

THE PRIME MINISTER OF THE CZECH REPUBLIC  
hereby approves the publication of  
amended and consolidated Act No. 499/2004 Coll.  
on archives and records management and on the amendment to some other acts arising from  
amendments implemented by Act No. 413/2005 Coll., Act No. 444/2005 Coll., Act No.  
112/2006 Coll., Act No. 181/2007 Coll., Act No. 296/2007 Coll., Act No. 32/2008 Coll., and  
Act No. 190/2009 Coll.

## **A C T**

### **on the Archives and Records Management**

The Parliament has adopted the following Act of the Czech Republic:

#### PART ONE

#### ARCHIVES AND RECORDS MANAGEMENT

#### TITLE I

#### INTRODUCTORY PROVISIONS

##### Section 1

##### **Scope of Application**

This Act shall regulate

- a) selection, register and classification of archival records;
- b) protection of archival records;
- c) rights and obligations of owners of archival records;
- d) rights and obligations of holders and administrators of archival records (hereinafter referred to as the “holder of archival records”);
- e) utilisation of archival records,
- f) processing of personal data for the purposes of archival records;
- g) the system of archives;
- h) rights and obligations of archives founders;
- i) records management;
- j) competences of the Ministry of the Interior (hereinafter referred to as the “Ministry”) and other administrative authorities involved in archiving and execution of records management;
- k) administrative infractions.

##### Section 1

##### **Definition of Terms**

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

- a) “archiving” means a field of human activities focusing on care of archival records as part of national cultural heritage and meeting administrative, information, scientific and cultural functions;
- b) “archives” means a facility under this Act serving for storage of archival records and for maintaining them;
- c) “agency” means any entity being an author of the relevant record;
- d) “record” means any item of written, video, audio or in any other way registered information, either in an analogue or digital form, which was created by an agency or was delivered to an agency;
- e) “archival record(s)” means a record which has been (due to the period of its establishment, content, origin, external signs and permanent value stemming from its political, economic, legal, historical, cultural, scientific or informative importance) selected in the public interest for permanent storage and has been included in the registers of archival records; archival records shall be also seal-matrices, stamps or other material objects relating to the archival fonds or archival collections which were (due to the period of their establishment, content, origin, external signs and permanent value stemming from their political, economic, legal, historical, cultural, scientific or informative importance) selected in the public interest for permanent storage and have been included in the registers of archival records;
- f) “selection of archival records” means assessment of the value of records and decision upon their selection among archival records and inclusion in the registers of archival records;
- g) “archival fonds” means a set of archival records, established by selection of records created by means of activities of a certain natural or legal person, an organisational unit of the state or a self-governing territorial unit;
- h) “archival collection” means a set of archival records interconnected by one or more common signs;
- i) “finding aid” means an information system developed during arrangement of archival records and serving for registering and retrieving the content and indicating the scope of time of archival fonds, collection of archival records or parts thereof;
- j) “arrangement of archival records” means classification, breakdown and inventory of archival records;
- k) “performance of records management” means professional management of records created by activities of an agency and/or by activities of their legal ancestors including their due delivery, registering, distribution, circulation, administration, creation, signing, dispatching, storing and setting aside within the appraisal process, including checks of all activities herein;
- l) “registry” means a place designated for storing, finding and/or retrieving and submitting records for the requirements of an agency, and for their discarding;
- m) “records centre” means a party (or an agency) designated for supervision over records management of an agency and for storing, finding and/or retrieving and submitting any records the retention period of which shall not exceed five years;
- n) “metadata” means the data describing coherency, content and structure of records and their management during the time;
- o) “Records Management Rules ” means an internal provision laying down basic rules for record management and the appraisal process;
- p) “classification code” means a reference which separates records into specific groups for the purpose of their future location, storing and discarding;
- q) “disposition mark ” means a reference to the record under which the record is assessed within the appraisal process;

- r) “retention period” means a time limit to the extent of which the record shall be stored with the agency;
- s) “employee” means a person having a service contract or employment contract or any other similar contract with the given entity.

## TITLE II

### ARCHIVING

#### *Chapter 1*

#### *Selection of Archival records and Their Registering*

### **Selection of Archival records**

#### Section 3

(1) An obligation to store records and allow selection of archival records shall apply to

- a) organisational units of the state;
- b) armed forces;
- c) security forces;
- d) state organisations receiving contributions from the state budget;
- e) enterprises in public ownership;
- f) territorial self-governing units;
- g) organisational units of territorial self-governing units if they create records referred in Annex 1 or 2 hereto;
- h) legal entities established or founded by territorial self-governing units if they create records referred in Annex 1 or 2 hereto;
- i) higher education institutions;
- j) schools and school facilities with the exception of kindergartens, educational and boarding facilities and school canteens (hereinafter referred to as “schools”);
- k) health insurance companies;
- l) public research institutions;
- m) legal entities established by virtue of law;
- n) public notaries;

(hereinafter referred to as “public agencies”).

(2) An obligation to store records and allow selection of archival records upon conditions stipulated herein shall apply accordingly to

- a) entrepreneurs registered in the Register of Companies in the case of records listed in Annex 1 hereto;
- b) political parties, political movements, civic associations, trade unions, employers’ organisations, churches and religious societies, occupational chambers, foundations, foundation funds, and benevolent societies;

(hereinafter referred to as “private agencies”).

(3) Selection of archival records shall be made by archives within its scope of competences (hereinafter referred to as “competent archives”).

#### Section 4

A criterion for selection of archival records shall be their permanent value with regards to

- a) the time of their origin;
- b) content;
- c) origin;
- d) external signs.

#### Section 5

(1) According to the time of origin competent archives shall select the following records:

- a) records originated by or before 1850;
- b) records pertaining to industrial or agricultural production, loan and insurance systems, financial sector, mining, business undertaking, including patents for important inventions, originated by or before 1900;
- c) photographic documents originated by or before 1900;
- d) audio documents originated by or before 1930;
- e) film documents originated by or before 1930.

(2) According to their content competent archives shall select the records having a permanent value arising from by their political, economic, legal, historical, cultural, scientific, or informative importance; records listed in Annex 2 hereto shall always be submitted for selection.

(3) According to their origin competent archives shall select the records having a permanent value with regard to their importance, function or status of their agency.

(4) According to external signs competent archives shall select the records having a permanent value with regard to their artistic value, language, calligraphy, writing material, production manner and/or other suchlike features.

#### Section 6

(1) The selection of archival records from among records of an agency shall be made by competent archives either within or outside of the appraisal process.

### **Selection of Archival records within the Appraisal process**

#### Section 7

(1) The selection of archival records within the appraisal process shall be made by competent archives from among records of public agencies, records of their legal ancestors and records of private agencies if such agencies have established private archives. The selection of archival records within the appraisal process shall be made also from among records of public agencies stored with their legal successors who are not public agencies.

(2) The selection of archival records within the appraisal process shall be made by competent archives from among records of a private agency if this is so requested by the relevant private agency.

(3) The appraisal process shall be a procedure within which the records whose retention period has lapsed and which are not further necessary for activities carried out by the agency shall be set aside.

(4) Agencies or their legal successors shall be responsible for due execution of the appraisal process. The said entities shall be obliged to allow competent archives to supervise the appraisal process and selection of archival records within the appraisal process.

#### Section 8

(1) The appraisal process shall be executed within one calendar year following the lapse of a retention period of a relevant record. The appraisal process may be, after agreement with competent archives, executed later if the entity referred to in Section 7 (4) needs such records for their activities.

(2) The appraisal process shall be executed in compliance with a proposal for discarding. The entity referred to in Section 7 (4) shall send an appraisal proposal to the competent archives to be assessed and shall select archival records. The entity referred to in Section 7 (4) shall establish an Appraisal Commission to execute the required appraisal process.

(3) The appraisal process shall always be executed when a public agency is dissolved. If it is not possible the selection of archival records shall be made outside of the appraisal process.

#### Section 9

(1) An appraisal proposal prepared by the entity referred to in Section 7 (4) shall encompass

- a) the name of the entity referred to in Section 7 (4);
- b) a list of records proposed for the appraisal process and the time of their origin;
- c) a date proposed for appraisal;

(2) The implementing legal regulation shall lay down details of the appraisal process and procedure for discarding records.

#### Section 10

(1) Upon the appraisal process competent archives shall draw up a protocol on appraisal.

(2) The protocol pursuant to paragraph 1 shall encompass

- a) a list of records or files of records which have been selected as archival records;
- b) inclusion of an archival record in the relevant category;
- c) the place where an archival record shall be stored; and
- d) a list of records which may be destroyed.

(3) If the entity referred to in Section 7 (4) does not agree with the content of the protocol referred to in paragraph 1 they may challenge it at an administrative authority responsible for archiving and performance of records management within 15 days from the date of the protocol delivery. The administrative proceedings shall commence with the raising of such an objection.

(4) The entity referred to in Section 7 (4) may destroy records selected within the appraisal process for destruction and included in the list of records under paragraph 2 (d) after the time limit for presenting challenges under paragraph 3 lapses, and if such challenges were presented, then after the respective administrative proceedings are completed.

### **Selection of Archival records Outside of the Appraisal process**

#### Section 11

(1) The selection of archival records outside of the appraisal process shall be made by competent archives from among records

- a) of a private agency;
- b) of the agency referred to in Section 7 (1) which have not been selected within the appraisal process;
- c) offered by their owner to the Czech Republic or any other establisher of public archives to be purchased or to be taken into custody;
- d) found.

(2) The selection of archival records outside of the appraisal process pursuant to paragraph 1 (a) and (c) shall be made upon the request of the agency or the owner of the relevant record. The agency or the owner of the relevant record shall agree with competent archives on dates for filing an application for selection of archival records outside of the appraisal process; if the agency has been abolished, entered a winding up procedure or is bankrupt, the agency shall apply forthwith for selection of archival records outside of the appraisal process.

(3) The selection of archival records outside of the appraisal process pursuant to paragraph 1 (b) and (d) and in cases when the agency ceases its existence without a legal successor, shall be made *ex officio*.

(4) The selection of archival records outside of the appraisal process pursuant to paragraph 1 (b) shall be made by that archives which would have been competent for selection of archival records within the appraisal process.

(5) Records deposited in museums, libraries, galleries, memorials, public research institutions and higher education institutions (hereinafter referred to as “cultural and/or scientific institutions”) as a consequence of activities relating to their acquisition and collection satisfying the criteria pursuant to Sections 4 and 5, or those listed under Annex 2 hereto and registered as archival records shall be deemed to be archival records selected outside of the appraisal process.

## Section 12

(1) After termination of selection of archival records outside of the appraisal process the competent archives shall draw up a protocol on selection of archival records outside of the appraisal process, encompassing details referred to in Section 10 (2) (a) to (c).

(2) Should archival records be selected outside of the appraisal process and executed *ex officio*, the competent archives shall determine the storage location of the archival record in question.

3) After the completion of selection of archival records outside of the appraisal process, executed upon the request of the owner of the record concerned, the competent archives shall determine where that an archival record will be stored only with the consent of the owner of the archival record.

(4) If the agency or the owner of the record in question does not agree with the content of the protocol on the selection of archival records outside of the appraisal process they may challenge it at an administrative authority responsible for archiving and performance of archival records management within 15 days from the date of the protocol delivery. The administrative proceedings shall be commenced by the raising of such an objection.

## Joint Provisions for Selection of Archival records

### Section 13

(1) As regards records encompassing classified information<sup>2</sup> only records suggested for discarding and destruction may be included in the appraisal process; with regard to other records the selection of archival records may be executed after the degree of confidentiality is waived. The selection of archival records with a degree of confidentiality that has not yet been waived or may not be waived shall be made by competent security archives.

(2) As regards records encompassing commercial<sup>3</sup>, banking<sup>4</sup> or similar classified information, such records may be submitted for the selection of archival records within or outside of the appraisal process only with the previous consent of the person whose information is the subject of the protection of classified information. The protection of commercial, banking or similar classified information shall not be prejudiced by the selection of such records to become archival records.

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<sup>2</sup> Act No. 412/2005 Coll. on the Protection of Classified Information and Security Clearance

<sup>3</sup> Section 17 of the Commercial Trade, as amended

<sup>4</sup> Section 38 of Act No. 21/1992 Coll. on Banks, as amended

(3) The consent of a natural person to the selection of archival records from among records including personal data, and to their permanent storage, shall not be required under the special legal regulation.<sup>5</sup>

(4) When selecting archival records within or outside of the appraisal process, the person making such a selection of archival records shall be entitled, with the consent of the agency or owner, to enter premises, property or other facilities if the selection of archival records may not be made by any other manner. If the owner of the record concerned is not the owner of the premises, property or other facility where the record is being stored, the selector may enter such premises only with the consent of their owner.

(5) Digital records earmarked for the appraisal process shall be furnished with metadata in compliance with the national standard for electronic systems of archival records management. If it is not the case then after closing the file the records shall be converted to analogue form (Section 69a). Requisites of the records under the first sentence shall be laid down in the implementing legal regulation.

(6) Records shall be submitted for selection within or outside of the appraisal process to the competent archives regardless of storage location.

#### Section 14

(1) Employees of administrative authorities responsible for archiving and records management, employees of archives and their founders shall be obliged to refrain from any disclosure of information acquired in the performance of their duties under this Act. They may be released from this obligation only by the relevant administrative authority responsible for archiving and records management; any such release must be in writing and must state the scope and the purpose of the release. The duty of confidentiality stipulated by special legal regulations<sup>6</sup> shall hold no bias or prejudice.

(2) If a legal entity is a founder of the archives the duty to refrain from any disclosure of information pursuant to paragraph 1 shall apply to natural persons who, due to their employment, job or similar position in the legal entity concerned, came across the classified data.

(3) The persons concerned shall remain bound by the obligation to refrain from any disclosure of information after termination of their service contract, employment contract or any other similar contract.

#### Section 15

(1) The records selected as archival records for permanent storage in any archives shall be delivered to the designated archives by the agency or the owner upon the protocol on

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<sup>5</sup> Section 5(2) and Section 9 of Act No. 101/2000 Coll. on the Protection of Personal Data and on the Amendment to Some Other Acts, as amended

<sup>6</sup> For example: Act No. 218/200 Coll. on the Service of Civil Servants in Administrative Authorities and on Remuneration of Such Servants and other Employees in Administrative Authorities (the Civil Service Act), as amended, Act No. 312/2002 Coll. on Officials of Territorial Self-governing Units and on the Amendment to Some Other Acts, as amended, Act No. 531/1990 Coll. on Territorial Financial Authorities, as amended, Act No. 89/1995 Coll. on the State Statistical Service, as amended, and Act No. 361/2003 Coll. on the Service of Members of Security Forces.

execution of the appraisal process, or the protocol on the selection of archival records outside of the appraisal process. Such a delivery shall be officially registered.

(2) Archival records in the ownership of the Czech Republic and archival records in the ownership of territorial self-governing units or any other public agencies shall be stored in public archives. Archival records obtained by acquisition or collection activities of a cultural and/or scientific institution shall be stored in such an institution.

(3) A competent archives may, upon the request of the agency, provide a permanent discarding consent applying to specified types of records, which may be destroyed without the selection of archival records either within or outside of the appraisal process. If the agency does not comply with conditions set out in the permanent discarding consent the competent archives may withdraw from such consent *ex officio*. If the agency is wound up or ceases to exist the aforementioned permanent discarding proposal shall not pass to the legal successor.

## **Registering of Archival records**

### Section 16

(1) After the selection of archival records, those selected items are listed in the registers of archival records.

(2) Archival records registered in the Czech Republic shall establish the National Archival Heritage. The National Archival Heritage is listed in basic, secondary and central archival records. A basic registering unit is archival fonds, archival collection or the part thereof, or individual archival records.

(3) Basic registers of the National Archival Heritage including registers of all acquisitions of and decreases in numbers of archival records, registering cards of the National Archival Heritage and registers of finding aids shall be maintained by archives and by cultural and/or scientific institutions managing archival records. Archives and cultural and/or scientific institutions shall include basic registering units in basic registers of the National Archival Heritage, after the selection of archival records.

(4) Basic registers of a part of the National Archival Heritage stored outside archives and cultural and/or scientific institutions shall be maintained by the National Archives (Section 46) or regional state archives (Section 49) in compliance with their scope of competence.

(5) Secondary registers of the National Archival Heritage stored in archives and cultural and/or scientific institutions, including registering cards of the National Archival Heritage and registers of finding aids, shall be maintained by the National Archives and the regional state archives in compliance with their scope of competence. Archives and cultural and/or scientific institutions shall be obliged to provide the archives, which maintain the secondary registers, with data from the registering cards of the National Archival Heritage and from registers of finding aids, and also to forward to archives duplicates of their finding aids.

(6) Central registers of the National Archival Heritage, including registering cards of the National Archival Heritage and registers of finding aids shall be maintained by the Ministry.

Archives and cultural and/or scientific institutions maintaining basic registers shall be obliged to provide data from the registering cards of the National Archival Heritage and from registers of finding aids to the Ministry, and also to forward duplicates of their finding aids to the archives.

#### Section 17

(1) All archival records of the National Archival Heritage are maintained as hard copies or electronic media or in combination of the above forms, and are forwarded in the same form. Basic registers of the National Archival Heritage shall always be maintained also as hard copies.

(2) The Ministry shall discard from the archival records of the National Archival Heritage

- a) archival fonds or archival collections if their importance is reassessed;
- b) archival fonds, archival collections or archival records that have been destroyed;
- c) archival fonds, archival collections or archival records that have been transferred abroad.

(3) Archives and cultural and/or scientific institutions shall discard an archival record maintained in basic registers from archival records because its importance has been reassessed.

(4) A proposal for setting aside archival records from registers of the National Archival Heritage pursuant to paragraph 2 shall be submitted by entities maintaining archival fonds, archival collections or archival records in their basic registers.

(5) A proposal pursuant to paragraph 4 shall include

- a) the name of the entity submitting the proposal;
- b) the name of the archival fonds, archival collections or archival records;
- c) the reason for discarding of the archival fonds, archival collections or archival records;
- d) a duplicate of the current registering card of the National Archival Heritage, archival fonds or archival collections which are subject of discarding, or of the archival fonds or archival collections to which the archival records to be discarded belong.

#### Section 18

(1) The Ministry shall maintain registers of all archival records, archival fonds, or archival collections or comprehensive parts thereof declared as Archival Cultural Relics or National Cultural Relics. Archives where these records, fonds, or collections (or comprehensive parts thereof) are stored shall maintain them in special registers. Special registers shall encompass

- a) description of basic features of archival records, archival fonds, or archival collections or comprehensive parts thereof;
- b) the data on when archival records, archival fonds, or archival collections or a comprehensive part thereof were declared to be Archival Cultural Relics or National Cultural Relics; and
- c) the data on where archival records, archival fonds, or archival collections or a comprehensive part thereof are stored.

(2) The Ministry shall record archives and cultural and/or scientific institutions maintaining basic registers of the National Archival Heritage. When maintaining such records the Ministry shall be entitled to learn about, process and maintain the following data:

- a) the name and seat of archives or a cultural and/or scientific institution;
- b) the name, seat and the identification number of the legal person that is a founder of the entity or facility referred to in letter a) or meets a function of a founder with respect to such entities;
- c) the name, surname, the date of birth and the place of permanent residence of a natural person if that person is a founder of the entity or facility referred to in letter a).

(3) When maintaining archival records under this Act the Ministry, the National Archives, the Archives of Security Forces and regional state archives shall be entitled to learn about, process and maintain the data on agencies, owners or holder of archival records in the scope as follows:

- a) the name(s), surname, the place of permanent residence and the date of birth, in the case of a natural person, or
- b) the name, identification number and the seat in the case of a legal entity.

#### Section 18a

(1) Should a founder of an archives cease to exist without any legal successors the Ministry shall designate a public archives where archival records will be deposited.

(2) The Ministry shall decide, upon the proposal of an archives and/or its founder, on merging archival fonds or archival collections and on their storage location.

#### Section 19

The implementing legal regulation shall lie down

- a) the manner of maintaining basic, secondary and central register;
- b) the manner of transferring data from basic registers to secondary and central registers;
- c) the manner of maintaining registers of archival records or archival fonds or comprehensive parts thereof declared as Archival Cultural Relics or National Cultural Relics;
- d) the procedure and the manner of setting aside archival records from registers;
- e) the manner of maintaining finding aids, types of finding aids, their structure and content and the manner of dispatching and registering duplicates of finding aids.

### *Chapter 2*

#### *Classification of Records*

#### Section 20

(1) When being selected archival records shall be included in Categories I and II.

(2) Archival records to be included in Category I are listed in Annex 3 hereto. Other archival records shall be of Category II.

(3) Archival records may be declared as Archival Cultural Relics or National Cultural Relics.

(4) A founder of an archives or a cultural and/or scientific institution storing archival records of Category I shall ensure production of

- a) copies of archival records whose features and manner of arrangement guarantee the longest preservation and suitability for long-term storage (hereinafter referred to as a “security copy”);
- b) copies of archival records specified for work by users.

This obligation shall not apply to audiovisual archival records stored in the National Film Archives.

(5) The implementing legal regulation shall lay down how archival records shall be marked within individual storing categories and how they shall be cared for.

## Section 21

### **Declaration for an archival record to become a Cultural Archival Relic**

(1) The following may be declared to become an Archival Cultural Relic: an archival record, archival collection, archival fonds or comprehensive parts thereof which, with regard to the period of origin, content, form, agency or external signs, is important for general, national or regional history, history of technology or culture; or with respect to uniqueness or originality or to other types of singular features, its significance is exceptional for society. As regards archival records, their content and factual unity is always taken into account.

(2) An application for an archival record, archival collection, archival fonds or comprehensive parts thereof to be declared as a Cultural Archival Relic may be filed by

- a) an archives or a cultural and/or scientific institution where the archival records concerned are stored;
- b) an archives maintaining such archival records in basic or secondary registers;
- c) an owner of an archival record.

(3) An application for an archival record, archival collection, archival fonds or comprehensive parts thereof to be declared as a Cultural Archival Relic shall include

- a) the name and time determined as a time of origin of an archival record, archival collection, archival fonds or comprehensive parts thereof;
- b) registering data about an archival record, archival collection, archival fonds or comprehensive parts thereof;
- c) justification of the application according to the criteria referred to in paragraph 1;
- d) the condition of an archival record, archival collection, archival fonds or comprehensive parts thereof and information on whether relevant security copies or copies for users have been made;
- e) the name of an archives if the application is filed pursuant to paragraph 2 (a) and (b);

- f) the name, surname, the date of birth and the place of permanent residence of the owner of the archival record, archival collection, archival fonds or comprehensive parts thereof, if the owner is a natural person;
- g) the name, identification number and the seat of the owner of the archival record, archival collection, archival fonds or comprehensive parts thereof, if the owner is a legal entity.

(4) The Ministry shall pass decision on the application for an archival record, archival collection, archival fonds or comprehensive parts thereof to be declared as an Archival Cultural Relics according to the criteria referred to in paragraph 1.

(5) An owner of an archival record, archival collection, archival fonds or comprehensive parts thereof which are subjects to the proceedings on declaring them to be Archival Cultural Relics shall be, from the date on which such proceedings were commenced until such time as the decision adopted by the Ministry comes into effect, obliged to

- a) notify the Ministry in writing in advance of each intended change concerning storage of the items in question or transfer title to them;
- b) notify the Ministry, without undue delay, on passage of title to such archival records.

(6) The Ministry may cancel any declaration concerning archival records to become Archival Cultural Relics if their importance is reassessed. The proposal for such cancellation shall be filed by entities referred to in paragraph 2; the Ministry may also cancel any declaration concerning archival records to become Archival Cultural Relics without any prior proposal.

(7) The proposal for cancellation of the declaration concerning archival records to become Archival Cultural Relics shall encompass

- a) the name and registering data on an Archival Cultural Relic;
- b) justification of cancellation of the declaration concerning archival records to become Archival Cultural Relics due to reassessment of its importance.

## Section 22

### **Declaration for an archival record to become a National Cultural Relic**

The Government may, by means of its Regulation, declare a Cultural Archival Relic to become a National Cultural Relic.<sup>11</sup>

## *Chapter 3*

### *Protection of Archival records, Rights and Obligations of an Owner and Holder of Archival records*

## Section 23

(1) Archival records in the ownership of the Czech Republic or legal entities established by virtue of law may not be transferred to any other person unless stipulated otherwise by the special legal regulation.<sup>12</sup>

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<sup>11</sup> Act No. 20/1987 Coll. on State Care for National Heritage, as amended

<sup>12</sup> For example Act No. 403/1990 Coll. on Mitigating Consequences of Certain Property Injustices, as amended

(2) Archival records in the ownership of the Czech Republic or legal entities established by virtue of law may be transferred abroad if so stipulated by the Government Regulation.

(3) Archival records in the ownership of the Czech Republic or legal entities established by virtue of law may be transferred for utilization by legal or natural persons only with the previous consent of the Ministry. The Ministry shall grant such consent only if natural or legal persons are able to meet conditions stipulated herein in order to protect archival records and to take due care of them

## **Rights and Obligations of an Owner and Holder of Archival records**

### Section 24

(1) An owner or a holder of an archival record shall have the right to free information and advisory services concerning the care of archival records. Such services shall be provided by the National Archives or by regional state archives.

(2) An owner of archival records which are not stored in a public archives and at the same time archival records are not in ownership of the Czech Republic, a legal entity established by virtue of law or a territorial self-governing unit shall be entitled to receive, in the context of declaration of a record to be an archival record, a one-off public contribution for the record declared as an archival record. The owner shall claim this within three months of the date of the record's selection as an archival record, otherwise the claim shall expire. The contribution shall be applied for in writing at the Ministry through relevant regional state archives or the National Archives, which maintains such archival records in either basic or secondary registers.

(3) The amount of the public contribution pursuant to paragraph 2 shall be laid down in the implementing legal regulation taking into account expenditure of an owner of archival records for making copies of such archival records, the possible loss of profits or any other expenditure incurred in the context of selecting a record as an archival record.

(4) An owner of archival records, with the exception of the Czech Republic, a legal entity established by virtue of law or a territorial self-governing unit, whose archival records are not stored in a public archives shall have the right to compensation of necessary expenditure arising from the care of archival records as stipulated by law. This compensation shall be applied for in writing at the Ministry through the National Archives or regional state archives that maintain such archival records in either basic or secondary registers. The owner shall apply for compensation within six months of date of expenditure being incurred; otherwise the claim shall expire.

### Section 25

(1) An owner or a holder of an archival record shall be obliged to

- a) take due care of archival records with the aim of maintaining archival records in good condition, protecting them from any damage, devaluation, destruction, loss or theft and

using archival records only in compliance with their condition;

- b) inform the National Archives or relevant regional state archives in advance and forthwith of each intended transfer of title to archival records or intention to enter into agreement regarding their custody.

(2) An owner or a holder of an archival record stored independently of the archives and maintained in the basic registers of the National Archival Heritage of at the relevant archives according to the scope of its competence shall be obliged to forward to those archives, upon request, data required for maintaining such registers.

#### Section 26

(1) An owner or a holder of an archival record may give an archival record into custody upon a written agreement on custody. The period, during which an archival records in custody, the custodian shall be conferred on the rights and obligations of the owner or holder pursuant to Section 24 (1), Sections 25, 27, 29, 30 and 32.

(2) A custodian may give the archival records concerned into the custody of another party only with the written consent of the owner or holder of the said archival records. The provisions of paragraph 1 shall apply accordingly.

#### Section 27

(1) Upon the request of an owner or holder of an archival record who is unable to ensure its protection and due professional care, and whose records are not stored in public archives or cultural and/or scientific institutions, the National Archives or relevant regional state archives shall

- a) provide an owner or a holder of an archival record with free professional assistance; or
- b) deposit those archival records for a fixed period in the National Archives or relevant regional state archives.

(2) If the National Archives or regional state archives shall affirmatively dispose of the application of an owner or a holder of an archival record pursuant to paragraph 1 (b) in full extent it shall not issue any administrative decision.

(3) If the archival record concerned was deposited in the National Archives or the relevant regional state archives for reasons that cease to exist, the National Archives or the relevant regional state archives shall forthwith render the archival record concerned to its owner or a holder upon their request.

#### Section 28

#### **Transfer of Archival records**

(1) If any owner of an archival record intends to transfer such an archival record in his/her possession to any other person, the Czech Republic shall have the right of the first refusal unless the transfer is:

- a) between close relatives, co-owners, religious legal entities of the same church or the same religious society;
- b) to the ownership of a territorial self-governing unit;
- c) to the ownership of a legal entity established by virtue of law; or
- d) to the enterprise in public ownership or the public organization receiving contributions from the state budget.

(2) An owner of an archival record shall be obliged to offer the archival record to the Czech Republic in writing pursuant paragraph 1 through the National Archives, the Archives of Security Forces or the relevant regional state archives.

(3) An owner shall be obliged to submit to the check of the archival record in question by an authorised employee of the National Archives, the Archives of Security Forces or the relevant regional state archives for the purpose of describing or making a photocopy of the archival record to comply with the draft purchase agreement. Such a check must be made within 30 days from filing the request. If the check is not made within the stipulated period due to reasons on the owner's side, the time limit for submission of the draft purchase agreement pursuant to paragraph 4 shall be extended by 30 days and the time limit for carrying out the check of the archival record shall be subsequently reset to run for a further 30 days.

(4) If the Czech Republic exercises the right of the first refusal, the National Archives, the Archives of Security Forces or the relevant regional state archives shall submit, within 90 days from the date on which a written offer to the owner of the archival record was duly delivered, the draft purchase agreement. The draft purchase agreement shall contain the description or a photocopy of the archival record concerned, the proposed price and the time limit for payment. This time limit shall not exceed 30 days from the date of entering into the purchase agreement unless the owner of the archival record concerned proposes a longer time limit.

(5) If the National Archives, the Archives of Security Forces or the relevant regional state archives do not submit the draft purchase agreement to the owner of the archival record concerned within the time limit stipulated herein, the right of the first refusal of the Czech Republic with regard to the purchase of the archival record concerned shall become void.

## Section 29

### **Export of Archival records**

(1) Archival records may be exported from the Czech Republic only on the basis of the approval of the Ministry issued upon the request of an owner or a holder of the archival record to be exported.

(2) The Ministry may issue a certificate for exporting archival records from the Czech Republic only for a fixed period and only for the following reasons:

- a) an exhibition;
- b) conservation;
- c) restoring;
- d) scientific research.

(3) An owner or a holder of an archival record shall be entitled to export an archival record only for the purpose stipulated in the certificate issued by the Ministry. An owner or a holder of an archival record shall be obliged to import the undamaged archival record back to the Czech Republic within the time limit specified by the Ministry.

(4) The Ministry may in its certificate impose on an owner or a holder of an archival record the obligation to deposit a financial guarantee for meeting the conditions referred to in paragraph 3. The financial guarantee shall devolve on the Czech Republic if an owner or a holder of an archival record has not respected the conditions stipulated in the certificate.

(5) The Ministry shall not issue a certificate if conditions of due care for the archival record and conditions of its protection under this Act have not been satisfied or the export is prevented by the condition of the archival record to be exported.

(6) An archival record which is subject to the proceedings on declaring the record to become a Cultural Archival Relic or a National Cultural Relic may not be exported from the Czech Republic until the final decision on such a declaration is adopted.

(7) An archival record declared as a National Cultural Relic may be exported from the Czech Republic only for a fixed period and with the previous consent of the Government, and then only to display or to restore it.

(8) The Ministry shall maintain registers of issued certificates for exports of archival records from the Czech Republic and check whether archival records were or were not damaged and within the specified time limit imported back to the Czech Republic.

## **Protection of Cultural Archival Relics and National Cultural Relics**

### **Section 30**

(1) After an archival records declared as a Cultural Archival Relic the owner or the holder shall make a security copy of such an archival record within 90 days from the date on which the decision [on declaring the archival record to become an Archival Cultural Relic] entered into effect. The holder shall bear all the costs of making a security copy.

(2) Archival Cultural Relics and National Cultural Relics shall be registered in archival collections or archival fonds they are a part thereof. A special plan, which part of the security recordation of the premises, is made for their storing.

(3) Archives and cultural and/or scientific institutions, where Archival Cultural Relics and National Cultural Relics, are stored shall, at least once a year, review the physical condition of such records. They shall provide information on the results of this review in writing to the Ministry within 30 days from the date of the said review. In cases where a Cultural Archival Relic or National Cultural Relic is endangered, damaged, devaluated,

destroyed, lost or stolen the relevant archives or a cultural and/or scientific institution shall forthwith inform the Ministry thereof.

(4) As regards Archival Cultural Relics and National Cultural Relics which are stored in archives or cultural and/or scientific institutions, the relevant archives which maintains basic or secondary registers shall carry out inspection of their physical condition at least once a year. It shall provide information on results of this inspection in writing to the Ministry within 30 days. If the inspection reveals that the relevant Archival Cultural Relics and National Cultural Relics are endangered, damaged, devaluated, destroyed, lost or stolen it shall forthwith inform the Ministry thereof.

(5) Damaged or endangered Archival Cultural Relics and National Cultural Relics shall be forthwith conserved or restored. The owner or the holder shall be obliged to ensure their conservation or restoration, however only on the basis of an approval of and in the manner determined by the Ministry.

### Section 31

(1) An owner of a Cultural Archival Relic or a National Cultural Relic which is not stored in any public archives and it is not a Cultural Archival Relic and National Cultural Relic in the ownership of the Czech Republic, a legal entity established by virtue of law or a territorial self-governing unit, shall be entitled to receive, in the context of declaration of an archival record to be a Cultural Archival Relic and National Cultural Relic, a one-off public contribution for such a record declared as an archival record. The owner of a Cultural Archival Relic and National Cultural Relic shall claim this contribution within three months from the date on which the archival record was declared to become of an Archival Cultural Relic, or within three months from the date on which the Government Regulation on declaring the archival record to become a National Cultural Relic came into effect; otherwise the claim shall expire. The contribution shall be applied for in writing at the Ministry through regional state archives, the Archives of Security Forces or the National Archives depending on which maintains such archival records in either basic or secondary registers.

(2) The amount of the public contribution pursuant to paragraph 1 shall be laid down in the implementing legal regulation, taking into account expenditure of an owner of an archival record for making copies of such an archival record, the possible loss of profits or any other expenses paid in the context of declaring the archival record to become a Cultural Archival Relic a National Cultural Relic.

(3) An owner of a Cultural Archival Relic a National Cultural Relic not stored in a public archives and such archival records are not in the ownership of the Czech Republic, a legal entity established by virtue of law or a territorial self-governing unit shall have the right for compensation of necessary expenditure incurred due to the proper care of Archival Cultural Relics or National Cultural Relics, as stipulated by law. The compensation shall be applied for in writing at the Ministry through the National Archives or regional state archives that maintains such relics in either basic or secondary registers. The owner shall apply for such compensation within six months from the date on which the expenditure was incurred and shall be obliged to submit relevant records; otherwise the claim shall expire.

## Section 32

(1) Upon the request of an owner or a holder of a cultural Archival Relic or National Cultural Relic who is unable to ensure its protection and due professional care and whose cultural Archival Relic or National Cultural Relic is not stored in a public archives, the Ministry shall

- c) provide an owner or a holder with free professional assistance; or
- d) deposit a Cultural Archival Relic National Cultural Relic for a fixed period in the National Archives, the Archives of Security Forces or the relevant regional state archives; however, this may only be for a period not exceeding one year.

(2) If the Ministry shall affirmatively dispose of the application of an owner or a holder of a Cultural Archival Relic National Cultural Relic pursuant to paragraph 1 (b) in full extent it shall not issue any administrative decision.

(3) If an owner or a holder of a cultural Archival Relic or National Cultural Relic is not able to ensure its protection and due professional care ( if the cultural Archival Relic or National Cultural Relic is not stored in a public archives) and there is a danger that such a Cultural Archival Relic National Cultural Relic could be damaged or destroyed the Ministry shall decide on the basis of a check to deposit it in the National Archives, the Archives of Security Forces or the relevant regional state archives. This may be only for a period not exceeding one year.

(4) If an owner or a holder of a cultural Archival Relic or National Cultural Relic is not able to ensure its due protection after one year has lapsed the Ministry may take another decision on its further deposit and such a decision may be taken *ex officio*. If the decision is taken *ex officio* a Cultural Archival Relic or National Cultural Relic shall be deposited in the National Archives, the Archives of Security Forces or the relevant regional archives.

(5) If the reasons for which the Cultural Archival Relic National Cultural Relic concerned was deposited in the National Archives, the Archives of Security Forces or the relevant regional state archives, cease to exist, the National Archives, the Archives of Security Forces or the relevant regional state archives shall forthwith return the Cultural Archival Relic National Cultural Relic concerned to its owner or holder, upon their request.

## Section 33

As regards Archival Cultural Relics or National Cultural Relic the provisions of Section 23, Section 24 (1), and Sections 25, 26, 28 and 29 shall apply accordingly.

### *Chapter 4*

#### *Looking up Information in Archival records, Displaying Archival records and Making Excerpts, Duplicates and Copies*

## Section 34

(1) Upon the request and whilst satisfying conditions stipulated herein and the Research Rules of the relevant archives, it shall be possible to look up information in archival records.

(2) The Research Rules shall be issued by all archives according to a proposed Research Rules issued by the Ministry. The Research Rules shall be permanently published on the official notice board of all archives or at any other publicly accessible place in each archives as well as in information systems with on-line access.

(3) It shall be possible to find information only in copies designated for users. Information may be found in original archival records only if copies have not been made. If such copies have been made originals of archival records may be provided for accessing information only with the consent of the archives where such records are stored, if the purpose of looking up information requires it so.

(4) It shall be possible to find information in archival records trusted in the custody of archives in compliance with an agreement on custody only upon conditions stipulated herein and the relevant Research Rules and upon terms and conditions laid down in the agreement on custody. Rights and arrangements to the benefit of owners of an archival record shall not be prejudiced.

(5) Originals of National Cultural Relics may be used for looking up information only in archives where they are permanently stored with the previous approval of the Ministry; otherwise only their copies may be used.

### Section 35

For the purpose of the protection of archival records, public archives shall be entitled to process personal data of applicants who intend to access information in the relevant record. The data requested shall be as follows:

- a) the given name or names and surname;
- b) the date and place of birth;
- c) the place of permanent residence of any natural person; this includes the place of long term residence or permanent residence of foreign nationals;
- d) the identification numbers from identity card, passport or any other personal record;
- e) topics of the relevant studies and their purpose;
- f) the name, seat and identification number, if applicable, of any legal entity on behalf of which an applicant intends to access information.

### Section 36

The implementing legal regulation shall lie down

- a) sample Research Rules regulating the procedure for using archival records, the number of archival records to be made available to researchers for one day, the code of conduct at the place designated for work with archival records including manipulation of archival records, principles for using reproduction equipment, and the term for commencing and continuing the work with archival records; such terms shall be at least 30 days;
- b) a sample of a research sheet, a sample of the application for accessing information and a sample of a record on provided and returned archival records.

### Section 37

(1) Only archival records older than 30 years and all published records shall be accessible for looking up information directly in archives, unless stipulated otherwise hereunder.

(2) It shall be possible to look up information in archival records encompassing personal data of a living person only if such a person has not raised any objections in writing. An archives shall inform the relevant person in writing on the application for accessing information in the archival record. If at least 30 persons are to be informed, such information may be delivered through a public statement posted on the official notice board of the relevant archives. If the archives do not possess an official notice board then the public statement shall be posted on the official notice board of the relevant superior regional state archives. The public statement shall encompass the data pursuant to Section 35 (a) to (c) and (e) and (f), personal data of the person who requests access to the archival records, the period for which the person intends to work with the archival records and instruction on legal consequences of filing or not filing appeals within the specified time limit. The person in question may file an appeal against the permit to look up information in the archival records under the first sentence within 30 days from the date of delivery of the information from the archives. The appeal shall explicitly specify the personal data that should not be disclosed. If the person does not file the appeal within the time limit pursuant to the fourth sentence it is assumed that he/she has consented. Delivery and calculation of time limits shall be subject to Part Two of the Code of Administrative Procedure.

(3) It shall be possible to look up information in the archival records encompassing sensitive personal data<sup>13</sup> of a living natural person only with the previous consent of the person concerned. The archives shall request the consent of the person concerned to providing access to information in such archival records. The request shall encompass the data pursuant to Section 35 (1) (a) to (c) and (e) and (f), sensitive personal data of the persons who intends to look up information and the period for which the person intends to work with the archival records.

(4) For the purpose of informing the person concerned, the archives may request that the relevant administrative authority supervising archiving and records management retrieve necessary data from the official social registers.

(5) Administrative authorities supervising archiving and performance of records management may, upon the request of the archives pursuant to paragraph 4 or within the

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<sup>13</sup> Section 4 (b) of Act No. 101/2000 Coll., as amended

scope of their competence in accordance with this Act, retrieve and use data from official social registers<sup>14</sup> on the person concerned, specifically:

- a) their given name or names and surname;
- b) their date of birth, place of permanent residence or the type of residence and address of the place of residence in the case of foreign nationals;
- c) the date, place and district of death or the date of death and the state on the territory of which the person passed away, in the case of a deceased citizen of the Czech Republic;
- d) the date included in the decision of the court on the declaration of the death of the person concerned as the date of death.

The request for the data from official registering system of inhabitants and the provision of the data from those registers may be delivered on-line.

(6) The provisions of paragraph 1 shall not apply to archival records created prior to 1 January 1990 as a result of activities of state authorities.

(7) The provisions of paragraphs 1 to 4 shall not apply to archival records created prior to 1 January 1990 as a result of activities of security forces under the Act on the Institute for Studies of Totalitarian Regimes and on the Archives of Security Forces, as well as of social organisations and political parties associated in the National Front; nor shall it apply to archival records which had been publicly accessible before the request to look up information in them was filed, nor to archival records which had been publicly accessible before they were declared as archival records.<sup>15</sup>

(8) The provisions of paragraphs 1 to 4 shall not apply to archival records that encompass statistical sets of data acquired from demographic and statistical surveys if it is possible to make personal data contained in such archival records anonymous. Upon request the archives, within a reasonable time limit and with regard to assignments of the archives and considering the importance of archival records, shall make the data anonymous. After the data contained in the requested archival records is made anonymous the archives shall forthwith inform the applicant thereof, if the applicant had requested so in writing.

(9) The provisions of paragraphs 1 to 4 shall not apply to the creators of archival records. Agencies may look up information without any limitations in archival records they created. The provisions of the first sentence shall apply accordingly to attorneys of agencies of the archival records. The provisions of paragraphs 1 to 4 shall not apply to entities referred to in Section 38 (5). Such entities may look up information without any limitations in archival records originated by the state or territorial self-governing units.

## Section 38

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<sup>14</sup> Act No. 133/2000 Coll. on the registers of inhabitants and birth identification number, as amended

<sup>15</sup> For example Act No. 140/1996 Coll. on making publicly accessible files resulting from activities of the former State Security Police, as amended, Section 95 (2) and Section 101 (3) of Act No. 128/2000 Coll. on municipalities (municipal establishment), as amended, Section 43 and Section 58 (3) of Act No. 129/2000 Coll. on Regions (regional establishment), as amended, Section 65, Section 70 (30), Section 87 (2) and Section 94 (1) of Act No. 131/2000 Coll. on the capital city of Prague, as amended.

(1) Accessing information in the archival records shall be rejected if

- a) the physical condition of archival records does not allow for such work;
- b) the manner in which archival records are processed does not allow for such work;
- c) a natural person has appealed against access of information in the relevant archival records, which contain his/her personal data; this provision shall not apply in the case of archival records referred to in Section 37 (7) and (8);
- d) a natural person does not give his/her consent with looking up information in the archival records the content of which are sensitive personal data;
- e) the special legal regulation excludes the access of information in archival records or the applicant does not satisfy the conditions stipulated by the special legal regulation.<sup>2</sup>

(2) If the archives deny the request for access to information in the archival records, the final decision shall be adopted upon the request of a researcher by the competent archival authority responsible for the area of archiving and performance of records management.

(3) If accessing information in the archival records was rejected pursuant to paragraph 1 (b) the archives, upon the request and within the reasonable time limit, with regard to assignments of the archives and considering the importance of the relevant archival records, shall carry out arrangement. After arrangement of the requested archival records is completed the archives shall forthwith inform the applicant thereof, if the applicant has requested so in writing.

(4) Accessing information in the archival records may be, in the case stipulated in paragraph 1 (b), exceptionally permitted for scientific researchers and students upon application supported by a written certificate of a cultural and/or scientific institution, stating the urgency of scientific research or studies that are limited by time.

(5) An organisational unit of the state, armed forces, security forces as well as persons who are under special legal regulations entitled to look up information in records, and to look up information in archival records stored in archives the agency of which is the state or a territorial self-governing unit. If it is necessary to look up information in such a record outside the archives where they are stored they can be lent provided that

- a) borrowers shall undertake that they will return archival records in their entirety within the agreed period and not damaged;
- b) archival records of Category I which are to be lent shall have copies in the archives made pursuant to Section 20 (4).

(1) Archival records may be displayed only if their physical condition allows so and upon conditions guaranteeing their protection and care under this Act and protection of personal data under the special legal regulation.<sup>17</sup>

(2) Archival records which were under the agreement of custody vested in the custody of archives may be displayed upon the conditions referred to in paragraph 1 and in compliance with the conditions stipulated in the agreement on custody.

(3) Archival records in the ownership of the Czech Republic stored in archives may be displayed only upon conditions referred to in paragraph 1 and under the agreement or the registers confirming that these were lent.<sup>18</sup> The competent archives or its founder shall negotiate in the agreement or the registers, terms and conditions of such a display and the insurance amount under the special legal regulation.<sup>19</sup> An integral part of the agreement or the registers shall be the list of lent archival records, along with a protocol on their physical condition.

(4) A National Cultural Relic may be displayed only upon the approval of the Ministry.

#### Section 40

(1) Without prejudice to the provisions of the Act on Copyright anyone shall be entitled to request archives, where archival records are stored, to make an excerpt, duplicate or copy of the archival records. Making an excerpt, a duplicate or a copy of an archival record shall mean also to make an excerpt, a duplicate or a copy of parts thereof.

(2) Making an excerpt, duplicate or copy of archival records shall be rejected if conditions for accessing information in archival records are not met. This provision shall not apply if an excerpt, a duplicate or a copy of an archival record may be made without previous arrangement of the relevant archival record.

(3) If an archives does not approve an application for making an excerpt, a duplicate or a copy, the administrative authority responsible for archiving and performance of archival records management shall decide on any appeal on the part of the researcher.

(4) The implementing legal regulation shall lay down the price list for services provided by public archives with regard to estimated costs relating to making excerpts, duplicates or copies.

#### Section 41

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<sup>17</sup> Act No. 101/2000 Coll. on the protection of personal data and to the amendment to some other acts, as amended

<sup>18</sup> Section 19 of Act 219/200 Coll. on the property of the Czech Republic and its status in legal relations, as amended

<sup>19</sup> Section 70 of Act No. 218/2000 Coll. on budgetary rules and on the amendment to some other acts (the budgetary rules), as amended

It shall be possible to look up information in archival records or to make excerpts, duplicates or copies stored outside archives only with the consent of the owner or holder of the relevant archival records upon conditions stipulated herein and in the special legal regulation.<sup>2) 17)</sup>

*Chapter 5*  
*System of Archives and Public Administration in the Field of Archiving and Performance of records management*

Section 42

(1) Archives shall be divided as follows:

- a) public archives;
- b) private archives

(2) Public archives shall be divided as follows:

- a) the National Archives;
- b) the Archives of Security Forces;
- c) regional state archives;
- d) specialised archives;
- e) security archives;
- f) archives of territorial self-governing units

(3) Private archives shall be all other archives established by natural or legal persons.

Section 43

Responsibility shall be vested in the following authorities involved in the field of archives and performance of records management:

- a) the Ministry;
- b) the National Archives, the Archives of Security Forces, and regional state archives;
- c) competent ministries and other central governmental authorities, the Czech National Bank, security forces and intelligence services of the Czech Republic<sup>20</sup>, if they have established specialised or security archives; the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic shall have the same status.

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<sup>20</sup> Act No. 153/1995 Coll., on Intelligence Services of the Czech Republic, as amended

Section 44  
**Scope of Competence of the Ministry**

In the field of archives and performance of records management the Ministry shall

- a) manage execution of state administration in the field of archives;
- b) draw up the strategy for development of archives;
- c) examine decisions adopted by the National Archives, the Archives of Security Forces, and regional state archives within administrative proceedings;
- d) manage professional activities of the National Archives, the Archives of Security Forces, and regional state archives and assign them professional archival tasks; provide other guidance to other archives and oblige them to participate in nation-wide inventory-taking of archival records;
- e) release from duty of confidentiality pursuant to Section 14 (1) employees of the Ministry, the National Archives, the Archives of Security Forces, and regional state archives;
- f) decide on accreditation of archives;
- g) decide on granting an exception pursuant to Section 82 (1);
- h) provide protection of and register of the National Archival Heritage, decide on reassessment of the importance of archival records and their discarding from the National Archival Heritage;
- i) publish calls for inventory taking of archival records under this Act;
- j) organise nation-wide thematic lists of archival records;
- k) organise international cooperation in the field of archives and organise research of foreign sources concerning Czech history;
- l) represent the Czech Republic in international archival bodies and organisation;
- m) publish archival publications of nation-wide importance;
- n) take decisions on the results of applications from owners of archival records for provision of one-off grants and compensation of necessary costs incurred in the context of the care of archival records;
- o) maintain registers about archives and cultural and/or scientific institutions where archival records are stored;
- p) maintain archival records centre-related registers;

- q) decide on proposals made by archives or agencies that agencies or their organisational parts are obliged to deposit their archival records in other than locally competent archives; the function of the competent archives with regard to an agency or its organisational parts shall be met by the archives stipulated in the decision;
- r) approve agreements between archives or between their founders on mergers of sets of archival records;
- s) decide, upon the request of an archives or its founder, on merging sets of archival records and on depositing such sets of archival records;
- t) decide on discarding of archival fonds, archival collections or archival records for registers of archival records;
- u) decide on declaring or cancelling the status of archival records, archival collections, archival fonds or comprehensive parts thereof as Archival Cultural Relics;
- v) decide on other issues pertaining to the field of archives and performance of archival records management if these are not covered by the National Archives, the Archives of Security Forces, and regional state archives.

## **National Archives**

### Section 45

(1) The National Archives is an administrative authority and a central archival authority directly managed by the Ministry.

(2) The National Archives is an organisational unit of the state and an accounting unit; its budget is part of the budget chapter of the Ministry.

(3) The National Archives is headed by a director appointed and recalled by the Minister of the Interior. The Ministry shall be a superior authority with respect to the director of the National Archives under the special legal regulation<sup>21</sup>.

(4) An internal organisation of the National Archives and its management shall be regulated by the Rules of Organisation approved by the Minister of the Interior.

(5) The National Archives is located in Prague.

### Section 46

(1) The National Archives shall

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<sup>21</sup> Act No. 218/2002 Coll., on the Service of Civil Servants in Administrative Authorities and on Remuneration of Such Servants and Other Employees in Administrative Authorities (the Civil Service Act), as amended

- a) supervise records management executed by organisational units of the state having the nation-wide competence; state organisations receiving contributions from the state budget established by the aforementioned organisational units of the state, and legal entities established by virtue of law and having nation-wide competence with the exception of those which have established specialised or security archives and of those which are supervised by the Archives of Security Services;
- b) select archival records within the appraisal process from agencies referred to in letter a) and agencies referred to in letter c) that have established a private archives or that request selection of archival records within the appraisal process;
- c) select archival records outside of the appraisal process from among records of managing and similar bodies connected to political parties, political movements, civil associations, trade unions, employers' union, occupational chambers, churches and religious societies, foundations and foundation funds, benevolent societies, selected natural persons and selected founders of private archives;
- d) select archival records outside of the appraisal process from among records offered to the Czech Republic as gifts or for purchase and from among records found, or records of owners who apply for such selection;
- e) decide on appeals against protocols on the completed appraisal process and protocols on selection of archival records outside of the appraisal process (Section 10 (3) and Section 12 (4)) filed by agencies or owners of any records earmarked for selection to become archival records (within or outside of the appraisal process);
- f) assess protocols on completed appraisal process and on archival records selected outside of the appraisal process; such appraisal process are carried by specialised archives of organisational units of the state, which have nation-wide competence, and state organisations receiving contributions from the state budget established by the aforementioned organisational units of the state; such appraisal process are carried out by specialised archives of legal persons established by virtue of law, which have nation-wide competence;
- g) decide on appeals filed by researchers who were not permitted to look up information in archival records or to make excerpts, duplicates or copies of archival records stored in the National Archives or private archives subjects to selection of archival records;
- h) under this Act impose sanctions for administrative infractions on natural and legal persons where the National Archives is responsible for checking of records management and where select archival records within or outside of the appraisal process, including those who established specialised or private archives;
- i) search in archives for records necessary for the work of administrative authorities and other organisational units of the state, regional and local authorities, natural and legal persons and make authenticated excerpts and duplicates or copies of such records;
- j) grant permissions, upon conditions stipulated herein, for access to information in stored archival records;

- k) maintain relevant registers of archival records under this Act;
- l) examine Archival Cultural Relics and National Cultural Relics which are maintained in their registers and which are not stored in archives;
- m) meet assignments pertaining to the area of archiving and arising from international agreements;
- n) exercise other powers stipulated herein or in any other related Act;

(2) In the field of caring for archival records the National Archives shall

- a) take care of archival records taken over from agencies referred to in paragraph 1 (a) and (c) and of archival records created by supreme authorities of the Czech state, the Czechoslovak Republic, the Czechoslovak Socialist Republic, the Czech and Slovak Federal Republic, the Czech Socialist Republic, and the Czech Republic; excepted are those which are in the care of the Archives of Security Forces or are in specialised archives established by any of the following: ministries, other central governmental authorities, the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic, the Czech National Bank, security forces and intelligence services of the Czech Republic, other state authorities or regional and local authorities and organisation for the Czech Land in the past, central occupational bodies between 1939 and 1945, the Government of the Czechoslovak Republic in exile between 1939 and 1945. Furthermore, it shall take care of archival records created by supreme authorities of the Habsburg Monarchy and enable researchers to access information in them;
- b) accept on behalf of the Czech Republic offers for purchase, gifts and custody of archival records and shall enter into relevant agreements on behalf of the Czech Republic;
- c) provide to owners of archival records free professional, consultative and advisory services;
- d) review the physical condition of Archival Cultural Relics and National Cultural Relics if those are stored in the National Archives;
- e) carry out inventory of archival records when required to do so by the Ministry;
- f) cooperate with other archives and develop contacts with scientific, cultural, educational and other institutions in order to exchange expertise with a view to use archival records in scientific research, culture, education, economy and homeland studies;
- g) carry out scientific and research activities in the field of archives, auxiliary historical sciences and related scientific branches;
- h) meet tasks of a central scientific and research institute in the area of preventive care for archival records, their conservation and restoration, maintaining and making accessible all types of information media, including digital records; provide guidance and training pertaining to the area in question;

- i) establish specialised libraries for the field of archival science and performance of archival records management;
- j) publish publications concerning archival science and performance of records management, history of administration, auxiliary historical sciences and history;
- k) carry out conservation and restoration archival records;
- l) meet other professional archival tasks imposed upon it by virtue of this Act.

(3) In the field of care for digital archival records the National Archives shall

- a) store digital archival records selected for permanent storage by public archives, with the exception of archival records selected by security archives of intelligence services of the Czech Republic, maintain their content and ensure that they are legible at all times;
- b) process and make available digital archival records from agencies referred to in paragraph 1 (a) and (c) and digital archival records acquired under paragraph 1 (d);
- c) provide guidance and advisory services concerning pre-archival care for digital records, digitalisation of records as well as archival records.

## **Regional state archives**

### Section 47

(1) Regional state archives are as follows:

- a) the Regional state archives in Prague;
- b) the Regional state archives in Trebon;
- c) the Regional state archives in Pilsen;
- d) the Regional state archives in Litomerice;
- e) the Regional state archives in Zamrsk;
- f) Moravian Provincial Archives in Brno;
- g) the Provincial Archives in Opava

(2) Regional state archives are administrative authorities under direct supervision of the Ministry.

(3) Regional state archives are organisational units of the state and accounting units; their budgets are drawn down from the budget chapter of the Ministry of the Interior.

(4) Regional state archives are headed by directors appointed and recalled by the Minister of the Interior. The Ministry shall be a superior authority with respect to the directors of the National Archives under the special legal regulation.<sup>21</sup>

(5) Regional state archives are located in municipalities whose names are borne by regional state archives.

(6) District state archives are internal organisational units of regional state archives. District state archives are listed in Annex 4 hereto. Further details on internal organisation of regional state archives and their management shall be regulated by rules of internal governance subject to approval of the Minister of the Interior.

#### Section 48

(1) Administrative districts of regional state archives are defined by territories of regions as follows:

- a) the Regional state archives in Prague covers the Central Bohemian Region and the capital city of Prague;
- b) the Regional state archives in Třeboň covers the South Bohemian Region;
- c) the Regional state archives in Pilsen covers the Karlovy Vary region and the Pilsen Region;
- d) the Regional state archives in Litoměřice covers the Liberec Region and the Ústi Region;
- e) the Regional state archives in Zámorsk covers the Hradec Kralové Region and the Pardubice Region;
- f) the Moravian Provincial Archives in Brno covers the South Moravian Region, the Vysočina Region and the Zlín Region;
- g) the Provincial Archives in Opava covers the Moravian-Silesian Region and the Olomouc Region.

(2) For the purpose of specifying territorial competence of the regional state archives, the territory of a region shall be understood its territory as of 1 January 2000.

(3) The local competence of the regional state archives shall be governed by

- a) the place of permanent residence, if an agency, owner or holder of archival records is a natural person who is not an entrepreneur;
- b) the seat of a business undertaking, if an agency, owner or holder of archival records is a natural person who is an entrepreneur;
- c) the seat of the agency, owner or holder of archival records if it is a legal entity.

#### Section 49

(1) Regional state archives shall

- a) supervise records management executed by the following organisations: organisational units of the state having the territorial competence defined by the territory of a region, district or municipality; state organisations receiving contributions from the state budget established by the aforementioned organisational units of the state; state enterprises; legal persons established by virtue of law, with the exception of those which are directly supervised by the National Archives or the Archives of Security Services or those that have established a specialised archives. Further to this, they shall supervise records management executed by the following organisations: organisational units and legal persons established or founded by a territorial self-governing unit or by organisational units established by territorial self-governing units; higher education institutions, with the exception of those which have established a specialised archives; schools; health insurance companies; public research institutions, with the exception of those which established a specialised archives;
- b) select archival records within the appraisal process from agencies referred to in letter a) and agencies referred to in letter c) that have established private archives or request selection of archival records within the appraisal process;
- c) select archival records outside of the appraisal process from among records of entrepreneurs maintained in the Companies Register and from among records of political parties, political movements, civil associations, trade unions, employers' unions, occupational chambers, churches and religious societies, foundations and foundation funds, benevolent societies, and from records of selected natural persons and selected founders of private archives with the exception of their supreme bodies;
- d) select archival records outside of the appraisal process from among records offered to the Czech Republic as gifts or for purchase and from records found or records of owners who apply for such selection;
- e) release from the duty of confidentiality employees of (pursuant to Section 14 (1)) or founders of (pursuant to Section 14 (2)) archives, with the exception of employees of specialised or security archives established by ministries and other central governmental authorities, the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic, the Czech National Bank, security forces and intelligence services of the Czech Republic;
- f) decide on appeals against protocols on the completed appraisal process and protocols on selection of archival records outside of the appraisal process (Section 10 (3) and Section 12 (4)) filed by agencies or owners of records used for selection of archival records within or outside of the appraisal process,
- g) decide on appeals filed by agencies or holders of a record against the protocols on the completed appraisal process, and protocols on selection of archival records outside of the appraisal process of the Archives of Prague, the Archives of Brno, the Archives of Ostrava, the Archives of Pilsen, and the Archives of Ustí nad Labem, and shall supervise their protocols on the completed appraisal process and protocols on selection of archival records outside of the appraisal process;
- h) assess those protocols on completed appraisal process and on the selection of archival records outside of the appraisal process, which are carried by specialised archives of

organisational units of the state not under the direct supervision of the National Archives;

- i) decide on placement of archival records at risk;
- j) decide on appeals filed by researchers who were not permitted to look up information in archival records or to make excerpts and duplicates or copies of archival records stored in specialised archives;
- k) decide on appeals filed by researchers who were not permitted to look up information in archival records or to make excerpts, duplicates or copies of archival records stored in specialised archives (with the exception of specialised or security archives established by ministries and other central governmental authorities, the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic, the Czech National Bank, security forces and intelligence services of the Czech Republic);
- l) decide on appeals filed by researchers who were not permitted to look up information in archival records or to make excerpts, duplicates or copies of archival records stored in archives of territorial self-governing units and private archives where archival records are selected;
- m) impose sanctions under this Act for administrative infractions on natural and legal persons not under the direct supervision of the National Archives;
- n) grant permissions, upon conditions stipulated herein, to access information in stored archival records;
- o) maintain relevant registers of archival records under this Act;
- p) examine any Archival Cultural Relics registered in its registers that are not stored in archives;
- q) meet assignments pertaining to the area of archives and arising from international agreements;
- r) express opinions on concessions under the special legal regulation<sup>22</sup> and check construction, technological conditions and security measures adopted to secure premises designated for the performance of records management for which the concession concerned is to be granted;
- s) exercise other powers stipulated herein or in any other related Act;

(2) In the field of caring for archival records regional state archives shall

- a) take care of those archival records taken over from agencies referred to in paragraph 1 (a) and (c) and of archival records of legal persons maintained in the Companies Register only if their agencies ceased their existence without legal successors;

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<sup>22</sup> Act No. 455/1991 Coll. on Trade Licences (the Trade Licensing Act), as amended

- b) accept, on behalf of the Czech Republic, offers for purchase, gifts and custody of archival records and enter into relevant agreements on behalf of the Czech Republic;
- c) provide owners of archival records with free professional, consultative and advisory services;
- d) meet tasks of regional and district scientific and research centres in the field of archives, auxiliary historical sciences and regional history, whilst cooperating with other archives, and develop contact with scientific, cultural, educational and other institutions in order to exchange expertise with a view to utilizing archival records in scientific research, culture, education, economy and homeland studies;
- e) search in the archives for records necessary for the work of administrative authorities and other organisational units of the state, regional and local authorities, natural and legal persons; make excerpts and duplicates or copies of such records and verify them;
- f) establish specialised libraries for the field of archives and performance of records management and regional history;
- g) publish publications concerning archival science and performance of records management, history of administration, auxiliary historical sciences and history;
- h) examine the physical condition of Archival Cultural Relics and National Cultural Relics if they are not stored in the regional state archives;
- i) carry out inventory of archival records when required to do so by the Ministry;
- j) preserve and restore archival records;
- k) meet other professional archival tasks stipulated herein.

**Other Administrative Authorities involved in the Field of Archives and Performance of records management**

Section 50

Competent ministries, other central governmental authorities, the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic, the Czech National Bank, security forces and intelligence services of the Czech Republic which have established specialised or security archives shall

- a) through such established archives, supervise the performance of records management at units within their scope of competence and at other established or founded organisational units and state organisations receiving contributions from the state budget or other legal entities, and shall supervise activities of their records centre;
- b) decide on appeals against protocols on the completed appraisal process and protocols on selection of archival records outside of the appraisal process (Section 10 (3) and Section

12 (4)) filed by agencies or owners of records with specialised or security archives established by these authorities;

- c) decide on appeals filed by researchers who were not permitted to look up information in archival records or to make excerpts, duplicates or copies of archival records stored in specialised archives or security archives established by these authorities;
- d) grant the release from duty of confidentiality of employees (pursuant to Section 14 (1)) assigned to specialised or security archives established by these authorities;
- e) meet other tasks pertaining to records management stipulated herein.

### **Specialised Archives**

#### Section 51

(1) Organisational units of the state, security forces, intelligence services of the Czech Republic, state organisations receiving contributions from the state budget, state enterprises, higher education institutions, the General Health Insurance Company of the Czech Republic, public research institutions, with the exception of those established by the Academy of Sciences of the Czech Republic, and legal entities established by virtue of law may establish specialised archives.

(2) Specialised archives shall store archival records created by founders of such archives or by their legal ancestors, as well as archival records received as gifts or purchased.

(3) Specialised archives may operate as archives if they have been granted accreditation.

#### Section 52

Specialised archives shall

- a) with the exception of the National Film Archives, supervise the performance of records management of their founders or organisational units of the state established by the founders concerned, and state organisation receiving contributions from the state budget; and shall supervise activities of records centre of their founders, if applicable;
- b) select archival records within the appraisal process from among records of those agencies whose performance of records management they supervise;
- c) select archival records outside of the appraisal process from among records of agencies referred to in letter a) and from among records offered to founders as gifts, for purchase or into custody, and records of owners who apply for such selection;
- d) maintain relevant registers of archival records under this Act;
- e) search in archives for records necessary for the work of administrative authorities and other organisational units of the state, regional and local authorities, natural and legal

- persons, and make excerpts and duplicates or copies of such records;
- f) grant permission, upon the conditions stipulated herein, for access to information in stored archival records;
  - g) take care of archival records that have been taken over from agencies referred to in letter a) and c);
  - h) take care of archival records stored in these archives as of the date of their accreditation, unless the Ministry decrees otherwise in its accreditation certificate;
  - i) submit for assessment to the National Archives or the competent regional state archives, upon request, protocols on the completed appraisal process or protocols on selection made outside of the appraisal process;
  - j) carry out scientific, research-based, publishing and similar activities pertaining to the area of archival science, auxiliary historical sciences and scientific branches that relate to the content of stored archival fonds and collections;
  - k) establish specialised libraries in the scope necessary for meeting technical and scientific tasks;
  - l) examine the physical condition of Archival Cultural Relics and National Cultural Relics if they are not stored in such archives;
  - m) participate in drawing up nation-wide thematic lists of archival records as organised by the Ministry;
  - n) perform inventory of archival records as ordered by the Ministry;
  - o) meet other professional archival tasks assigned by founders;
  - p) carry out conservation and restoration of archival records.

## **Security Archives**

### Section 53

(1) The Ministry, the Ministry of Defence, the Ministry of Foreign Affairs, the National Security Authority, security forces and intelligence services of the Czech Republic may establish security archives.

(2) The Security Archives of Security Forces and intelligences services of the Czech Republic shall

- a) select archival records within the appraisal process from among records of their founders; this provision shall also apply to records whose degree of confidentiality has not yet been

cancelled;

- b) maintain, in the basic registers of the National Archival Heritage, all archival fonds and archival collections that it has stored; the data on archival records containing classified information shall be forwarded to the central registers of the National Archival Heritage;
- c) meet other tasks of a specialised archives pursuant to Section 52 (i).

(3) Security archives, with the exception of archives referred to in paragraph 2 shall

- a) select archival records within the appraisal process from among records of their founders; this provision shall also apply to records whose degree of confidentiality has not yet been cancelled;
- b) maintain, in basic registers of the National Archival Heritage all archival fonds and archival collections that it has stored; the data on archival records containing classified information shall be forwarded to the central registers of the National Archival Heritage;
- c) take due care of archival records taken over from the relevant founder;
- d) take inventory of archival records as ordered by the Ministry;
- e) meet other professional archival tasks assigned by their founders;

(4) If the degree of confidentiality attached to archival records stored in security archives is cancelled, then the security archives concerned, with the exception of security archives established by security forces or intelligence services of the Czech Republic, shall transfer such archival records to the specialised archives of the same founder, if applicable. Other such records shall be transferred to the National Archives. The security forces or intelligence services of the Czech Republic may deny access to information and/or the making of excerpts, duplicates or copies of archival records whose degree of confidentiality has been cancelled but which contain information still important for the protection of constitutional order, major economic interests, security and defence of the Czech Republic. The director of the relevant security forces or intelligence services of the Czech Republic shall decide on the appeal filed by the researcher who was denied permission to access information or to make excerpts, duplicates or copies of the archival records in question.

(5) Security archives shall locate and procure archival records for the work of administrative authorities and other organisational units of the state, regional and local authorities, natural and legal persons, and shall make excerpts and duplicates or copies of such records, and shall permit access to information in such archival records.

(6) Any security archives may operate as archives if it has been granted accreditation.

## **Archives of Territorial Self-governing Units**

(1) Territorial self-governing units may establish archives of territorial self-governing units.

(2) Territorial self-governing units that established their own archives shall provide through them professional archival services within the scope of competence of territorial self-governing units and shall meet other tasks pertaining to the areas of archives and performance of records management stipulated herein (Section 55 (1)).

(3) The archives of a territorial self-governing unit may operate as archives if it has been granted accreditation.

## Section 55

(1) Unless stipulated otherwise hereunder, archives of territorial self-governing units shall

- a) supervise the performance of records management of the territorial self-governing unit which established it or organisational units or state organisations receiving contributions from the state budget or other legal persons established by the territorial self-governing unit in question;
- b) permit, upon conditions stipulated herein, access to information in archival records stored within them;
- c) maintain relevant registers concerning archival records under this Act;
- d) search in archives for records necessary for the work of administrative authorities and other organisational units of the state, regional and local authorities, natural and legal persons and make excerpts and duplicates or copies of such records;
- e) submit to the competent regional state archives proposals for discarding and proposals for selection of archival records;
- f) take due care of archival records created by agencies referred to in letter a);
- g) examine the physical condition of Archival Cultural Relics and National Cultural Relics, if applicable;
- h) participate in drawing up nation-wide thematic lists of archival records as organised by the Ministry;
- i) carry out conservation and restoration of archival records;
- j) perform inventory-taking of archival records as ordered by the Ministry;
- k) carry out scientific, research, and/or publishing activities pertaining to archival science, auxiliary historical sciences, history of administration, regional history, history of towns and villages, historical homeland studies, and related fields of study;

- l) establish a specialised library in the scope necessary for meeting technical and scientific tasks;
- m) meet other technical tasks in the field of archives and performance of archival records management specified by the relevant founder.

(2) With regard to accreditation of the archives of a territorial self-governing unit, its founder shall be entitled to receive free professional assistance provided by the National Archives or the competent regional state archives.

## **Private Archives**

### Section 56

(1) A private archives may be established by a natural person or legal entity who has not established an archives under the previous provisions hereof.

(2) A private archives may operate as archives if it has been granted accreditation.

(3) With regard to accreditation of a private archives, its founder shall be entitled to receive free professional assistance provided by the National Archives or the competent regional state archives.

(4) The founder of private archives who has been granted accreditation shall be entitled to receive a one-off annual state contribution for operations of the private archives concerned. The implementing legal regulation shall specify the amount of such a contribution, taking into account possible costs for operations of the private archives, care for archival records in the possession of the founder or legal entities established by the founder and for protection of archival records.

(5) An application for a one-off annual state contribution for operations of private archives shall be filed for the first time by the founder within six months from the date on which accreditation of the private archives came into effect, but not later than on 30th November of the year when accreditation was granted. If the accreditation of the private archives comes into effect after 30<sup>th</sup> April of the calendar year the founder of the archives shall lodge the application for a one-off annual state contribution for operations of the private archives for the next year simultaneously with the application under the first sentence. In all following years the founder shall be obliged to file the application for this contribution by 30<sup>th</sup> April of the previous calendar year. The application shall be filed with the Ministry. If the application is not filed within the specified time limit, the founder becomes ineligible for this contribution for the term of the given calendar year.

### Section 57

Private archives shall

- a) maintain relevant registers of archival records under this Act;
- b) permit, upon conditions stipulated herein, access information in stored archival records; as regards a private archives established by a registered church or religious society which has been granted concession to exercise special rights<sup>22a</sup>, permits to look up information shall be governed by this Act and by internal regulations of the registered church or religious society;
- c) submit proposals for assessing, selecting or discarding archival records to the National Archives or the competent regional state archives;
- d) take care of archival records of founders and their ancestors if stipulated so by the relevant archives when selecting such archival records;
- e) take care of archival records of other legal and natural persons who have deposited those records in a private archives under an agreement on custody, or provided them as gifts to the founder;
- f) examine the physical condition of Archival Cultural Relics and National Cultural Relics, if applicable;
- g) participate in drawing up nation-wide thematic lists of archival records as organised by the Ministry;
- h) perform inventory of archival records as ordered by the Ministry.

## *Chapter 6*

### *Accreditation of Archives and Obligations of Archives Founders*

#### Section 58

#### **Accreditation of Archives**

(1) The application for accreditation of archives shall encompass

- a) the name, surname, the place of permanent residence and the date of birth in the case of a natural person;
- b) the name, identification number and the seat, in the case of a legal entity;
- c) the name and seat of the archives;
- d) the position of the archives in the organisational structure, in the case of a legal person;

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<sup>22a</sup> Section 7 of Act No. 3/2002 Coll.

- e) the purpose of the archives;
- f) records for adopting a decision on whether the archives meets the conditions pursuant to Section 61;
- g) copies of registering cards of the National Archival Heritage including all data on archival records that will be entrusted in the care of the archives;

(2) The Ministry shall not grant accreditation if

- a) the archives does not meet the conditions pursuant to Section 61;
- b) the archives is not able to maintain basic registers of the National Archival Heritage under this Act;
- c) it is deemed unnecessary to establish such specialised archives; or
- d) archival records referred to in paragraph 1 (g) have been selected as archival records contrary to legal regulations.

(3) Accreditation shall remain effective also for legal successors only in the case of archives of territorial self-governing units if municipalities merge or a municipality is associated with another municipality under special legal regulation<sup>23</sup>.

(4) If a natural person who is a founder of the accredited private archives passes away, or a person upon whom accreditation was devolved under this Act (hereinafter referred to as a “founder”) passes away, the following persons may continue its operations until the relevant probate proceedings are completed:

- a) heirs by intestacy if there are no testamentary heirs;
- b) testamentary heirs and a surviving spouse; this provision applies also if the spouse is not a heir but he/she is a co-owner of the property used for operations of the archives;
- c) a surviving spouse satisfying the condition pursuant to letter b) if heirs do not continue operation of the archives;
- d) an administrator of the property of the deceased if he/she was authorised to operate the archives by the authority responsible for probate proceedings.

If the persons referred to in letters a) to c) intend to continue operating the archives they are obliged to notify the Ministry of their intention in writing within three months from the date of the death of the founder. The administrator of the property of the deceased shall be obliged to notify the Ministry of this intention in writing within one month from the date on which he/she was appointed to carry out tasks of the administrator. After the relevant probate proceedings are completed the persons referred to in letters a) to c) may continue operating the archives only if all conditions for operating archives are satisfied.

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<sup>23</sup> For example Section 24 of Act No. 128/2000 Coll., as amended, Section 11 (4) and Section 12 of Act No. 131/2000 Coll., as amended

(5) The founder of archives shall be obliged to notify the Ministry, without undue delay; about all changes involving facts included in the application for accreditation of the archives, in particular any changes concerning the conditions pursuant to Section 61.

(6) The founder shall publish the Research Rules within three months from the date on which accreditation came into effect.

## Section 59

### **Removal of Accreditation**

(1) If the Ministry ascertains that the founder of an archives does not meet the conditions upon which accreditation was granted the Ministry shall request that the founder to remedy such deficiencies and shall specify the time limit for this rectification. This time limit shall not exceed one year.

(2) Without prejudice the provisions of Section 27 (3) and Section 32 (3) to (5) the procedure pursuant to paragraph (1) shall apply.

(3) If the founder does not satisfy obligations imposed pursuant to paragraph (1) within the prescribed time limit, the Ministry shall remove accreditation.

(4) The Ministry may remove accreditation if the founder of any archives repeatedly fails to fulfil obligations, other than those referred to as paragraph (1), imposed on the founder by the decision of an administrative authority responsible for the area of archives and execution for records management under this Act.

(5) The Ministry shall remove accreditation if the founder of the archives requests so. In this case the Ministry shall not issue an administrative decision.

(6) If accreditation is removed the Ministry shall take a decision on where archival records will be deposited. If accreditation is removed pursuant to paragraph (3) or (4) the Ministry shall decide on where archival records will be deposited whilst the founder will bear the costs.

## Section 60

### **Termination of Accreditation**

(1) If a legal entity, as the founder of the archives, terminates its activities or is wound up, accreditation shall extinguish and shall not devolve upon legal successors.

(2) If a natural person, who is the founder of the archives, passes away, accreditation shall extinguish unless Section 58 (4) applies.

## Section 61

(1) The National Archives, the Archives of Security Forces, regional state archives, founders of other public archives and founders of private archives shall be obliged to fulfil construction and technological, spatial, security, economic, financial and personnel conditions

for care for archival records and their protection.

(2) In order to satisfy construction and technological conditions pursuant to paragraph 1 the following shall be mandatory:

- a) the premises of archives must not be located in areas where there is a danger of floods and in protective zones of airport runways for taking off and landing of aircrafts;
- b) the premises of archives shall not be situated in dusty areas.
- c) archival records must not be stored in rooms with proximity to facilities for hot or cold water, steam heating, gas pipelines, or sanitary sewers;
- d) repositories for archival records shall be located above the level of underground water and shall have either natural ventilation or shall be equipped with air-conditioning to maintain specified temperature and relative humidity; repositories shall be equipped with devices for measuring specified values;
- e) repositories for archival records shall be equipped with magnetic registers and shall be protected from effects of electromagnetic field.

(3) In order to meet conditions for repositories pursuant to paragraph 1 the following requirements shall be met:

- a) The premises of any archives shall be divided into rooms with public access and rooms without public access whilst the routes of the two separated sections shall not intersect.
- b) The room for capturing and arrangement of archival records, the repositories, the room for cleaning, disinfection, conservation, restoration and reprographic arrangement of archival records and the storing room for archival records booked for research, if applicable, shall at all times be located in the section without public access.
- c) A room for looking up information in archival records (hereinafter referred to as a "reading room") shall be located in the section with public access.
- d) Storing of archival records in repositories shall be registered in the plan for storing of archival records and the plan shall be updated after any change in the storing of archival records.

(4) In order to meet conditions for repositories pursuant to paragraph 1 the following requirements shall be met:

- a) Archives premises shall have available security recordation the part of which must be measures against the entrance of unauthorised persons to storing and other rooms, against thefts of archival records and against terrorist attacks; as regards specialised archives and security archives, measures for security of all premises shall be taken.
- b) Archives premises shall have available fire recordation, shall be furnished with electronic fire alerts and portable fire extinguishers; repositories shall be furnished with

powder fire extinguishers.

- c) Mechanical and electronic security devices placed on windows and doors shall be on the exterior shell of the building up to the second floor above ground level, or to any higher floor where it would be possible to enter the building from horizontal elements of the building construction; such devices shall be placed inside the building at all points where rooms with public access border on rooms without public access.
- d) Repositories without public access shall be secured by protective mechanical or electronic alarm systems to prevent access of unauthorised persons and forced entry into the rooms.
- e) Keys to all entrances to repositories shall be placed with an authorised employee of the archives who shall be obliged to maintain registers on when they were taken and when returned. If the entrance to repositories is by electronic access, entry rights for individual employees of the archives shall be specified.
- f) Repositories storing National Cultural Relics shall be under 24-hour surveillance.

(5) In order to meet conditions for repositories pursuant to paragraph 1 the following requirements shall be met:

- a) Archives shall be equipped with devices for making copies of archival records and if archives have in its possession micrographic records it shall be equipped with viewers for microfilms.
- b) Repositories of archival records shall be furnished with shelves for placing archival records, and if necessary, with special storing appliances for placing maps, plans, technical recordation and large scale archival records, film and photographic archival records, audio and audiovisual archival records and digital archival records.
- c) Reading rooms shall be furnished with information technology allowing transmission.

(6) Satisfying financial conditions pursuant to paragraph 1 means to earmark mandatory minimal average annual expenditure in the budget of the founder for operations of the archives, calculated as a multiple of the amount of average costs for one linear meter of archival records and the total number of stored archival records calculated in linear meters.

(7) In order to meet personnel requirements pursuant to paragraph 1 the following requirements shall be met:

- a) Managing positions in the archives shall be filled by employees who are graduates of higher education institutions and graduated in the field of archival science or history or relevant similar fields of studies.
- b) At least one employee shall be responsible for managing 2,000 linear metres of archival records produced as hard copies of written materials.
- c) Sufficient number of employees shall work in the reading room so that one employee shall be responsible for ten researchers daily.

(8) Founders of archives shall be obliged to maintain registers of the data about repositories including construction and technological recordation and statistical calculations in compliance with the actual situation. Results of measuring temperature and relative humidity that show fluctuations of monitored data outside the permitted limits shall be stored for at least ten years.

(9) The loading capacity of floors in repositories, temperatures and relative air humidity in repositories and the amount of average annual costs for one linear meter of archival records shall be laid down in the implementing legal regulation.

## Section 62

### **Annual Reports on Activities of Archives**

(1) The National Archives, the Archives of Security Services, regional state archives, security archives, specialised archives, with the exception of specialised archives established by state organisations receiving contributions from the state budget, state enterprises, higher education institutions and public research institutions, shall be obliged to draw up an annual report on their activities, deliver it by the end of February of the given calendar year to the Ministry and publish it in information systems accessible on-line. Within the same time limit, specialised archives established by state organisations receiving contributions from the state budget, state enterprises, higher education institutions and public research institutions as well as archives established by territorial self-governing units and private archives shall be obliged to draw up annual reports on their activities and forward them to the National Archives or the competent regional state archives.

(2) Annual reports on activities of archives shall encompass:

- a) personnel conditions of the archives;
- b) the total number of stored archival records;
- c) selection, arrangement and use of archival records;
- d) conditions of archival records;
- e) conservation and restoration of archival records.

(3) Annual reports of security archives shall contain only the data on archival collections or archival fonds whose degree of confidentiality was cancelled and the data referred to in paragraph 2 (b) to (e).

## TITLE III

### RECORDS MANAGEMENT

## Section 63

- (1) records management shall be performed by
- a) public agencies referred to in Section 1 (1) (a) to (e) and (i) to (m);
  - b) regions;
  - c) the capital city of Prague;
  - d) municipalities with an authorised municipal authority and municipalities with a construction and/or vital registers office;
  - e) city boroughs or city districts of administratively divided statutory cities and city districts of Prague which have been delegated at least partial competences of a municipality with an authorised municipal authority or competences of municipalities with construction and/or vital registers office;

(hereinafter referred to as “designated agencies”)

(2) Municipalities not referred to in paragraph 1 and public agencies referred to in Section 3 (1) (g) and (h) shall perform records management in the scope of the provisions of Section 64 (1) to (4), Section 65 (1) to (4), Section 67, Section 68 (1), Section 68a, and Section 69.

(3) Public agencies referred to in Section 1 (1) (a) to (e) and (i) to (m), regions and the capital city of Prague shall execute records management in electronic form maintained in electronic systems of records management; if it is required by the special nature of their scope of competence they can execute records management and use hard copies. Public agencies referred to in Section 3 (1) (g) and (h) and municipalities shall perform records management in electronic form maintained in electronic systems or in hard copies.

(4) Entities referred to in paragraphs 1 and 2 which on the date upon which this Act came into effect did not register records or did not perform records management in electronic form maintained in electronic systems of the relevant records management pursuant to paragraph 3, shall be obliged to satisfy the provisions of paragraph 3 not later than within one year after the date on which this Act came into effect. Entities referred to in paragraphs 1 and 2 which on the date on which this Act came into effect registered records as hard copies shall be obliged to perform records management in electronic form maintained in electronic systems not later than within six months after the date on which this Act came into effect.

## Section 64

### **Capturing, Marking, Registering and Distributing Records**

(1) Designated agencies shall receive records. Delivered records as well as records created by a designated agency, with the exception of records containing wrong formats or computer programmes which could damage information technology of the designated agency, and records subject to special registers or subject to no registers which the designated agency stipulates in their Records Management Rules, shall be, on the day when they were delivered or created by the designated agency, furnished with an unambiguous identifier.

(2) An unambiguous identifier pursuant to paragraph 1 shall be a mark on the record which ensures that the record cannot be interchanged with another record.

(3) Records furnished with an unambiguous identifier shall be maintained in the register of records. A record about the record in the register of records is linked to its identifier.

(4) Records registered pursuant to paragraph 3 shall be forwarded to the relevant organisational unit of the agency or to the person authorised to receive such records and the register thereof shall be made.

#### Section 64a

#### **Treating Records Marked “NATO UNCLASSIFIED” or “LIMITE”**

(1) Records provided by the North Atlantic Treaty Organisation or the European Union are, in the interests of state security, public security or THE protection of rights of third persons, protected by the aforementioned agencies as “NATO UNCLASSIFIED” or “LIMITE”. The Czech Republic shall respect such markings on the basis of obligations arising for the Czech Republic from its membership in the North Atlantic Treaty Organisation or the European Union; such records may be provided to persons who need them for performance of their office, duties and responsibilities or other similar activities. Such a record may be provided to a third person only with the previous consent of the agency and upon the conditions specified by the agency.

(2) Records pursuant to paragraph 1 shall be treated so as any unauthorised person cannot have access to them.

(3) A public authority, legal person or natural person must not mark records created by them as “NATO UNCLASSIFIED” or “LIMITE”.

#### Section 65

#### **Processing and Signing Records**

(1) When processing records, all records concerning the same issue shall be included in one file. Analogue records shall be physically put together; digital records shall be put

together by means of metadata. An analogue record shall be linked to a digital record by means of references.

(2) File processing means the drafting of a proposal, its approval, and further elaboration, signing and dispatching the file or any other similar form of taking decision on file processing.

(3) If a record is to be posted on the official notice board, its duplicate furnished with the posting date will be posted. After it is removed from the official notice board it will be furnished with the date of its removal and shall be filed in the relevant file as evidence that it had been posted on the official notice board. The provisions of the first and second sentences shall not apply to publishing of records on the electronic notice board.

(4) Records of the designated agency shall be signed by its statutory body, or any other person authorised to act on behalf of the agency or the person authorised to do so by the statutory body.

(5) After the final decision is taken the file shall be closed. Closing the file means that all records belonging to one file are completed, digital records are transferred to the output data format and the data checked and supplemented, pursuant to Section 66, before the file is placed in the registry.

(6) Individual records must not be taken from closed files. A closed file may be attached to another file unless its retention period has lapsed.

(7) The agency shall specify in its Records Management Rules the use of stamps with the state coat of arms, guaranteed electronic signatures established on the basis of a qualified certificate issued by an accredited provider of certifying services (hereinafter referred to as the "advanced electronic signature"), digital marks established on the basis of a qualified certificate issued by an accredited provider of certifying services (hereinafter referred to as the "digital mark") and qualified time stamps.

## Section 66

### **Records Management Rules**

(1) Designated agencies shall issue their Records Management Rules.

(2) Each Records Management Rules shall include a list of retention and disposition schedules. The list of retention and disposition schedules shall list the types of records sorted into groups according to the respective issues furnished with file marks, disposition marks and retention periods.

(3) Designated agencies shall mark records with file marks, disposition marks and retention periods.

(4) A retention period of the relevant record may be changed only with the approval of the competent archives.

## Section 67

### **Dispatching Records**

Designated agencies shall send records as strictly private if these are records the delivery of which must be evidenced, or if this requirement is stipulated by special legal regulations<sup>26</sup>. An advice of delivery confirming that the record has been individually delivered or an envelope containing the record among others has been delivered, including the date on which it was delivered, shall be, after it is returned to designated agencies, attached to the relevant file.

## Section 68

### **Record Storing**

(1) All processed files and other records of the designated agency shall be, during the retention period, stored in the registry. Records may be stored also in the records centre, if any. Records shall be placed, as a rule, in the registry forthwith after arrangement, if the nature of the issue does not require that the person, who processed the record, keeps the processed record for a longer period of time. This fact shall be maintained in the registers under Section 64.

(2) General provisions on looking up information in records used in proceedings before the administrative authority or court shall apply to looking up information in records stored in registries or in a records centre of an administrative authority or court. This provision shall not apply if the records were publicly accessible before they were placed to the registry or the records centre. Looking up information in records encompassing classified information, making their duplicates or copies or making excerpts from them shall be regulated by the special legal regulation.<sup>2</sup>

(3) If a designated agency ceases its existence its registry or records centre shall be taken over by its legal successor, founder, or the entity to which the competence of the ceased designated agency will be devolved. If there is more than one legal successor and they do not come to an agreement, the competent administrative authority responsible for the field of archives and performance of records management and supervising appraisal process shall decide on who will take over the registry or the records centre.

(4) The building where the registry or the records centre is located shall satisfy the following conditions:

- a) rooms for storing records must not be endangered by floods;
- b) the building shall have fire recordation and shall be equipped with portable fire extinguishers; powder fire extinguishers shall be placed in the repositories;

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<sup>26</sup> For example Act No. 99/1963 Coll., the Code of Civil Procedure, as amended; Act No. 141/1961 Coll., as amended, the Code of Administrative Procedure; Act No. 120/2001 Coll., as amended.

- c) records shall not be stored in rooms where there is proximity to water, hot water, steam heating, gas pipelines and sanitary sewers;
- d) repositories shall be equipped with shelves for storing records;
- e) repositories shall be secured so that unauthorised persons cannot enter them.

## Section 68a

### **Separation of Files**

- (1) When a designated agency ceases its existence files will be separated.
- (2) The legal successor of a designated agency or if such a successor does not exist, a liquidator, shall prepare separation of files before the date of cessation of the designate agency.
- (3) Closed and stored files whose retention period has lapsed will be included in the appraisal process pursuant to Sections 7 to 9.
- (4) Closed and stored files whose retention period has not yet lapsed shall be placed in the registry or the records centre of the designated agency who is a legal successor of the ceased designated agency; and if there is no legal successor then after the agreement with the competent archives a liquidator shall ensure that records are properly deposited. Transferred files and records shall be registered in the protocol on transferring the records.
- (5) As yet undecided files shall be transferred to the designated agency that will be responsible for arrangement such files. Transferred files and records shall be registered in the protocol on transferring the records. The designated agency who is a legal successor of the ceased designated agency shall take over and register (pursuant to Section 64) files and records maintained in the protocol on transferring the records.
- (6) Designated agencies shall specify the procedure for separation of files in their Records Management Rules.
- (7) The provisions of paragraphs (1) to (6) shall apply accordingly for cessation of organisational units of the designated agencies.

## Section 69

- (1) Ministries and other central governmental administration authorities shall establish a records centre. Following the establishment of the record centre they shall inform the Ministry thereof.
- (2) Designated agencies other than those referred to in paragraph 1 may establish a records centre only with the approval of the Ministry.

(3) A records centre, with the exception of records centres established by founders listed in Section 50 and Section 51 (1) shall

- a) supervise records management carried out by units within the scope of competence of their founder;
- b) take over records from ceased agencies under its supervision and meet tasks of such agencies in selecting archival records;
- c) take over records from the registry with retention periods shorter than five years, register and care for them and permit access to information in them including the making of excerpts, duplicates and copies;
- d) prepare selection of archival records within the appraisal process;
- e) complete records of the designated agency always after a specified period which are to be selected within the appraisal process as archival records, and makes an interim inventory list the duplicate of which shall be forwarded to the competent archives; the interim inventory list means a basic list of all units of an archival set or parts thereof.

(4) Designated agencies who have established a records centre shall specify in their Records Management Rules a limit on the duration of time for which records are stored in the registry. After this time limit lapses, records whose retention period exceeds the limit for storing shall be transferred to the relevant records centre.

## Section 69a

### **Special Provisions on Digital Records**

(1) If a delivered digital record is not furnished with an electronic signature, digital marks and qualified time stamp, the designated agency shall furnish them with an qualified time stamp.

(2) If a delivered digital record is furnished with an electronic signature, digital marks and qualified time stamp, the designated agency shall

- a) verify validity of the advanced electronic signature, digital marks or qualified time stamp and validity of the qualified certificate or a qualified system certificate;
- b) register the data on the results of verification pursuant to letter a) and maintain the data together with the digital record.

(3) The designated agency shall maintain a digital record in compliance with the procedure guaranteeing credibility of the origin of the record, incorruptibility of its content and legibility of the record, including data proving existence of the digital record during the time. These features shall be retained for the retention period of the record. If the need to maintain credibility of the origin of the record is shorter than the retention period of the record, the designated agency specifies it in the list of retention and disposition schedules.

(4) Conversion of an analogue record into a digital record and vice versa and the change of the format of a digital record shall be made by the designated agency in compliance with the procedure guaranteeing credibility of the origin of the record, incorruptibility of its content and legibility of the record, and the security of the conversion process or the change of the format.

(5) Adding data which was created during preparation of the record designated for maintaining pursuant to paragraph 3 or during conversion or the change of the format of the record pursuant to paragraph 4 and which is necessary for maintenance of the record, its conversion or any change of the format, shall not be deemed to be corruption of the content of the record.

(6) Before a digital record is converted into an analogue record or before any change of the format of the digital record, the designated agency shall verify the validity of the advanced electronic signature, digital mark or a qualified time stamp if the digital record is furnished with them. The designated agency shall register the data on the result of such verification and the date of the conversion of the digital record to the analogue record or the date of the change of format of the digital record, and shall maintain such registers along with the record created before the conversion or the change of format.

(7) The designated agency shall furnish the digital record created by the conversion of an analogue record or by the change of format of a digital record with the date of such conversion, with the advanced electronic signature of the person responsible for the conversion, or with their digital mark and a qualified time stamp.

(8) Unless proven to the contrary, digital records shall be deemed to be genuine if signed by the advanced electronic signature or furnished with an digital mark of the person who was at the time of signature or marking authorised to do so, of the person responsible for conversion of an analogue record to digital record, or the person responsible for authorised conversion of records, and furnished with an qualified time stamp. The provisions of the first sentence shall also apply to records created by agencies that are designated agencies.

## Section 70

(1) The implementing legal regulation shall lay down all details about performance of records management, namely:

- a) capturing of records;
- b) marking and registering records;
- c) distribution of records;
- d) circulation of records;
- e) record processing;
- f) creating records;

- g) signing records and using stamps;
- h) dispatching records;
- i) storing records;
- j) discarding records;
- k) output data formats of digital records;
- l) separation of files.

(2) The national standard for electronic records management systems, which the Ministry will publish in the Journal of the Ministry and on-line, shall lay down requirements for electronic records management systems, namely:

- a) capturing of records;
- b) marking and registering records;
- c) searching, retrieval and presentation records;
- d) storing records;
- e) discarding records and selecting archival records;
- f) recording a life cycle of an electronic system of records management;
- g) retention and disposition schedule;
- h) an audit trail;
- i) administrative functions;
- j) metadata.

#### TITLE IV

#### INSPECTION IN THE FIELD OF THE ARCHIVES AND RECORDS MANAGEMENT

#### Section 71

(1) Checks of duties performed in the field of archives and performance of records management shall be carried out by

- a) the Ministry at all designated agencies and archives, with the exception of intelligence services of the Czech Republic and their archives, in particular at

1. the National Archives;
2. the Archives of Security Forces;
3. regional state archives;
4. armed forces;
5. security forces;
6. specialised archives and security archives established by ministries, other central governmental authorities, the Office of the Chamber of Deputies, the Office of the Senate, and the Office of the President of the Czech Republic, the Czech National Bank, or security forces;

b) the National Archives at

1. organisational units of the state with nation-wide competence and state organisations receiving contributions from the state budget established by such organisational units of the state and at archives established by them, with the exception of organisational units of the state and specialised archives listed in letter a);
2. state organisations receiving contributions from the state budget established by virtue of law and at specialised archives established by such organisations;
3. scientific research institutions established by the Academy of Sciences of the Czech Republic;
4. legal entities established by virtue of law and having nation-wide competence and specialised archives established by such legal entities;
5. private archives if they were established by an entity pursuant to Section 46 (1) and their founders;
6. cultural and/or scientific institutions if they hold in their care archival records maintained in the secondary registers of the National Cultural Heritage by the National Archives;
7. owners and holders of archival records stored outside the archives which maintains them in the basic registers of the National Cultural Heritage;
8. private agencies as regards the obligation stipulated in Section 3 (2);

c) regional state archives according to their scope of competence at

1. organisational units of the state with the scope of competence limited by the territory of a region, district or municipality and state organisations receiving contributions from the state budget and archives established by them;
2. state enterprises and specialised archives established by them;
3. territorial self-governing units and archives established by them; organisational units, organisations receiving contributions from the state budget and other legal entities established or founded by territorial self-governing units and other legal entities where

territorial self-governing units perform the function of an establisher;

4. higher education institutions and specialised archives established by them;
  5. schools and specialised archives established by them;
  6. health insurance companies;
  7. public research institutions with the exception of research institutions established by the Academy of Sciences of the Czech Republic;
  8. legal entities established by virtue of law and having territorial competences limited by the territory of a region, district or municipality and specialised archives established by them;
  9. cultural and/or scientific institutions if they care for archival records which are maintained in the secondary registers of the National Cultural Heritage by the relevant regional state archives;
  10. private archives, with the exception of those inspected by the National Archives, and their founders;
  11. owners and holders of archival records stored outside of the archives which are registered in the basic registers by the relevant regional state archives;
  12. private agencies as regards the obligation stipulated in Section 3 (2);
- d) the Archives of Security Forces at the Office for Studies of Totalitarian Regime.

(2) With regard to records management performed in electronic form, administrative authorities referred to in paragraph (1) shall check only metadata and output data formats of digital records designated for the appraisal process.

(3) The Ministry shall check security archives only upon their annual reports.

## Section 72

(1) Inspections shall be carried out by inspectors of archives. Inspectors of archives from among staff of the Ministry, the National Archives, the Archives of Security Forces or regional state archives are authorised to carry out inspections by the director of the relevant department or archives.

(2) On the basis of completed inspection an inspector of archives shall be entitled to adopt a decision and to

- a) prohibit activities which could damage or destroy records or archival records; or

- b) order the adoption of relevant measures aimed at removing and correcting detected deficiencies.

(3) It shall be possible to file an appeal against the decision of the inspector of archives. The appeal shall not have a suspending effect. The appeal shall be decided upon by the person who authorised the relevant inspection.

(4) Inspectors of Archives shall prove their authorisation by means of a certificate issued by the persons who authorised the relevant inspection.

(5) Inspection pursuant to paragraphs (1) to (3) shall not apply to security archives.

## TITLE V

### ADMINISTRATIVE INFRACTIONS

#### Section 73

#### **Minor Offences**

(1) Natural persons commit a minor offence if they

- a) damage or destroy an archival record or
- b) export an archival record without approval pursuant to Section 29 (1).

(2) Natural persons such as employees of an administrative authority responsible for the field of archives and performance of records management, employees of archives or employees of the founder of archives commit a minor offence if they violate the duty of confidentiality pursuant to Section 14.

(3) A natural person as an owner of an archival record, archival collection or archival fonds or any comprehensive part thereof about which the proceedings on declaration to become a Cultural Archival Relic has been commenced, commits a minor offence if contrary to the provisions of Section 21 (5) he or she does not report an intended change in storage or intended transfer or passage of title.

(4) A natural person as an owner or a holder of an archival record commits a minor offence if he/she

- a. does not take care of care archival records pursuant to Section 25 (1) (a);
- b. contrary to the provisions of Section 25 (1) (b) does not report transfer of title to the certain archival record or conclusion of an agreement on custody;
- c. contrary to the provisions of Section 29 (3) does not import an undamaged archival record back to the Czech Republic;

- d. contrary to the provisions of Section 30 (1) does make, at his/her own expense, a security copy of an archival record declared to be a Cultural Archival Relic or a National Cultural Relic; or
- e. does not ensure conservation or restoration of a damaged or endangered Cultural Archival Relic or a National Cultural Relic pursuant to Section 30 (5).

(5) A natural person as an owner or a holder of an archival record stored outside of archives and maintained in the basic registers of the National Archival Heritage by the competent archives according to its scope of competence commits a minor offence if he/she does not provide to archives the data pursuant to Section 25 (2).

(6) A natural person as an owner of an archival record commits a minor offence if he or she does not offer archival records for preference purchase pursuant to Section 28 (1) and (2).

(7) A minor offence may be sanctioned by a fine of up to

- a) CZK 400,000 in the case of a minor offence under paragraph (4) (d);
- b) CZK 100,000 in the case of a minor offence under paragraph (1) or (4) (c); if an archival record which is destroyed, damaged, exported without the approval or not imported back to the Czech Republic is;
  - 1. subject to proceedings on declaration to become an Archival Cultural Relict or a National Cultural Relic, a fine up to CZK 200,000 may be imposed;
  - 2. an Archival Cultural Relic, a fine up to CZK 500,000 may be imposed;
  - 3. a National Cultural Relic, a fine up to CZK 1,000,000 may be imposed;
- c) CZK 50,000 in the case of a minor offence under paragraphs (2) or (3) or paragraph 4 (a) or (e) or paragraph (6);
- d) CZK 5,000 in the case of a minor offence under paragraph (4) (b) or paragraph 5.

#### Section 74

#### **Administrative Infractions of Legal Entities and Natural Persons – Entrepreneurs**

(1) A legal entity or a natural person-entrepreneur commits an administrative infraction if exports archival records without the approval pursuant to Section 29 (1).

(2) A legal entity or a natural person-entrepreneur as an owner of an archival record, archival collection, archival fonds or a comprehensive part thereof about which the proceedings on declaration to become a Cultural Archival Relic have been commenced, commits a minor offence if contrary to Section 21 (5) that party does not report an intended change in their storage or intended transfer or passage of a title.

(3) A legal entity as an owner or a holder of an archival record commits a minor offence if that party

- a) does not care for archival records pursuant to Section 25 (1) (a);
- b) contrary to the provisions of Section 25 (1) (b) does not report transfer of title to an archival recorder conclusion of the agreement on custody;
- c) contrary to the provisions of Section 29 (3) does not import an undamaged archival record back to the Czech Republic;
- d) contrary to the provisions of Section 30 (1) does make, at the expense of said legal entity, a security copy of an archival record declared to be a Cultural Archival Relic a National Cultural Relic; or
- e) does not ensure conservation or restoration of a damaged or endangered Cultural Archival Relic a National Cultural Relic pursuant to Section 30 (5).

(4) A legal entity or a natural person-entrepreneur as an owner or a holder of an archival record stored outside of any archives and maintained in the basic registers of the National Archival Heritage by the competent archives according to its scope of competence, commits an administrative infraction if that party does not provide to the archives the data pursuant to Section 25 (2).

(5) A legal entity or a natural person-entrepreneur as an owner of an archival record commits an administrative infraction if that party does not offer archival records for preference purchase pursuant to Section 28 (1) and (2).

(6) A public agency or a legal entity or a natural person-entrepreneur as a private agency commits an administrative infraction if, contrary to Section 3, that party does not store the record or does not allow selection of an archival record.

(7) A designated agency commits an administrative infraction if that party

- a) contrary to Section 63 does not perform records management;
- b) contrary to Section 66 (1) does not issue their Records Management Rules or list of retention and disposition schedules, or contrary to Section 66 (2) do not mark records in accordance with their Records Management Rules and list of retention and disposition schedules by file reference mark, disposition mark or retention period, or
- c) do not respect the conditions for storing records pursuant to Section 68.

(8) Agencies or their legal successors commit an administrative infraction if they do not carry out appraisal process or do not allow supervision over the appraisal process and selection of archival records within an appraisal process.

(9) An administrative infraction may be sanctioned by a fine of up to

- a) CZK 400,000 in the case of an administrative infraction under paragraph (3) (d);

- b) CZK 200,000 in the case of an administrative infraction under paragraphs (6),(7), or (8);
- c) CZK 100,000 in the case of an administrative infraction under paragraph (1) or (3) (c); if an archival record which is destroyed, damaged, exported without the approval or not imported back to the Czech Republic is
  - 1. subject to proceedings on declaration to become an Archival Cultural Relic or a National Cultural Relic, a fine up to CZK 200,000 may be imposed;
  - 2. an Archival Cultural Relic, a fine up to CZK 500,000 may be imposed;
  - 3. a National Cultural Relic, a fine up to CZK 1,000,000 may be imposed.
- d) CZK 50,000 in the case of an administrative infraction under paragraphs (2) or (3) (a) or (e) or paragraph (5);
- e) CZK 5,000 in the case of an administrative infraction under paragraph (3) (b) or paragraph 4.

#### Section 75

#### **Common Provisions on Administrative Infractions**

(1) A legal entity shall not be liable for an administrative infraction if they are able to prove that they have made their best efforts to prevent violation of any law.

(2) When determining the amount of a fine to be imposed on a legal entity, the gravity of the administrative infraction shall be taken into account, in particular the manner in which it was committed and under what circumstances, and what consequences resulted.

(3) Liability of a legal person for an administrative infraction shall cease if an administrative authority does not commence the relevant proceedings within two years from the date on which the authority was informed of the infraction, and within no more than ten years from the date on which the administrative infraction was actually committed.

(4) Administrative infractions under this Act shall be dealt with at the first level by the National Archives, the Archives of Security Forces or a regional state archives according to their scope of competence stipulated herein.

(5) The provisions of this Act on liability and sanctions of legal entities shall apply to business undertaking of natural persons (entrepreneurs) or to their activities carried out in direct relation to their business undertaking.

#### Section 76

repealed

## TITLE VI

### COMMON, TRANSITIONAL AND FINAL PROVISIONS

#### **Common Provisions**

##### Section 77

(1) The Code of Administrative Procedure shall not apply to the decisions adopted pursuant to Section 14 (1), Section 38 (1) and Section 40 (2).

(2) The provisions on registers of property under the Act on Accounting shall not apply to registers of archival records.

##### Section 78

(1) Archives shall be obliged to meet assignments specified by controllers of personal data under the special legal regulation.<sup>17</sup>

(2) In cases not regulated by this Act, processing of personal data for the purpose of archiving, including conditions for looking up information in archival records, making excerpts, duplicates and copies shall be governed by the special legal regulation.<sup>17</sup>

(3) Archives shall not be obliged to verify whether the data encompassed in archival records stored with them is precise or true.

#### **Transitional Provisions**

##### Section 79

#### **Prague City Archives and Archives of the Cities of Brno, Ostrava, Pilsen, and Ústí nad Labem**

(1) The Prague City Archives, the Archives of Brno, the Archives of Ostrava, the Archives of Pilsen, and the Archives of Ústí nad Labem which carry out activities under currently valid legal regulations shall be deemed to be accredited archives of territorial self-governing units under this Act as of the date of effect of this Act

(2) In addition to competences referred to in Sections 54 and 55 the Prague City Archives, the Archives of Brno, the Archives of Ostrava, the Archives of Pilsen, and the Archives of Ústí nad Labem shall

- a) select archival records within the appraisal process and outside of the appraisal process at agencies where they supervise records management performed by such agencies;

- b) take care of archival records of historical ancestors of local and regional authorities and organisations of their cities, and of other archival records stored in their archives as of the date of effect of this Act;
- c) meet tasks assigned in the field of archives and performance of records management stipulated herein in the scope of competences delegated to authorities of these cities and in the scope of competences performed in relation to agencies under supervision of authorities of these cities;
- d) on the basis of an agreement<sup>29</sup> take care of archival records of organisational units of the state and other public administration authorities and their legal ancestors, the competences of which relate or related only to the territory of the city and which are stored with them on the date when this Act comes into effect;
- e) select archival records outside an appraisal process from among records offered to the capital city of Prague and cities of Brno, Ostrava, Pilsen and Ústí nad Labem as gifts, or records of owners who request it so;
- f) upon request, submit protocols on a completed appraisal process and on the completed selection of archival records outside of the appraisal process to be assessed by the competent regional state archives.

(3) Competences specified for the Prague City Archives, the Archives of Brno, the Archives of Ostrava, the Archives of Pilsen, and the Archives of Ústí nad Labem pursuant to paragraph (2) shall be deemed to be delegated competences.

## Section 80

(1) The Moravian Provincial Archives in Brno and the Provincial Archives in Opava shall also take care of archival records of former state and self-governing authorities and organisations for the Land of Moravia, Silesia and Moravia-Silesia.

(2) The National Film Archives<sup>30</sup> and the Central Archives of Surveying, Mapping and Land Register<sup>31</sup> which carry out activities under currently valid legal regulations shall be deemed to be accredited specialised archives under this Act as of the date of effect of this Act.

(3) The archives of special importance of intelligence services of the Czech Republic that carry out activities under currently valid legal regulations, shall be deemed to be security archives under this Act as of the date of effect of this Act.

(4) The Archives of the Office of the President of the Czech Republic, the Archives of the Prague Castle, the Archives of the Chamber of Deputies, the Archives of the Senate, the Military Historical Archives, the Archives of the National Museum, the Archives of the National Technical Museum, the Literary Archives of the Museum of Czech Literature, the

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<sup>29</sup> Section 27 of Act No. 219/2000 Coll., as amended  
Section 659 and the following of the Civil Code

<sup>30</sup> Section 6 of Act 273/1993 Coll. on some conditions of production, distribution and archiving of audio-visual works and on the amendment and supplement to some other acts and some other legal regulations, as amended

<sup>31</sup> Section 3a (f) of Act No. 359/1992 Coll. on surveying, mapping and land registering authorities, as amended

Archives of the Academy of Sciences of the Czech Republic, the Archives of the National Gallery, the Institute of History of Charles University - the Archives of Charles University, the Archives of Masaryk University in Brno, the Archives of Czech Technical University in Prague, the Archives of Czech Television, the Archives of Czech Radio Broadcasting, and the Archives of Brno Technical University which carry out activities under currently valid legal regulations shall be deemed to be accredited specialised archives under this Act as of the date of effect of this Act.

(5) Founders of current archives of special importance and founders of organisations receiving contributions from the state budget the part of which are archives of special importance, with the exception of archives referred to in paragraphs (2) to (4), shall be obliged within six months from the date of effect of this Act to file an application with the Ministry for accreditation to become specialised archives private archives, and shall notify the Ministry on establishment of security archives or a records centre. Until such accreditation is granted, however not later than within three years from the date of effect of this Act, those archives that have applied for accreditation shall be deemed to be specialised archives or private archives under this Act. If a founder does not apply for accreditation within the stipulated time limit or if accreditation is not granted to such archives within the stipulated time limit, or if a founder does not notify the Ministry on establishment of security archives or a records centre, the Ministry shall decide on depositing archival records in the National Archives or the competent regional state archives.

#### Section 81

Archives which carry out activities under currently valid legal regulations and which shall be deemed to be accredited specialised archives under this Act as of the date effect of this Act shall be obliged, within ten years from the date of effect of this Act, to prove to the Ministry that they satisfy the conditions referred to in Section 61.

#### Section 82

(1) Archival records stored in archives before the date of effect of this Act shall continue to be stored in such archives unless stipulated otherwise herein. Exceptions are permitted with regard to merging of archival sets stored in different archives. Upon the request of the founder, the Ministry shall decide on such exceptions.

(2) Archival records registered before the date of the effect of this Act in registers in the Czech Republic as part of the Single Archival Fond shall become archival records of the National Archival Heritage as of the date of effect of this Act.

(3) Archival records that were recognised as Cultural Relics before the date of effect of this Act shall become archival cultural relics under this Act, as of the date of effect of this Act.

(4) Archival records not older than thirty years, which were made accessible before the date of effect of this Act under the special legal regulations<sup>32</sup>, shall be subject to rules of accessibility of archival records valid before the date of effect of this Act.

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<sup>32</sup> For example Act No. 140/1996 Coll., as amended

### Section 83

(1) Archives which carry out activities under currently valid legal regulations and the Research Rules of which do not comply with the provisions of this Act shall be obliged, within six months from the date of effect of this Act, to amend their Research Rules so that they conform to this Act.

(2) Designated agencies whose Records Management Rules and list of retention and disposition schedules do not comply with the provisions of this Act shall be obliged, within six months from the date of effect of this Act, to amend their Records Management Rules and list of retention and disposition schedules so that they conform to this Act.

(3) After selection from among records created under special legal regulations concerning registers of births, deaths and marriages or from among records concerning the issue of nationality of the Czech Republic and elections of representatives to regional and local assemblies and elections to the European Parliament, archival records will always be stored in the National Archives or the competent regional state archives.

### Section 84

Administrative proceedings commenced before the date of effect of this Act shall be accomplished and fines shall be imposed under the currently valid legal regulations.

### Section 85

#### **Final Provisions**

(1) As of the date of effect of this Act the name of Central State Archives shall be changed to the National Archives.

(2) The Scientific Archival Council shall be an advisory body of the Minister of the Interior for professional and scientific issues concerning archives and performance of records management. Further details on organisation and activities of the Scientific Archival Council shall be stipulated in its statutes and Rules of Procedure, to be issued by the Minister of the Interior.

### Section 86

The Ministry shall issue the Decree on implementing the provisions of Section 9 (2), Section 13 (5), Section 19, Section 20 (5), Section 24 (3), Section 31 (2), Section 36, Section 40 (4), Section 56 (4), Section 61 (9), and Section 70.

### Section 87

#### **Repealing Provisions**

The following legal provisions are hereby repealed:

1. Act No. 97/1974 Coll. on the Archives.
2. Decree No. 101/1974 Coll. on the recognition of archival records as cultural relics and on the increased protection of archival records as cultural and National Cultural Relics.
3. Decree No. 102/1974 laying down details on transfers of title to archival records.
4. Decree No. 117/1974 Coll. laying down the criteria for assessing written records as archival records and details of the appraisal process.
5. Decree No. 118/1974 Coll. on archives of enterprises.
6. Decree No. 225/1988 Coll. on state archives and archives of national committees.

## **PARTS TWO TO FOURTEEN**

Section 88 to Section 102

The provisions of these Sections have amended other acts.

## **PART FIFTEEN**

### **ENTRY INTO EFFECT**

Section 103

This Act shall enter into effect on 1 January 2005.

**Entrepreneurs and those business undertakings registered in the Companies Register which have created records shall be obliged to properly store and allow selection of archival records from among them, upon the conditions stipulated by this Act**

1. Status

- a) incorporation records;
- b) statutes, articles of association, rules of procedure, organisational rules and schemes;
- c) records on company transformations;
- d) recordation of winding up and cessation of a business undertaking registered in the Companies Register;

2. Management

- a) protocols and minutes from meetings of a statutory body and a supervisory board, reports of supervisory boards, minutes from general meetings with all annexes;
- b) management acts of a business undertaking maintained in the Companies Register, minutes from the meeting of top management;
- c) reports on business operations of a business undertaking maintained in the Companies Register and reports on its assets;
- d) audit reports, if they are not included in annual reports;
- e) annual reports.

3. Assets

- a) Non-routine inventory taking due to acquisition, division and winding up of a business undertaking maintained in the Companies Register;
- b) agreements on transfers of title to real estate and deeds certifying passage of title to real estate;
- c) recordation of registers and certification of trademarks;
- d) industrial designs.

4. Financial records

- a) annual financial statements;
- b) annual statistical statements.

#### 5. Promotional activities

Samples of own promotional materials and recordation, in particular leaflets, publications, prospectuses, catalogues, advertisements, pattern books, films, and photographs.

#### 6. Production, objects of business

- a) business plans; development studies, production plans;
- b) annual and longer-term production programmes, analyses with comments;
- c) recordation of products, layout and location drawings;
- d) own standards;
- e) awarded products.

**Records to be submitted, according to their content, for selection to become archival records**

1. Minutes from meetings of bodies of legislative, governmental and executive authorities and authorities of territorial self-governing units at all levels
2. Deeds of foundation, statutes, rules of organisation and other records on an organisational structure, management, governance, leadership, controls, activities and results of
  - a) bodies of legislative, governmental and executive authorities and authorities of territorial self-governing units at all levels;
  - b) judicial bodies at all levels and of all types, notary offices, public prosecutor's offices and their predecessors;
  - c) state organisations receiving contributions from the state budget and organisations receiving contributions from municipalities and regions, economic, budget-funded and other state organisations managed or administered by state authorities or national committees and predecessors of such organisations;
  - d) commercial organisations established or controlled by central authorities or other authorities of state administration subordinate to central authorities, authorities of territorial self-governing units and their ancestors;
  - e) cooperative organisations, their facilities and their ancestors;
  - f) all parts and facilities of armed forces and security forces;
  - g) political parties, political movements, civil associations, trade unions and organisations of employers.
3. International contractual records at presidential, governmental and ministerial levels
4. Geodetic and cartographic records, records of land registers
5. Recordation of important constructions and buildings
6. Chronicles
7. Vital registers of births, marriages, deaths, registered partners, soldiers, students, members of chambers and civil associations, collections of vital registers deeds, records on acquisition and loss of nationality

8. Annual budgets, closing accounts, annual financial statements
9. Historical census sheets
10. Court judgements for political offences, for crimes against humanity, for restricting human rights and freedoms, for grave crimes against life, health and property of citizens
11. Personal files of important personalities of political, economic, scientific, technological, cultural, religious, church and sports life
12. Manuscripts of significant literary works
13. Journals of incoming and outgoing mail and records related registers, elenchus, sheets summarising basic information on companies and their products, global sheets and other types of registering tools of records management
14. Privatisation projects
15. Rehabilitation files
16. Class registers, catalogues, catalogue sheets, protocols on final examinations, protocols on school-leaving examinations issued by basic and secondary schools, and protocols on state final examinations at higher school institutions
17. Records created by security forces during the communist totalitarian regime
18. Original negatives, duplication copies and duplication negatives of movies, recordary films and cartoons
19. Records encompassing fundamental information on
  - a) standard of life of inhabitants in given historical political and economic conditions;
  - b) strategies, policies and plans of economic development including important accounting and statistical statements and overviews;
  - c) currency policy;
  - d) property owned and changes in property, confiscations and property restitutions;
  - e) legal regulation of international relations;
  - f) creation of legal regulations including proposals never implemented
  - g) national borders, territorial division of the state, borders of administrative districts, state symbols and symbols of territorial self-governing units, local names and their changes, on merging and splitting of municipalities;

- h) the situation within and development of the health care system, social welfare and assistance in poverty, and on the level of dwelling;
- i) the situation within and development of science and technology;
- j) the situation within and development of the education system, culture and arts, physical training and sports;
- k) the situation within and development of transport and communications;
- l) territorial and spatial planning;
- m) substantial or significant changes and measures taken in the protection of the environment;
- n) geological and soil exploration;
- o) technological development of patents for significant inventions;
- p) cultural monuments and their maintenance, reconstruction and protection;
- q) lives and works of foremost personalities;
- r) election results and results of referenda;
- s) membership in international organisations.

### **Archival records included Category I**

1. The following archival records shall be included in Category I

- a) Cultural archival relics and National Cultural Relics;
- b) archival records created before or up to 1523;
- c) deeds created between 1527 and 1648;
- d) important public and state deeds created after 1648;
- e) seal-matrices created before or by the end of the first half of the 17<sup>th</sup> century; after this period only seal-matrices of extraordinary artistic value;

2. in addition the following archival records not included under the provisions of point 1 shall be included in Category I

- a) Public Records (Tabulae terrae), (vassalage and feudal records), yeoman books, lists of retainers and yeomen, land and duties registers, land, mining and railway books, municipal books from the period before current city councils, vital registers of births, deaths and marriages, military vital registers, registers of higher education institutions and records dealing with fundamental changes in the numbers, structure and lifestyle of population;
- b) district tax registers;
- c) fundamental legal records on the structure of the state, on the organisational structure and activities of supreme state institutions;
- d) minutes and protocols from meetings of legislative assemblies, from meetings of governments circa 1918 and onwards, minutes from meetings of all assemblies of elected representatives and similar assemblies;
- e) important records on legal regulation of international relations, in particular agreements concerning regulation of relations between states and relations between important social, scientific, economic and other institutions;
- f) records on establishment, changes and adjustments of the national border (border related records);
- g) fundamental records of an economic nature created through activities of supreme state authorities on essential issues of currency policy, on strategic decisions of state economic policy and on state interventions into the structure of ownership of production means, in particular of land reform, nationalisation, and privatisation;
- h) basic records on the development of science, technology and culture;

- i) very important records created through activities of central bodies of political parties and other significant social organisations (corporations) and civic associations;
- j) records depicting struggle for fundamental human rights and freedoms, for political and social emancipation of groups of inhabitants and for trade unions rights of employees and rights of employers;
- k) minutes from meetings of supreme authorities of the Czechoslovak Republic in exile between 1939 and 1945;
- l) records relating to the Munich crisis in 1938, records substantially recording the system and methods of Nazi power in our territory between 1938 and 1945 created through activities of supreme German Reich bodies and Nazi organisations, archival concerning restoration of Czechoslovak statehood in 1945 and after war administrative structure of the Czechoslovak Republic, records recording the communist coup d'état in 1948, the occupation of Czechoslovakia in 1968, the end of the communist totalitarian regime in 1989 and subsequent reinstatement of a democratic establishment,
- m) records dealing with anti-Nazi and anti-communist resistance and its persecution, and repressions against churches and religious societies;
- n) records of European, or global importance;
- o) basic geodetic and cartographic records;
- p) manuscript maps and plans which are, due to their technical and artistic processing, of exceptional value as well as unique copies of printed maps and plans of domestic origin;
- q) drawings, graphic sheets and photographs depicting some places, towns, foremost persons, historically important events, national costumes and tools that are of exceptional recordary value or of valuable in terms of artistic and technical processing, or because they very unique;
- r) plans and drawings of machines, tools and machinery equipment created before or by 1850;
- s) correspondence of exceptional historical importance, manuscripts of important music, literary, scientific and technical works;
- t) albums, chronicles and diaries describing important historical events or containing data covering a longer historical period;
- u) records of artistic value (for example illustrated official books and manuscripts with artistic miniatures);
- v) all audio and film records created up until 1930; after 1930 only those which are of exceptional artistic, technical or recordary value;

- w) military-political records and records of military-technical nature recording status and mission of armed forces and armed security forces, and encompassing summarising data on their organisation, numbers and technical equipment.

Internal organisational units of regional state archives are as follows:

a)

Regional State Archives in Prague

- 1.State District Archives Benešov,
- 2.State District Archives Beroun,
- 3.State District Archives Kladno,
- 4.State District Archives Kolín,
- 5.State District Archives Kutná Hora,
- 6.State District Archives Nymburk with headquarters in Lysá nad Labem,
- 7.State District Archives Mělník,
- 8.State District Archives Mladá Boleslav,
- 9.State District Archives Praha-východ with headquarters in Přemyšlení,
10. State District Archives Praha-západ with headquarters in Prague,
11. State District Archives Příbram,
12. State District Archives Rakovník,

b)

Regional State Archives in Třeboni

- 1.State District Archives České Budějovice,
- 2.State District Archives Český Krumlov,
- 3.State District Archives Jindřichův Hradec,
- 4.State District Archives Písek,
- 5.State District Archives Prachatice,
- 6.State District Archives Strakonice,
- 7.State District Archives Tábor,

c)

Regional State Archives in Pilsen

- 1.State District Archives Domažlice with headquarters in Horšovský Týn,
- 2.State District Archives Cheb,
- 3.State District Archives Karlovy Vary,
- 4.State District Archives Klatovy,
- 5.State District Archives Plzeň-jih with headquarters in Blovice,
- 6.State District Archives Plzeň-sever with headquarters in Plasy,
- 7.State District Archives Rokycany,
- 8.State District Archives Sokolov with headquarters in Jindřichovice,
- 9.State District Archives Tachov,

d)

Regional State Archives in Litoměřice

- 1.State District Archives Česká Lípa,
- 2.State District Archives Děčín,
- 3.State District Archives Chomutov with headquarters in Kadaň,
- 4.State District Archives Jablonec nad Nisou,
- 5.State District Archives Liberec,
- 6.State District Archives Litoměřice with headquarters Lovosice,

- 7.State District Archives Louny,
- 8.State District Archives Most,
- 9.State District Archives Semily,
10. State District Archives Teplice,

e)

Regional State Archives in Zámorsk

- 1.State District Archives Hradec Králové,
- 2.State District Archives Chrudim,
- 3.State District Archives Jičín,
- 4.State District Archives Náchod,
- 5.State District Archives Pardubice,
- 6.State District Archives Rychnov nad Kněžnou,
- 7.State District Archives Svitavy with headquarters in Litomyšl,
- 8.State District Archives Trutnov,
- 9.State District Archives Ústí nad Orlicí,

f)

Moravian Provincial Archives in Brno

- 1.State District Archives Blansko,
- 2.State District Archives Brno-venkov with headquarters in Rajhrad,
- 3.State District Archives Břeclav with headquarters in Mikulov,
- 4.State District Archives Havlíčkův Brod,
- 5.State District Archives Hodonín,
- 6.State District Archives Jihlava,
- 7.State District Archives Kroměříž,
- 8.State District Archives Pelhřimov,
- 9.State District Archives Třebíč,
10. State District Archives Uherské Hradiště,
11. State District Archives Vsetín,
12. State District Archives Vyškov with headquarters in Slavkov u Brna,
13. State District Archives Zlín,
14. State District Archives Znojmo,
15. State District Archives Žďár nad Sázavou,

g)

Provincial Archives in Opava

- 1.State District Archives Bruntál,
- 2.State District Archives Frýdek-Místek,
- 3.State District Archives Jeseník,
- 4.State District Archives Karviná,
- 5.State District Archives Nový Jičín,
- 6.State District Archives Olomouc,
- 7.State District Archives Opava,
- 8.State District Archives Prostějov,
- 9.State District Archives Přerov,
10. State District Archives Šumperk.

1. Act No. 413/2005 Coll. on the amendment to some other acts in relation to the adoption of the Act on the protection of classified information and on security eligibility came into effect on 1 January 2006.
2. Act No. 444/2005 Coll. amending Act No. 531/1990 Coll. on territorial financial authorities, as amended, and some other acts came into effect on 1 January 2006.
3. Act No. 112/2006 Coll. amending some acts in relation to the adoption of the act on cost of living and subsistence minimum and the act on the assistance in poverty came into effect on 1 January 02007.
4. Act No. 181/2007 Coll. on the Institute for Studies of Totalitarian Regimes and on the Archives of Security Forces and on the amendment to some other acts came into effect on the first day of the calendar month following the date of its publication (1 August 2007).
5. Act No. 296/2007 Coll., amending Act No. 182/2006 Coll. on insolvency and methods of its solutions (the Act on Insolvency), as amended and some acts in relation to its adoption came into effect on 1 January 2008.
6. Act No. 32/2008 Coll. amending Act No. 412/2005 Coll. on the protection of classified information and on security eligibility, as amended, Act No. 499/2004 on archives and performance of records management and on the amendment to some other acts, as amended, Act No. 106/1999 Coll. on free access to information, as amended came into effect on the first day of the calendar month following the date of its publication (1 March 2008).
7. Act No. 190/2009 Coll. amending Act No. 499/2004 on archives and performance of records management and on the amendment to some other acts, as amended came into effect on 1 July 2008.

Prime Minister:

**Ing. Fischer, CSc.**