

The Current Status and Issues of Laws and Regulations on Parliamentary Archives in Every Country of the World

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Abstract: The significance of parliamentary archives has not been clarified, but they are the background of my research. My objectives are to clarify the current status of parliamentary archives from every country through a survey of laws and regulations, and to present proposals for future research. My methodology is as follows: First, I obtained laws and regulations in every country via the Internet. Then, I classified the implementation status of the systems. Finally, I performed a detailed analysis of articles from substantive and procedural law. Only parliamentary archives at national levels will be considered for my research. My findings are as follows: Parliamentary archives and non-active document management style may be divided into 2 broad types based on management styles. In terms of legal framework, very few countries subscribe to the “law” level. Most use “regulations” and “rules”. Different countries apply different laws, and few parliamentary archives have both a substantive and procedural law perspective. In view of the above, I will raise an issue of analysis in regards to ICA guidelines for parliamentary archives and research relationships between political systems and existence of parliamentary archives.

Introduction

What is the significance of parliamentary archives? The significance of parliamentary archives has not been clarified. What is the role and function of parliamentary archives? How to guarantee them by laws and regulations? Until now, the challenges and questions in this field have not been addressed. In the first place, there are several different perspectives on "parliamentary archives". I think that the definition of the parliamentary archives has not been defined. It is background of my research. To this end, first I want to clarify how parliamentary archives are used around the world. And I must classify how parliamentary archives systems are implemented in each country.

| Nation | | Institution | |
|---------------|-------------|--------------------------|---|
| Asia | Philippines | Senate | Archives of the Senate |
| | | House of Representatives | Archives and Museum Management Service |
| | Bhutan | National Assembly | Library and Archive Section |
| North America | Canada | Senate | Senate archives |
| South America | Chile | Chamber of Deputies | Archivo Histórico, Cámara de Diputados |
| | Brazil | Federal Senate | Arquivo do Senado Federal |
| | | Chamber of Deputies | Biblioteca e Arquivo |
| | Belize | | Parliamentary Archives |
| Peru | | General Archive | |
| Europe | Albania | | Arkivi historic (Archives of Albanian's Assembly) |
| | Armenia | | National Assembly Archive Division |
| | Austria | | Parliamentary Archives |

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|-------------|----------------|-----------------------|---|
| | Belgium | Senate | Archives du Sénat |
| | Czech Republic | Chamber of Deputies | Archiv of Deputies of Parliament |
| | Denmark | | Folketingets Arkiv (Library, Archives and Information Office) |
| | Estonia | | Archives of the Riigikogu |
| | Finland | | Eduskunnan arkisto (Archive of Parliament) |
| | Germany | Deutsche Bundestag | Parlamentsarchiv des Deutschen Bundestages |
| | Ireland | | Oireachtas Library & Research Service |
| | Italy | Senate | Archivio storico del Senato |
| | | Chamber of Deputies | Archivio storico della Camera dei Deputati |
| | Lithuania | | Seimas Archives |
| | Luxembourg | | Archive of the Parliament of the Grand-Duché |
| | Moldova | | Service of Archives |
| | Norway | | Stortingsarkivet (Archives of the Storting) |
| | Poland | Senate | Archiwum Senatu (Senate Archives) |
| | | Sejm | Archiwum Sejmu (Sejm Archives) |
| | Portugal | | Arquivo Histórico Parlamentar Biblioteca, Arquivo e Documentação |
| | Russia | Gosudarstvennaya Duma | State Duma Archive Unit |
| | Slovakia | | Parliamentary Archives of the National Council of the Slovak |
| | Spain | Congress of Deputies | Archivo del Congreso (Archive of the Congress of Deputies) |
| | Sweden | | Riksdagens Arkiv (Archives of the Swedish Parliament) |
| | UK | | Parliamentary Archives |
| Middle East | Israel | | Knesset Archive |
| | Turkey | | TBMM Arşiv Müdürlüğü (TGNA Directorate of Archive) |

Table 1 Institution in the parliament called archives

Problem Statement

I will explain the background of my research. There are no parliamentary archives in Japan. Japanese historical parliamentary documents are stored in both House secretariats (House of Councillors, House of Representatives, and the National Diet Library). However, these facilities have "donated" not "transferred" documents. The transfer system hasn't really taken root in the Japanese parliament. Thus people will not be able to access the "transferred" documents. So, I think we need parliamentary archives in Japan like other countries. To do this, I have to work to grasp the situation of each superior country. This research started with that kind of background.

My research objectives are to define the current status of parliamentary archives in every country through a survey of laws and regulations, and to present proposals for future research. To this end, the basic situation of parliamentary archives in every country needs to be classified. The basic situations are the status of establishment, legal framework, and content of laws and regulations.

Methodology

My methodology is as follows: first, I obtained legal documents on parliamentary archives in every country via the Internet. Then, I classified these basic situations from the point of view of status of establishment, legal framework, and content of laws and regulations. Finally, I performed an analysis of articles from the perspective of the substantive law and the procedural law. Substantive law is the statutory or written law that defines rights and duties; for example, purposes, jurisdiction, distribution of parliamentary archives, and scope of law. Procedural law is the set of rules by which a court hears and determines; for example, appraisal and conservation of documents, and public access for users. And my subjects are parliamentary archives at national levels.

Results

My results consist of three points. The details are as follows.

First, I describe the status of establishment. Institutions established to preserve and provide access to non-active documents can be divided into two broad types based on management styles by jurisdiction: One is by the legislative body, and the other is by an administrative body.

| Jurisdiction | Nation | | Institution |
|---------------------|-------------|-----------|--|
| Legislative body | Germany | Bundesrat | Arbeitsbereich Dokumentation, Bereich Archiv/Gesetzesdokumentation |
| | | Bundestag | Parlamentsarchiv des Deutschen |
| | Estonia | | Archives of the Riigikogu |
| Administrative body | US | | National Archives and Records Administration Legislative Branch: The Center for Legislative Archives |
| | New Zealand | | Archives New Zealand |

Table 2 Types of institutions to preserve and provide access to non-active documents

From these results, I think that there are two kinds of institutions called parliamentary archives. Therefore, the definition of parliamentary archives has two meanings. The broad meaning is an institution which parliaments manage, conserve, and provide public access to historical documents that they have created or received. The specific meaning is an institution which parliaments manage independently from the administrative body. I adopt the specific meaning in my research.

Types of non-active document management style in parliamentary archives, especially bicameral legislatures, may be divided into two broad types: One is a centralized management style where they integrate all documents. And the other is a decentralized management style where they manage everything independently.

| Style of management | Nation | Institution and its explanation |
|--------------------------|---------|---|
| Centralized management | UK | The Parliamentary Archives is a jointly funded service of both Houses. It is in the House of Lords Department of Information Services. |
| | Austria | All parliamentary papers, files etc. are kept in the Parliamentary Archive. It is part of a separate department called "Parliamentary Documentation, Archives, and Statistics," and forms part of the National Council Service (Nationalrat) of the Austrian Parliamentary Administration. It also forms part of the Federal Council Service (Bundesrat). |
| Decentralized management | Canada | The management of parliamentary archives is decentralized. Non-active documents are managed independently by the Senate (the Senate archives), the House of Commons, and the Library of Parliament. |
| | Spain | The Parliament of Spain (Cortes Generales) has two chambers, the Senate (Senado) and House of Representatives (Congreso de los Diputados), and each chamber has its own archives. |

Table 3 Types of non-active document management style

Next, I will describe the legal framework. Legal grounds of existence for parliamentary archives are divided into two broad types based on the application of law by either an administrative or legislative body. It is important to set the legal grounds of existence, because it is the base for the institution. Legal grounds of existence for parliamentary archives in about 30% of surveyed countries are established via administrative law. About 60% are established by the legislature. In addition, only about 10% are set up at the legal level, while the other 90% are set by regulations, rules, guidelines, manuals, etc.

| Nation | | Legislative law | Administrative law |
|------------------------|------------------------|---|---|
| Albania | | Rules of Procedures of the Albanian Assembly (2004) | Law nr. 9154/ 2003 on the Archives |
| Armenia | | Regulations of the National Assembly Office Charter of the Information Department | - |
| Austria | | - | Federal Archives Act |
| Bosnia and Herzegovina | | Decision on Common Service Secretariat organisation | Law on Archive Files and Archive of B&H |
| Bulgaria | | Internal Rules of the Parliament | Law for the National Archive Fund |
| Czech Republic | Chamber of Deputies | Internal regulations of Office of the Chamber of Deputies of Parliament of Czech Republic | Act Nr. 499/2004 on Archiving Rules of organisation of archive Rules of Archive |
| Croatia | | Decision on the Parliamentary Staff Service | Law on Archives and Archival Materials |
| Estonia | | Riigikogu Rules of Procedure and Internal Rules Act Procedure for Maintaining the Archives of the Riigikogu (21.03.2006) | Archives Act. RT I 1999, 16, 271 Archival rules. RT I 2000, 81, 520 |
| Finland | | Regulations of the records and archives administration in Parliament (22.1.1990) Act on the Library of Parliament | Act on the Archives (partly) (831/1994) |
| Germany | Bundesrat | - | Bundesarchivgesetz (BArchG) |
| | Deutsche Bundestag | Organisationshoheit des Parlaments | Archivordnung |
| Greece | | - | - |
| Italy | Senate | Internal rule of the Senat of 2001 | - |
| | Chamber of Deputies | CD Administration and Staff Regulations | - |
| Latvia | | Regulations of the Chancellery of the Saeima of the Republic of Latvia Regulations of the Archives of the Saeima of the Republic of Latvia | Archives Law of the Republic of Latvia |
| Lithuania | | Statute of the Seimas of the Republic of Lithuania Regulation of the Office of the Seimas Regulations of the Archive Unit | Law on Documents and Archives of the Republic of Lithuania |
| Luxembourg | | - | - |
| Macedonia | | Rules of Procedure internal acts of the Assembly | |
| Moldova | | Internal Rules of the Parliament | Law for the National Archive Fund |
| Netherlands | | - | Archiefwet 1995 (Archive Act of 1995) Archiefbesluit 1995 (Archive Resolution 1995) and ensuing directives |
| Norway | | Rules of Procedure of the Norwegian Parliament | |
| Poland | Senate | Senate Chancellery and Senate Archives' Guidelines of the year 2003 | Act on the National Archival Holdings and Archives of the year 1983 |
| | Diet | Chancellery of the Sejm and the Act of July 14th, 1983 | |
| Portugal | | Regulations for the Services of the Assembly of the Republic Internal Regulation | - |
| Romania | Camera Deputatilor | - | Nationals Archive law (nr. 16/1996) |
| Russia | Gosudarstv ennaya Duma | Regulations of the State Duma Office Regulations of the Information and Documentation Service Department Regulations of the State Duma Archive Unit | - |
| Serbia | | Rules of Procedure of the National Assembly | - |
| Slovenia | National assembly | Rules on the Internal Organisation and the Sytem of Positions in the National Assembly | - |
| Slovakia | | - | National Archives Act |
| Turkey | | Organization Law of Secretariat General of TGNA (Law No: 2919) | - |
| Spain | Senate | Instruccion sobre el archivo del senado | - |
| | Congress of | Instruction on the Archive of the Congress of | - |

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|---------|----------|---|---|
| | Deputies | the Deputies 4/07/1984 | |
| UK | | - | - |
| Ukraine | | Regulations on the Secretariat of the Verkhovna Rada of Ukraine Regulations on the Chief department of documentary provision of the Secretariat of the Verkhovna Rada of Ukraine | - |

Table 4 Legal framework of grounds of existence

Document appraisal is the process of selecting non-active documents for transfer to the archives or disposal. It is very important to correctly judge the value of non-active documents. According to provisions for document appraisal, 32% of countries have provisions for document appraisal which are codified at the legislative level. 23% of countries have provisions for document appraisal which are set by administrative law. The other 45% of countries have neither.

| Nation | | Legislative law | Administrative law |
|-------------|-----------------------|---|--|
| Austria | | Rules for the Parliamentary Archives | |
| Bulgaria | | - | Law for the National Archive Fund |
| Estonia | | Rules of Record Management of the Chancellery of the Riigikogu (12.10.2005) | Archives Act. RT I 1999, 16, 271 Archival rules. RT I 2000, 81, 520 |
| Finland | | Records schedules | |
| Germany | Bundesrat | Archivfachliche Bewertung und Abstimmung mit aktenbildender Stelle | - |
| Latvia | | Classification of the Saeima files Regulations of the Expert Committee of the Chancellery of the Saeima of the Republic of Latvia | List of terms for storage of standard documents issued by public institutions approved by the General Directorate of the National Archives of the Republic of Latvia |
| Lithuania | | - | Law on Documents and Archives Index of Terms of Storage of General Documents approved by the Lithuanian Archives Department under the Government of the Republic of Lithuania |
| Luxembourg | | - | - |
| Moldova | | - | Law for the National Archive Fund |
| Netherlands | Eerste Kamer | - | - |
| | Tweede Kamer | Basis Selectie Document | - |
| Norway | | - | Archive Plan |
| Poland | Senate | Senate Chancellery and Senate Archives' Guidelines | - |
| | Sejm | Chancellery of the Sejm | |
| Portugal | | - | Portuguese Legislation: Portaria 447/88 |
| Romania | Camera Deputatilor | - | |
| Russia | Gosudarstvennaya Duma | | - |
| Serbia | | | - |
| Slovenia | National assembly | - | Rules on Document Management Guideline on Document Selection |
| Slovakia | | - | - |
| Turkey | | TGNA Regulation on Archival Services | - |
| Spain | Senate | Instruccion sobre el archivo del senado Comisión Superior Calificadora de Documentos Administrativos Real Decreto 139/2000, de 4 de febrero, por el que se regula la composición funcionamiento y competencias de la Comisión Superior Calificadora(BOE de 11 de febrero) | - |
| Slovakia | | | Registratory and Archives Regulation |

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| Slovenia | | |
| UK | Collection & Acquisition Policy | - |
| Ukraine | Regulations on documentation procedures in the Verkhovna Rada of Ukraine | - |

Table 5 Legal framework of document appraisal

It is also important to set provisions for public access to documents, because guaranteeing the rights and interests of the people to access these documents is the duty of the institution. According to provisions for public access to documents, 36% of countries have provisions for public access to documents which are codified at the legislative level. 28% of countries have provisions for public access to documents which are codified at the administrative level. The remaining 36% of countries have neither.

| Nation | | Legislative law | Administrative law |
|------------------------|-----------------------|--|---|
| Austria | | - | Federal Archives Act |
| Bosnia and Herzegovina | | - | Law on Free Access to Information, upon written request |
| Bulgaria | Senate | - | règlement du Bureau du 10 décembre 1992 |
| Croatia | | - | Information Access Law, Data Protection Act |
| Estonia | | Procedure for Maintaining the Archives of the Riigikogu (21.03.2006) | - |
| Finland | | - | Act on the Openness of Government Activities (621/1999) |
| Germany | Bundesrat | interne Regeln | Bundesarchivgesetz |
| | Bundestag | - | Bundesarchivgesetzes(Gesetz über die Sicherung und Nutzung von Archivgut des Bundes) |
| Italy | Senate | Rules of the Senat and other internal acts | - |
| | Chamber of Deputies | CD Regulations for the Public Access to the CD Historical Archives, 1994 | - |
| Latvia | | - | Archives Law of the Republic of Latvia Submissions Law of the Republic of Latvia Freedom of Information Law of the Republic of Latvia |
| Lithuania | | Regulation of the Office of the Seimas | Law on Documents and Archives Law on the Right of Access to Information from Municipal Institutions and Bodies |
| Luxembourg | | - | - |
| Netherlands | Eerste Kamer | - | - |
| | Tweede Kamer | Archiefbeheersregels (Archives Management Plan) | - |
| Norway | | resolution June 14th 2000 concerning free access to official records | - |
| Poland | Senate | Local resolutions | Access to Public Information Act of the year 2001 |
| | Sejm | Dispositions of the Head of the Chancellery of the Sejm | Act on National Archives Fund and Archives, Act on Access to Public Information of September 6th 2001 |
| Portugal | | Lei 15/2007 – inquéritos parlamentares | Decreto Lei 16/93 – Archives regulation Lei 65/93 – Access to administrative records Lei 67/98 – nominative records |
| Russia | Gosudarstvennaya Duma | Fundamental Regulation for the Archives Activities Instructions for Document Preparation, Circulation and Processing in the State Duma | - |
| Turkey | | - | TGNA Regulation on Archival Services |
| Spain | Senate | Rules of access to the documentation units under the Direction of Documentation of the Senate | Ley orgánica 15/1999, de 13 de diciembre, de protección de los datos de carácter personal (BOE de 14 de diciembre) Reglamento de medidas de seguridad para ficheros con datos de carácter personal Real decreto 994/1999, de 11 de junio, por el que se aprueba el reglamento de medidas de seguridad de los ficheros automatizados que contengan datos de carácter personal (BOE de 25 de junio) |
| Slovenia | | - | Rules on Document Management |
| UK | | - | Freedom of Information Act 2000 Data Protection Act 1998 |

Table 6 Legal framework of public access

Very few countries subscribe to the “law” level. Most use “regulations” or “rules”. Different countries apply different levels of the constitution of law. In addition, the scope of the application of laws and regulations to parliamentary archives differs between countries. For example, laws for parliamentary archives, laws for parliament, or laws for national archives.

Finally, I researched the content of laws and regulations of Austria, Germany and Spain. And I analyzed articles from the perspective of the substantive law and the procedural law.

One aspect of substantive law is the purpose or mission of parliamentary archives. In Germany, promoting the interest of the people is clearly stated in the regulation. In Spain, management of documents for parliamentary use is the important point. In Austria, academic research is the important point.

| Nation | Content of articles | | |
|---------------------|---|---|--|
| | Rights of people | Parliamentary management | Research and Study |
| Austria | No | No | Promote research into the history of the Austrian parliamentary. Open up its holdings of scientific research. |
| Germany (Bundestag) | Safeguard the legitimate interests of the State and its citizens. | Serve Parliament, its bodies and Administration. | Preserve archived sources for research |
| Spain (Senate) | No | Preserve and sort scientifically for possible use in parliamentary work in the administration of the House and in research. | |

Table 7 Articles on purpose or mission of parliamentary archives

Another aspect of substantive law is the role of parliamentary archives. The role of collecting, preserving, and providing public access is clearly stated in the regulation in every country. But every country does not include research or study about its own parliamentary archives.

| Nation | Content of articles | | |
|---------------------|--|---|---------------|
| | Collection or acquisition | Conservation | Access |
| Austria | Safekeeping of archival holdings of the former parliamentary bodies as well as the obligations arising from the parliamentary course of business of the National Council, the Federal Council and the Federal Assembly records, documents and other records. Collection of parliament specific artwork. | | Finding aids. |
| Germany (Bundestag) | No | Archiving of the documents of the German Bundestag, its bodies and Administration. | No |
| Spain (Senate) | Collect information by any date, format, storage media that have been created, acquired by the Congress, its related agencies and individuals who have contracted the duties. | Preserve and sort scientifically for possible use in parliamentary work in the administration of the House and in research. | |

Table 8 Articles on role of parliamentary archives

One aspect of procedural law is document appraisal. In Spain, documents created or received in parliament are primarily stated in the regulation. Austria and Germany did not have any clear criterion.

| Nation | Content of articles |
|----------------|---|
| Austria | No |
| Spain (Senate) | The records related to legislative and international treaties, once finally approved, or, if, when it has terminated its processing by the conclusion of the legislature or any other cause. Documentation for other non- parliamentary activities legislature, once their processing. The official documentation for the Bodies of the House at the conclusion of the legislature. Documentation relating to the acquisition, suspension and loss of a Senator. The administrative documentation of the General Secretariat of the House, upon completion of the records. The tapes that are recorded meetings of the committees and plenary sessions, and any other public acts of parliament. Copies of the films and videotapes that contain recordings of the meetings of the committees and |

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|------------------------|---|
| | plenary sessions as well as other public events parliamentarians The photographic material on parliamentary activity and heritage of the Senate. |
| Germany (Bundestag) | All documents and unnecessary in the current public service |

Table 9 Articles about document appraisal

The other aspect of procedural law is about access. Articles about non-disclosure period are set by law in every country. In Spain, documents in the archives will be accessible for a research purposes, when past 25 years save after the completion of procedure or the administrative efficacy has been completed. Parts of the country have provisions for special access. By way of example in Austria, researchers have special permits to access documents. Preferred users (academic researchers that are generally accepted, and those working on a student thesis or doctoral dissertation research) are accorded permission to use archives after 20 but before 30 years of the term of protection by the Presidents in the National Council. And parts of the country have provisions relating to the duties on donation of the artifacts users have created. For example, in Austria, a user has to provide his own publication free of charge to the parliamentary archives for preservation, when the user published publicly the image in the holdings of the parliamentary archives. In Spain, a researcher who used archival documents must submit a copy of all or part of the research material or two-part of publications listing findings to the archives.

| Nation | Content of article | | | |
|------------------------|---|--|---------------------------------------|---|
| | User | Disclosure | Special use | Publication |
| Austria | No | Archives of 20 years are basically locked until the end of the beginning of the term of protection. Archives are freely accessible after 30 years of the term of protection. | Preferred user (Academic researchers) | Provide one part of publication free of charge for preservation. |
| Spain | MPs and staff of Parliament in the exercise of their functions. Persons who have obtained the Senate Investigator Card. | Documents will be accessible when past 25years save after the completion of procedure or the administrative efficacy has been completed. | No | Submitted copy of the research material or two-part of publication. |
| Germany (Bundestag) | No | Documents available for use, with the exception of Members' and parliamentary groups' documents. | No | No |

Table 10 Articles about access

Findings

I have described the status of established parliamentary archives. Structures of parliamentary archives are more complex than administrative ones. Institutions called “parliamentary archives” can be divided into two broad types based on management styles by jurisdiction: The first is by the legislative body, and the second is by an administrative one. Types of non-active document management style may be divided into two broad types by style of management: One is a centralized management style, and the other is a decentralized one.

About legal framework, parliamentary archives in many countries depend on administrative law, particularly in the provisions for document appraisal and the provisions for public access to documents. Many countries have laws and regulations for national archives, but only a few for parliamentary archives.

Content of laws and regulations is what one focuses on regarding differences from nation to nation. Few parliamentary archives have both a substantive and procedural law perspective.

Conclusion

The institutions established to preserve and provide access to non-active documents entitled “parliamentary archives” are infinitely various. Responsibility of parliamentary archives is not to be guaranteed by law necessarily. I think that power of the legislature branch is weak compared to the executive branch. Responsibilities of parliamentary archives are highly dependent on administrative laws and regulations in many countries. I think that lack of independence and uniqueness of parliament leads to archival situations.

I want to analyze the contents of “General Guidelines for Regulations on Parliamentary Archives” by the International Council on Archives. It is called the best practice for laws and regulations on parliamentary archives. As a further research question, I need to compare parliamentary archives and ordinary national (executive) archives. Furthermore, I want to research relationships between political systems and the existence of parliamentary archives.

Resources

Inter-Parliamentary Union. “Web Sites of National Parliaments.” <http://www.ipu.org/english/parlweb.htm>

European Centre for Parliamentary Research and Documentation. “Parliamentary library, research and archive services of Europe.” <http://www.europarl.europa.eu/>