

**N:o 831**

## **The Archives Act**

Issued in Helsinki on the 23rd of September 1994

In accordance with a resolution of Parliament it is hereby stipulated as follows:

### **CHAPTER 1**

#### **General stipulations**

##### **Section 1**

This act shall apply to the following records creators:

- 1) Government offices, institutions, courts of law and other organs applying the law and other government authorities;
- 2) Municipal authorities and organs;
- 3) The Bank of Finland, University of Helsinki, Social Insurance Institute and other independent public institutions;
- 4) Government and municipal enterprises;
- 5) The Greek Orthodox Church of Finland and its congregations; and
- 6) Other collective bodies, organs and persons carrying out public duties according to acts and decrees or in accordance with rules or regulations based thereon insofar as these duties produce records and documents as stipulated in the Act on the Openness of Government Activities (621/1999).

However, only sections 6 and 7 and subsections 1 and 2 of section 8 of this act shall apply to Parliament, the State Auditors' Office and the Office of the Parliamentary Ombudsman, the Finnish Delegation to the Nordic Council and the Library of Parliament.

Separate ruling will be given concerning the archives of the president of the republic of Finland.

##### **Section 2**

The ruling and regulations of the church act shall apply to the archives of the Evangelical-Lutheran Church of Finland.

The rulings and regulations of the acts concerning provincial administration in the Province of Åland or regulations based thereon shall apply to public authorities in the said province. This act, however, shall apply to the government authorities operating in the Province of Åland, with

stipulations defined in subsection 17 of section 30 of the Act concerning the autonomy of the Province of Åland (1144/91).

## **CHAPTER 2**

### **National Archives Service**

#### **Section 3**

The National Archives Service shall consist of the National Archives, which is subordinate to the Ministry of Education, and the provincial archives subordinate to the National Archives as regional administrative authorities.

The districts of provincial archives shall be determined by the Council of State.

#### **Section 4**

The duty of the National Archives Service is to ensure the preservation and availability of records belonging to the national cultural heritage, to promote research and to guide, develop and study archives and records administration.

#### **Section 5**

The National Archives Service and the National Archives shall be directed by a director general. The director general shall decide on the issuance of legal rules coming under the competence of the Service, and confirm the rules of procedure of the National Archives Service and those of the National Archives. Other matters to be resolved by the National Archives Service that have not been delegated to some other official by law or procedure shall also be resolved by the director general. Matters that cannot be delegated to other officials under the rules of procedure shall be decided by Government decree.

The rules of procedure of provincial archives shall be confirmed by the director of the provincial archives. The director shall resolve matters coming under the competence of provincial archives, unless the power of decision is delegated to some other official under the rules of procedure.

Further stipulations concerning the tasks, personnel, filling of posts and appointing a deputy to the director general shall be given by decree of the Council of State.

Further stipulations concerning internal administrative matters of the National Archives Service shall be prescribed in the rules of procedure.

## **CHAPTER 3**

### **Records and archives management and its organization**

#### **Section 6**

An archive consists of records received or produced by a records creator in the performance of its duties.

In this act a record is defined as a written or pictorial presentation or such an electronically or otherwise produced presentation, which can be read, heard or otherwise understood with the aid of technical equipment.

#### **Section 7**

Records and archives management shall be responsible for ensuring the availability and preservation of records, providing information services related to documents, determining the archival value of records, and the disposal of unnecessary materials.

Records and archives management shall be managed so, that it supports the functions of the records creator and the right of private persons and institutions to obtain information from records open to public inspection, that the legal rights and the privacy of private persons and institutions are duly taken into account, that the availability of documents pertaining to the legal rights of private persons and institutions is ensured and that the documents serve as sources of information in research.

The requirements of records and archives management shall be taken into account in the records administration and information service of the records creator.

#### **Section 8**

The records creator shall determine how the planning, responsibilities and practical aspects of its records and archives management shall be organized.

The records creator shall determine the retention periods and the ways of preservation of the records accumulating as a result of the execution of its duties and maintain a records schedule concerning them. In determining the retention periods of records, the specific rules and regulations concerning them shall be taken into account.

The National Archives Service shall determine which records or information therein shall be preserved permanently.

### **Section 9**

In municipalities, the organization of records and archives management shall be the duty of the municipal board. The municipal board shall appoint an official to direct records and archives management and take care of the permanently preserved records of the municipality.

The regulations of subsection 1 concerning municipalities shall also apply to municipal federations and similar collaborating bodies.

### **Section 10**

The National Archives Service shall be entitled, without the limitations set by the regulations concerning access to records, to obtain information on the records and archives management of the records creators and to inspect the records and archives management of the records creators mentioned in subsection 1 of section 1.

## **CHAPTER 4**

### **Preparation, preservation and use of records**

#### **Section 11**

Records determined to be preserved permanently shall be drawn up and the information therein shall be recorded with materials and methods appropriate for long-term preservation as separately ruled by the National Archives Service.

#### **Section 12**

Records shall be preserved safe from destruction, damage and unauthorized use. Permanently preserved records shall be stored in such archives facilities as separately ruled by the National Archives Service.

#### **Section 13**

Records which have not been determined to be preserved permanently shall be destroyed after the prescribed retention period in such a way that information security is ensured.

#### **Section 14**

Those records of records creators that have been determined for permanent preservation as stipulated in paragraph 1 of subsection 1 of section 1 shall be transferred to the National Archives, provincial archives or other archives as separately ruled by the National Archives Service. The regulations of this subsection, however, do not apply to the records created in the administration of foreign affairs and national defence.

The public authority transferring archive materials shall be responsible for the costs caused by the preservation of records prior to their transfer, their preparation for transfer and their transfer to the National Archives and the provincial archives.

The National Archives and the provincial archives may, upon entering into a separate agreement, receive records determined to be preserved permanently also from other records creators. The regulations of subsection 2 of section 17 shall apply, unless other regulations have been laid down concerning access to the transferred records.

#### **Section 15**

Records can be lent only to another public authority, the National Archives Service or other institution, in which their use is controlled and their preservation safe.

#### **Section 16**

The National Archives Service is entitled to issue regulations concerning the registration and description of records to the records creators referred to in paragraph 1, subsection 1 of section 1.

### **CHAPTER 5**

#### **Private archives**

#### **Section 17**

Private archives or documents therein can, by agreement with the owner of the archives, be taken into the preservation and care of the National Archives, provincial archives or other archives referred to in this act.

Access to private letters and other documents belonging to private archives referred to above in subsection 1 is subject to agreement with the party donating the material. Applicable parts of the stipulations of the Act on the Openness of Government Activities apply to such documents.

#### **Section 18**

The National Archives Service can maintain a register of private archives and records, which are significant for scholarly research.

### **Section 19**

If an archive in private ownership or a document therein containing scholarly or other significance is in apparent danger of being destroyed or lost or is offered for sale, the National Archives Service is entitled, within the bounds of available appropriations and at current prices, to purchase such a document or an archive, or make copies of it. A decision shall be made at the same time concerning access to the purchased material. Rules and regulations concerning access to records shall be observed where applicable.

If an archive in private ownership or a document therein of scholarly or other significance is in apparent danger of being destroyed or lost or is offered for sale, the National Archives Service is entitled, within the bounds of available appropriations and at current prices, to purchase such a document or an archive, or make copies of it. A decision shall be made at the same time concerning access to the purchased material. Stipulations of the Act on the Openness of Government Activities shall be observed where applicable.

Separate regulations have been given concerning the export of records falling under the stipulation in this section.

### **Section 20**

The National Archives Service is entitled to order a private document, collection or archives, which can be assumed to meet the requirements stipulated in subsection 1 of section 19, to be immediately transferred to the National Archives, provincial archives or some other safe storage place with a public authority until the question of a purchase or copying has been resolved in accordance with the law.

Information shall not be given to unauthorized parties from any document, collection or archives, as stipulated in subsection 1 above, during the retention period or even later, if the demand for purchase or copying has been duly rejected in accordance with the law.

### **Section 21**

No separate appeal shall be permitted concerning the temporary preservation stipulated above in subsection 1 of section 20. Appeals to rulings made by the National Archives or a provincial archives in accordance with section 19 of this act are subject to the provisions and regulations of the act concerning appeals pertaining to administrative matters (154/50).

No separate appeal shall be permitted concerning the temporary preservation order issued by the National Archives Service as stipulated above in subsection 1 of section 20. Appeals concerning rulings made by the National Archives Service under section 19 may be submitted to the Administrative Court as prescribed in the Administrative Judicial Procedure Act (586/1996).

## **CHAPTER 6**

### **Miscellaneous stipulations**

#### **Section 22**

Further stipulations concerning the implementation of this act can be given by decree.

#### **Section 23**

This act shall enter into force on 1 October 1994.

Measures required by the implementation of this act can be initiated prior to the act entering into force.

This act repeals the Archives Act (184/81) of 20 February 1981. The ruling in the repealed act concerning the regional division of provincial archives shall, however, remain in force for the time being. Furthermore, the rules and regulations laid down by the National Archives in accordance with the repealed act and the decrees based thereon concerning the permanent preservation of records, the description and registration of the records of government authorities, the preparation of permanently preserved records and archives facilities for permanently preserved records shall, however, remain in force for the time being.

Helsinki, 23 September 1994

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