

1.09 Objavljeni strokovni prispevek na konferenci
1.09 Published Professional Conference Contribution

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UPDATING ON ARCHIVES: FACTS AND INITIATIVES

Abstract:

The paper deals with the main new facts and initiatives that took place in the field of archives at the European level, such as the Ninth Annual Report of the Council on the Implementation of Regulation No 1049/2001 regarding public access to European Parliament, Council and Commission documents; the International Council on Archives new Principles of Access to Archives; the ICA Malaga International Seminar on Archives and Human Rights; and the IIAS (International Institute for Archival Science of Trieste and Maribor) international course on ICA-AtoM.

Key words:

archives, International Council on Archives, European Parliament, access to archives, IIAS, ICA-AtoM

Izvleček:

Novosti pri arhivih: dejstva ter iniciative

Prispevek predstavlja glavna nova dejstva ter iniciative, ki so se zgodile na evropskem nivoju, kot npr.: Deveto letno poročilo Sveta za implementacijo Uredbe št. 1049/2001 o dostopu javnosti do dokumentov Evropskega parlamenta, Sveta in Komisije; Načela dostopa do arhivskega gradiva, ki ga je izdal Mednarodni arhivski svet (MAS); MAS-ov Mednarodni seminar o arhivih in človekovih pravicah v Malagi; mednarodni tečaj ICA-AtoM Mednarodnega inštituta za arhivsko znanost (IIAS) Trst - Maribor.

Ključne besede:

arhivi, Mednarodni arhivski svet, Evropski parlament, dostop do arhivskega gradiva, IIAS, ICA-AtoM

As in previous years, also in 2011 some important activities in the field of archives were implemented at the European level.

In May 2011 the Council of Europe adopted the Ninth Annual Report on the Implementation of Regulation (EC) No 1049/2001, regarding public access to European Parliament, Council and Commission documents in 2010. The Report presents the regulatory, administrative and practical adjustments made by the Council to ensure compliance with the provisions of the Regulation, and gives also information on the Council's public register of documents as well as statistics on public access to documents.

The Report also highlights the most important developments made during the ninth year of implementation and reviews complaints submitted to the European Ombudsman and the rulings given by the European Union Courts in 2010 in the cases

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concerning access to the Council documentation. Contents of the Report are: Regulatory, administrative and practical measures, Analysis of application for public access, Application of exceptions to the right of public access, Key developments, Complaints lodged with the European Ombudsman and legal action taken, Final remarks, Annex on Statistics on public access to Council documents.

As reported in the Final remarks:¹

"The Council's experience in implementing Regulation (EC) No 1049/2001 in 2010 highlights the importance of its public register as a search tool for members of the public seeking to exercise their right to access to documents.

As stated in the first part of this report, visits in 2010 totaled 1.411.312, while total consultations (in numbers of screens viewed) reached 17.110.172.

As of 31 December 2010, the register listed 1 545 754 documents (all languages taken together), of which 1 163 489 (75,3 % of those registered) were public and available in downloadable format (documents in PDF or HTML format). This represented an increase of 12,7 % on the number of documents appearing in the register in 2009 ... and an increase of 11,8 % in the number of documents directly accessible via the register ... It should also be noted that 75,5 % of the Council documents produced in 2010 were made directly accessible to the public upon circulation.

Despite the growing number of documents made directly accessible to the public via the register as soon as they were circulated, there was an increase over the reference period in the number of requests (up by 3,6 %). Requests for public access mainly related to documents listed in the register.

As confirmed by the statistical data provided in the annex to this report, around 28 % of the requests for public access to Council documents which were submitted in 2010 refer to the areas of freedom, security and justice, external relations and CFSP. There is also a clearly growing interest in Council documents concerning the areas of environment and economic and monetary policy (15,1 % of the requests).

A total of 617 of the documents considered (representing roughly 7 % of the documents requested in 2010) were classified (41 as confidential UE and 576 as restraint UE). The often highly complex process of examining such documents is undertaken by the Council staff dealing with the requests as soon as they are received, as well as by officials in the various departments which produced the documents, who, within the framework of the internal consultation procedures between the "Transparency" Service and the originating services, are regularly called upon to examine the requested documents on the basis of the provisions of Regulation (EC) No 1049/2001.

In this regard, the contribution made by the Working Party on Information to the processing of confirmatory applications and the examination of complaints to the Ombudsman should also be recalled. The Working Party met on 12 occasions in 2010. Its main tasks include examining documents in respect of which a confirmatory application has been made, and examining and finalizing the Council's draft replies to such applications, which in a number of cases deal with complex issues relating to public safety, defense and military affairs, or international relations.

¹ [Http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EN_ACC_web-2011.pdf](http://www.consilium.europa.eu/uedocs/cms_data/librairie/PDF/EN_ACC_web-2011.pdf).

In 2010, the General Secretariat of the Council had recourse to the possibility of extending the time-limit for examining initial applications in 28 % of the cases. Processing time averaged 17 working days in 2010 (against 14 days in 2009). For confirmatory applications, which are examined by the Working Party on Information before referral to Coreper and the Council for approval of a the Council's confirmatory reply, the average time was 28 working days in 2010 against 26 working days in 2009.

Thorough examination of initial applications has during the previous years enabled the number of confirmatory applications to be reduced from a peak of 2.4 % in 2005 to roughly 1 % of the number of initial applications during recent years. In 2010, there were 28 confirmatory requests which correspond to 1 % of initial applications. The analysis of the processing of requests for public access and the use by members of the public of the arrangements made for them to exercise their right of public access suggest that the aims set by the Treaties and by Regulation (EC) No 1049/2001 continued to be achieved in 2010."

On May 26, 2011, the International Council on Archives-ICA released the draft of the Principles of Access to Archives, consisting of ten principles with a commentary explaining each principle, accompanied by Technical Guidelines and a Glossary of Terms.

The Principles of Access to Archives "provide archivists with an external baseline against which to measure their existing access practices and to support archivists who seek to adopt new or modify existing access rules. The Principles of Access to Archives cover both the rights of access by the public and the responsibilities of archivists in providing access to archives and to information about them. The Principles recognize that administering access may also involve restricting access based on the information contained in the archives. The Principles further recognize that in some countries several laws codify access rules that are inconsistent with each other. This is true both of laws covering archives in government custody and laws pertaining to archives in private, non-governmental bodies. Archivists actively encourage governments, parliaments and courts to harmonize access laws. The Principles apply to both government and non-government archives. Differences in the implementation of the principles for public and private archives may occur. The Principles assume that archivists are proactively involved in ensuring the transfer of permanently valuable archives to archival custody where access is more readily available to the public than it is when the archives are in the custody of the originating office. The Principles do not cover general reference service operations and standards of service delivery, nor do they cover the restrictions on access to original items for the purpose of preservation. Each Principle is accompanied by a commentary; the principles and commentary taken together constitute the Principles of Access to Archives. Following the Principles is a technical report. The report does not form part of the Principles; rather, it provides a methodology that may be used to implement the Principles and provides sample forms that may be adapted for use in various access processes."

According to this ICA draft, the Principles of Access to Archives are:²

1. The public has the right of access to archives of public bodies; both public and private entities should open their archives to the greatest extent possible;
2. Institutions holding archives make known the existence of the archives, including the existence of closed materials, and disclose the existence of restrictions that affect access to the archives;
3. Institutions holding archives adopt a pro-active approach to access;
4. Institutions holding archives ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy in accordance with cultural norms, and respect the rights of owners of private materials;
5. Archives are available on equal terms of access;
6. Institutions holding archives ensure the preservation of, and access to, records that provide evidence needed to assert human rights and to document violations of them, even if those records are closed to the general public;
7. Users have the right to appeal a denial of access;
8. Institutions holding archives ensure that operational constraints do not prevent access to archives;
9. Archivists have access to all closed archives and perform necessary archival work on them;
10. Archivists participate in the decision-making process on access.

By February 2012 the comment period on the Draft was closed, the revisions completed and sent to the Executive Board, which will consider the Draft by April 2012, while the General Assembly will consider it by August 2012. *"The intention is to have the final version adopted at our next Annual General Meeting, to be held at the Brisbane Congress in August 2012."*³

The same ICA held on November 14 to 16 in Malaga (Spain) a seminar on Archives and Human Rights. The seminar gathered not only archival professionals but also NGO's, representatives of victims' association and ordinary citizens. At the end of the seminar, Julio Neira, Director General of the Archives of the Government of Andalusia summarized some conclusions:⁴

1. *The importance of an active stance taken by all professional disciplines, which can provide an adequate defense of human rights, supporting the citizen's desire to know, and in particular the position taken by archivists, who with a definite methodology and clear regulations can advance democratic involvement, so that this involvement represents a personal belief that the public service plays an essential role in a democratic society seeking to promote transparency and responsibility in the public sphere.*

² [Http://www.ica.org/9400/news-events/principles-for-access-to-archives-give-your-opinion-now.html](http://www.ica.org/9400/news-events/principles-for-access-to-archives-give-your-opinion-now.html).

³ David Leitch, ICA Secretary General: "Challenges Facing Archives in the 21st Century: the Response of the International Council on Archives"; unpublished lecture on the occasion of the IIAS 21st International Archival Day, Trieste, Italy, November 11, 2011.

⁴ [Http://www.ica.org/11794/news-events/archives-and-human-rights-in-malaga-a-fruitful-seminar.html](http://www.ica.org/11794/news-events/archives-and-human-rights-in-malaga-a-fruitful-seminar.html).

2. *The acknowledgement of the role and value of the public record for the protection and defense of human rights and in understanding democracy to be the business of everyone, and the place that public archives -not forgetting private archives - hold, not only as guardians of memory, but as places of evidence and proof which guarantee the rights and liberties of society at all times.*
3. *The need to establish effective and binding policies that allow good management of all types of archive so that all potential users can have access to the records and information that they contain without restrictions except those laid down by law.*
4. *The proposal to establish within the International Council of Archives a working group on legal archives.*

On November 10 and 11, 2011, an ICA free usable software AtoM-Access to Memory spreading course was held in Trieste (Italy), organized by the International Institute for Archival Science of Trieste and Maribor (IIAS) at the premises of the "Abdus Salam" International Centre for Theoretical Physics. The State Archives of Trieste and the regional branch of the ANAI (Italian National Archival Association) co-managed the event. The two-days course was part of the IIAS Autumn Archival School, and followed the IIAS International Archival Day. The course intended to offer a 2-day intensive training course on ICA AtoM to young archivists already working in Central and South-Eastern European, Malaysian and Oman Sultanate archival institutions, and was an extension of the 2011 edition of the Autumn Archival School. Target of the course was acquiring a working tool rigorous from a scientific perspective and free of charge, in order to improve a better management of the archives with an internationally shared tool, and a dissemination of ICA AtoM in countries where it is not in use in order to let archival institutions to use ICA AtoM to save money on software.

Moreover, by using ICA AtoM archival institutions will be able to create finding aids fully compliant with ICA standards on archival description. By experimenting the use of ICA Atom, international archivists will be also able to contribute to a better international cooperation in the field of archives. The course was held by Ms. Adele Torrance (UNESCO), whose skillfulness and easiness in presenting the ICA Atom software in its very details was very much appreciated by the audience. She could help the participants in having a complete understanding of the software, leading them to a final good managing of AtoM.

Last but not least, the presentation of the Italian National Archival System (SAN-Sistema archivistico nazionale italiano) took place in Pescara (Italy) on December 17, 2011. For further information about this event, please refer to Grazia Tatò's lecture in the present issue.

POVZETEK

NOVOSTI PRI ARHIVIH: DEJSTVA TER INICIATIVE

Kot v preteklih letih je bilo tudi v letu 2011 izvedenih na arhivskem področju nekaj pomembnih dejavnosti na evropski ravni.

Maja 2011 je Evropski svet prejel Deveto letno poročilo o uvajanju Uredbe (EC) št. 1049/2011 o javnem dostopu do dokumentov Evropskega parlamenta, Sveta in Komisije v letu 2010. Poročilo predstavlja regulativne, administrativne in praktične prilagoditve, ki jih je Svet opravil z namenom, da uresniči določbe Uredbe. Poročilo prav tako daje informacije o javnem registru dokumentov in tudi o statistiki dostopa javnosti do dokumentov.

26. maja 2011 je MAS izdal osnutek Načel za dostop do arhivskega gradiva, sestavljen iz desetih načel s komentarji, ki dodajajo razlago vsakemu izmed načel ter so opremljeni tudi s tehničnimi navodili in slovarjem izrazov. Rok za oddajo komentarjev je bil februar 2012, njihove revizije so bile poslane Izvršilnemu odboru, ki bo osnutek pregledal do aprila 2012, medtem ko ga bo Splošna skupščina pregledala do avgusta 2012.

Od 14. do 16. novembra je MAS v Malagi (Španija) organiziral seminar na temo arhivskega gradiva in človekovih pravic. Na seminarju se niso zbrali le arhivski strokovnjaki, ampak tudi predstavniki nevladnih organizacij, predstavniki združenj žrtev in ostali državljani. Ob koncu seminarja je Julio Neira, generalni direktor vladnega arhiva Andaluzije, podal zaključke.

10. in 11. novembra 2011 je Mednarodni inštitut za arhivsko znanost Trst - Maribor organiziral MAS-ov tečaj uporabe programske opreme AtoM - Access to Memory. Soorganizatorja dogodka sta bila tudi Državni arhiv v Trstu in pokrajinska veja Italijanskega narodnega arhivskega združenja. Dvodnevni tečaj je bil del jesenske arhivske šole in je sledil IIAS-ovemu mednarodnemu arhivskemu dnevju. Namen tečaja je bil predstaviti mladim arhivistom preko dvodnevnega intenzivnega dela ICA-AtoM.