legal person effecting a status modification or termination of an entity under public law:

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

(2) In the event of an offence under the preceding paragraph, a fine of EUR 2,000 to 5,000 shall be imposed on the person accountable on the part of the legal person, state authority or self-governing local community.

(3) An individual that commits an offence under paragraph one

posameznik, ki stori prekršek iz prvega odstavka tega člena.

#### **94. člen**

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek arhiv:

1. če začasno izvozi oziroma iznosi javno arhivsko gradivo brez dovoljenja ministra, pristojnega za arhive (42. člen);
2. če dopusti nedovoljeno uporabo javnega arhivskega gradiva (63. člen);
3. če dopusti tako uporabo zasebnega arhivskega gradiva, ki ne ustreza dogovorjenim pogojem uporabe (46. člen);
4. če pri uporabi arhivskega gradiva ne upošteva določenih rokov nedostopnosti (65. člen).

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba arhiva, ki stori prekršek iz prejšnjega odstavka.

#### **95. člen**

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek pravna oseba ali samostojni podjetnik posameznik ali oseba, ki samostojno opravlja dejavnost:

1. če ne izvrši določenih varstvenih ukrepov (36. člen);
2. če ne izpolnjuje zakonskih dolžnosti v zvezi z ravnanjem z zasebnim arhivskim gradivom (45. člen);
3. če uvozi zasebno arhivsko gradivo tujega izvora brez upoštevanja mednarodnih konvencij in veljavne zakonodaje izvoznice (47. člen);
4. če izvozi oziroma iznosi zasebno dokumentarno gradivo, za katero se domneva, da ima lastnosti arhivskega gradiva brez dovoljenja ministra, pristojnega za arhive (47. člen);
5. če izvozi oziroma iznosi zasebno arhivsko gradivo brez dovoljenja ministra, pristojnega za arhive (47. člen);
6. če na predpisan način ne sporoči ministrstvu, da namerava prodati

of this Article, shall be liable to a fine of EUR 500 to 1,200.

#### **Article 94**

(1) A fine of EUR 2,000 to 5,000 shall be imposed for an offence on an archival institution:

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

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

#### **Article 95**

(1) A fine of EUR 2,000 to 5,000 shall be imposed on a legal person or an entrepreneur or an individual who performs independent activities for the following offences:

1. failing to implement the prescribed measures of protection (Article 36);
2. failing to fulfil legal obligations relating to the treatment of private archives (Article 45);
3. importing private archives of foreign origin without respecting international conventions and the valid legislation of the exporting county (Article 47);
4. if without the opinion of the minister competent for archival institutions they export or transfer abroad private documents which are deemed to have the nature of archives (Article 47);
5. exporting or transferring abroad private archives without the authorisation of the minister competent for archival institutions (Article 47);
6. failing to inform the ministry in the prescribed manner of their

zasebno arhivsko gradivo (48. člen).

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba pravne osebe, samostojnega podjetnika posameznika, osebe, ki samostojno opravlja dejavnost, državnega organa ali samoupravne lokalne skupnosti, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.200 eurov se kaznuje za prekršek posameznik, ki stori prekršek iz prvega odstavka tega člena.

#### **96. člen**

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek pravna oseba ali samostojni podjetnik posameznik ali oseba, ki samostojno opravlja dejavnost, ki stori prekršek v zvezi s samostojnim opravljanjem dejavnosti, če ne izroči filmskega arhivskega gradiva državnemu arhivu.

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba pravne osebe, samostojnega podjetnika posameznika, osebe, ki samostojno opravlja dejavnost, državnega organa ali samoupravne lokalne skupnosti, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.200 eurov se kaznuje za prekršek posameznik, ki stori prekršek iz prvega odstavka tega člena.

#### **97. člen**

(1) Z globo od 2.000 do 5.000 eurov se kaznuje za prekršek pravna oseba, samostojni podjetnik posameznik ali oseba, ki samostojno opravlja dejavnost:

1. če uporablja javno arhivsko gradivo v nedovoljene namene (63. in 68. člen);
2. če brez dovoljenja arhiva objavi reprodukcije javnega arhivskega gradiva (63. člen);
3. če zlorabi zaupno arhivsko gradivo iz 65. člena tega zakona;
4. če zlorabi podatke iz arhivskega gradiva, za katerega mu je bil

intention to sell private archives (Article 48).

(2) In the event of an offence referred to in the preceding paragraph, a fine of EUR 500 to 2,000 shall be imposed on the responsible person of the legal person, sole trader, individual who performs independent activities, state authority or self-governing local community.

(3) An individual that commits an offence referred to in paragraph one of this Article shall be liable to a fine of EUR 500 to 1,200.

#### **Article 96**

(1) A fine of EUR 2,000 to 5,000 shall be imposed on a legal person or an entrepreneur or an individual who performs independent activities for committing an offence related to their independent activity if they fail to transfer film archives to the National Archives.

(2) In the event of an offence referred to in the preceding paragraph, a fine of EUR 500 to 2,000 shall be imposed on the responsible person of the legal person, sole trader, individual who performs independent activities, state authority or self-governing local community.

(3) An individual that commits an offence under paragraph one of this Article shall be liable to a fine of EUR 500 to 1,200.

#### **Article 97**

(1) A fine of EUR 2,000 to 5,000 shall be imposed on legal persons, individual sole traders or individuals who perform independent activities for the following offences:

1. they use public archives for illicit purposes (Articles 63 and 68);
2. they publish reproductions of public archives without permission (Article 63);
3. they misuse confidential archives under Article 65 of this Act;
4. they misuse archive information for which exclusive access had



- odobren izjemni dostop oziroma jih uporabi za kaj drugega, kot za raziskave (66. člen);
5. če z arhivskim gradivom ne ravna s skrbnostjo dobrega gospodarja (69. člen);
  6. če lažno navaja dejstvo, da so notranja pravila potrjena od državnega arhiva (81. člen).
  7. če nastopa kot ponudnik opreme in storitev ter ne registrira svoje dejavnosti (83. člen);
  8. če lažno navaja dejstvo, da je ponudnik certificiranih storitev oziroma opreme (86. člen).

(2) Z globo od 500 do 2.000 eurov se kaznuje tudi odgovorna oseba pravne osebe, samostojnega podjetnika posameznika ali osebe, ki samostojno opravlja dejavnost, državnega organa ali samoupravne lokalne skupnosti, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.200 eurov se kaznuje za prekršek posameznik, ki stori prekršek iz prvega odstavka tega člena.

## X. PREHODNE IN KONČNE DOLOČBE

### **98. člen** **(prenehanje veljavnosti predpisov)**

(1) Z dnem uveljavitve tega zakona preneha veljati Zakon o arhivskem gradivu in arhivih (Uradni list RS, št. 20/97 in 32/97 – popravek).

(2) Podzakonski predpisi, izdani na podlagi prejšnjega zakona, ostanejo v veljavi do sprejema novih predpisov po tem zakonu.

### **99. člen** **(rok za izdajo podzakonskih predpisov)**

Vlada Republike Slovenije in minister, pristojen za arhive, izdaja podzakonske predpise po tem zakonu najkasneje v roku šestih

- been granted or use it for something other than research (Article 66);
5. they fail to handle archives with due care and attention (Article 69);
  6. they falsely mark internal rules as confirmed by the National Archives (Article 81);
  7. they provide equipment and services without registering the activity (Article 83);
  8. they falsely claim to be a provider of certified services or equipment (Article 86);

(2) In the event of an offence referred to in the preceding paragraph, a fine of EUR 500 to 2,000 shall be imposed on the responsible person of the legal person, sole trader, individual who performs independent activities, state authority or self-governing local community.

(3) An individual that commits an offence referred to in paragraph one of this Article shall be liable to a fine of EUR 500 to 1,200.

## X. TRANSITIONAL AND FINAL PROVISIONS

### **Article 98** **(End of validity)**

(1) On the day this Act enters into force, the Archives and Archival Institutions Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 20/97 and 32/97 – corr.) shall cease to be in force.

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

### **Article 99** **(Deadline for implementing regulations)**

The Government of the Republic of Slovenia and the minister responsible for archival institutions shall draft the implementing

mesecev od začetka veljavnosti tega zakona.

**100. člen**  
**(rok za prilagoditev)**

(1) Osebe, ki hranijo dokumentarno gradivo, so dolžne uskladiti svoje ravnanje z dokumentarnim gradivom z določbami tega zakona v enem letu po sprejemu podzakonskih predpisov iz 88. člena tega zakona. V istem roku so dolžne, če hranijo dokumentarno gradivo v digitalni obliki, zagotoviti tudi pretvorbo v digitalno obliko za dolgoročno hrambo.

(2) Ponudniki strojne in programske opreme, storitev hrambe in spremljevalnih storitev, ki so opravljali svojo dejavnost pred uveljavitvijo tega zakona, so dolžni uskladiti svojo dejavnost z določbami tega zakona in opraviti registracijo v skladu 83. členom tega zakona v enem letu po sprejemu podzakonskih predpisov iz 88. člena tega zakona.

**101. člen**  
**(uskladitev rokov nedostopnosti)**

Arhivi morajo pri uporabi arhivskega gradiva uskladiti roke nedostopnosti arhivskega gradiva s 65. členom tega zakona z dnem veljavnosti tega zakona.

**102. člen**  
**(posredovanje in objava podatkov)**

(1) Pravne osebe javnega prava posredujejo osebne in druge podatke o odvzemih življenja posameznikom v obdobju od 1. septembra 1939 do 31. decembra 1953 uporabnikom v javnem sektorju, ki jih ti potrebujejo za znanstvene raziskovalne in zgodovinske namene.

(2) Osebni in drugi podatki iz prejšnjega odstavka se lahko objavijo za namene iz prejšnjega odstavka.

regulations in accordance with this Act within six months of its entry into force.

**Article 100**  
**(Deadline for adjustment)**

(1) Persons storing documents shall be obliged to align their handling of the documents with the provisions of this Act within one year of the adoption of the implementing regulations under Article 88 of this Act. Within the same deadline such persons shall also be bound, where they keep documents in digital form, to provide for conversion into digital form for long-term preservation.

(2) Hardware and software providers and providers of storage and accompanying services that performed their activities prior to the entry into force of this Act, shall be bound to adjust their activities to the provisions of this Act and obtain registration in compliance with Article 83 of this Act within one year of the entry into force of the implementing regulations referred to in Article 88 of this Act.

**Article 101**  
**(Harmonization of periods of restricted access)**

With reference to the use of archives, archival institutions must harmonize periods of restricted access to archives with Article 65 of this Act upon the entry into force of this Act.

**Article 102**  
**(Providing and publishing data)**

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

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

(3) Objavijo se lahko osebno ime, ime očeta in matere, datum in kraj rojstva, datum in kraj smrti, kraj prebivališča, državljanstvo, članstvo v politični stranki ali društvu, pripadnost vojaškim enotam, narodnost, spol, izobrazba in zaposlitev.

**103. člen**  
**(začetek veljavnosti)**

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

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

**Article 103**  
**(Entry into force)**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.