

REPUBLIC OF LITHUANIA
LAW ON DOCUMENTS AND ARCHIVES

5 December 1995 No I-1115

Vilnius

(As last amended on 2 October 2012 — No XI-2243)

CHAPTER ONE
GENERAL PROVISIONS

Article 1. Purpose of the Law

1. The purpose of this Law shall be to create a legal basis for:

1) the effective document management so that the transparency and accountability of legal persons' activities would be grounded and legitimate interests of the persons concerned would be ensured;

2) the ability to have access to activity documents of state and municipal institutions, agencies and enterprises so that the right of citizens and other persons to search for, receive and disseminate information would be exercised, thus promoting the effectiveness and legality of the activities of such institutions, and strengthening public confidence in them;

3) the accumulation and administration of the National Documentary Fond so that the state's documentary heritage, memory and the national identity would be preserved.

2. This Law shall regulate the management and use of activity documents of state and municipal institutions, agencies and enterprises, persons authorised by the state, non-governmental organisations, private legal persons, establish the competence and tasks of the entities carrying out administration of documents and archives.

3. This Law shall not apply to the documents that belong to the fonds of libraries and museums.

4. This Law shall ensure the application of the legal acts of the European Union, specified in the Annex to this Law, in the sphere of regulation of the protection of individuals with regard to processing of personal data.

Version of Article 2 until 1 July 2012:

Article 2. Main Definitions of this Law

Version of paragraph 1 valid until 31 December 2012:

1. "Intelligence information" means information on the persons who secretly collaborated with the special services of the former USSR, as well as information on the recruitment and use of such persons, information gathered by them and other information about persons, which was obtained by applying measures and methods of operational activities.

Version of paragraph 1 valid as of 1 January 2013:

1. "Criminal intelligence information" means information on the persons who secretly collaborated with the special services of the former USSR, as well as information on the recruitment and use of such persons, information gathered by them and other information about persons, which was obtained by applying measures and methods of gathering intelligence information and criminal intelligence information.

2. "Archives" means an agency or its structural subdivision, or other premises for storing accumulated documents.

3. "Security copies" means copies of documents intended for use, produced in microform or digital media.

4. "Documentation plan" means a yearly plan of the systematic arrangement of activity documents of a state or municipal institution, agency or enterprise.

5. "Document" means information recorded in the course of activities of a legal or natural person, regardless of its mode, form and medium.

6. "Document conversion" means changing from one programme and/or technical environment to another or from one mode to another, ensuring the preservation of information recorded in documents.

7. "Use of documents" means the use of information contained in documents for commercial and non-commercial purposes.

8. "Documents storage services" means storage of documents of other persons according to contractual obligations of a licensee and in compliance with requirements set out by legal acts, in special premises in order to ensure the authenticity, reliability and accessibility of documents during the whole period of their storage.

9. "Documents arrangement services" means systematic arrangement of documents of other persons, arrangement of files and preparation of accounting of files in accordance with the procedure laid down by legal acts regulating documents management.

10. "Documents management" means a field of internal administration of a state or municipal institution, agency or enterprise, a person authorised by the state, a non-governmental organisation, a private legal person, which comprises the creation, arrangement, registration, and storage of documents.

11. “Electronic document” means a document of a legal or natural person, which is created, approved or received by information technology tools in accordance with the procedure laid down by regulations and is signed with a legally binding electronic signature.

12. “Contextual information” means information about the structure, content and context of a document, providing necessary and adequate conditions to ensure the authenticity and accessibility of a document.

13. “Non-governmental organisation” means political parties, associations, other organisations and unions formed to meet members’ needs and public interests.

14. “Permanent preservation” means preservation for an indefinite time of the documents having the lasting enduring value.

15. “Official document” means a document created, approved or received by a state or municipal institution, agency or enterprise or a person authorised by the state, in conduct of the powers established by regulations. Such document shall be entered in the register.

16. “Access to documents” means the right of access to documents, subject to the procedure established by laws and other regulations.

17. “Special equipment” means software and technical equipment for storing and/or viewing accessing/presenting documents.

18. “Retention period” means the length of time that documents should be retained.

19. “Persons authorised by the state” means persons performing the functions granted by the state and established by the law (bailiffs, notaries).

20. “State and municipal institutions, agencies, enterprises” means state and municipal institutions and agencies, financed from the state or municipal budgets, from national monetary funds, as well as state and municipal enterprises.

21. “Activity documents” means documents created, approved, received in the course of activities of a state or municipal institution, agency or enterprise, a person authorised by the state, a non-governmental organisation, a private legal person, or taken over from other legal or natural persons.

Version of Article 2 as of 1 July 2012:

Article 2. Main Definitions of this Law

1. “Intelligence information” means information on the persons who secretly collaborated with the special services of the former USSR, as well as information on the recruitment and use of such persons, information gathered by them and other information about persons, which was obtained by applying measures and methods of operational activities.

2. "Archives" means an agency or its structural subdivision, or other premises for storing accumulated documents.

3. "Security copies" means copies of documents intended for use, produced in microform or digital media.

4. "Documentation plan" means a yearly plan of the systematic arrangement of activity documents of a state or municipal institution, agency or enterprise.

5. "Document" means information recorded in the course of activities of a legal person or any other organisation or their branch established in the Republic of Lithuania or a foreign state (hereinafter referred to as a "legal person") or of a natural person, regardless of its mode, form and medium.

6. "Document conversion" means changing from one programme and/or technical environment to another or from one mode to another, ensuring the preservation of information recorded in documents.

7. "Use of documents" means the use of information contained in documents for commercial and non-commercial purposes.

8. "Documents storage services" means storage in special repositories of documents of other persons according to contractual obligations of a licensee and in compliance with requirements set out by legal acts, in order to ensure the authenticity, reliability and accessibility of documents during the whole period of their storage.

9. "Documents arrangement services" means systematic arrangement of documents of other persons, arrangement of files and preparation of accounting of files in accordance with the procedure laid down by legal acts regulating documents management.

10. "Documents management" means a field of internal administration of a state or municipal institution, agency or enterprise, a person authorised by the state, a non-governmental organisation, a private legal person, which comprises the creation, arrangement, registration, and storage of documents.

11. "Electronic document" means a document of a legal or natural person, which is created, approved or received by information technology tools in accordance with the procedure laid down by regulations and is signed with a legally binding electronic signature.

12. "Documents of long-term retention" means documents the retention period of which is from 26 to 100 years.

13. "Contextual information" means information about the structure, content and context of a document, providing necessary and adequate conditions to ensure the authenticity and accessibility of a document.

14. “Non-governmental organisation” means political parties, associations, other organisations and unions formed to meet members’ needs and public interests.

15. “Documents of permanent retention” means documents the retention period of which is indefinite.

16. “Official document” means a document created, approved or received by a state or municipal institution, agency or enterprise or a person authorised by the state, in conduct of the powers established by regulations. Such document shall be entered in the register.

17. “Access to documents” means the right of access to documents, subject to the procedure established by laws and other regulations.

18. “Special equipment” means software and technical equipment for storing and/or viewing accessing/presenting documents.

19. “Retention period” means the length of time that documents should be retained.

20. “Documents of short-term retention” means documents the retention period of which is from 1 to 25 years.

21. “Member State” means any Member State of the European Union or any other state of the European Economic Area.

22. “Persons authorised by the state” means persons performing the functions granted by the state and established by the law (bailiffs, notaries).

23. “State and municipal institutions, agencies, enterprises” means state and municipal institutions and agencies, financed from the state or municipal budgets, from national monetary funds, as well as state and municipal enterprises.

24. “Activity documents” means documents created, approved, received in the course of activities of a state or municipal institution, agency or enterprise, a person authorised by the state, a non-governmental organisation, a private legal person, or taken over from other legal or natural persons.

Article 3. National Documentary Fond

1. The National Documentary Fond shall consist of activity documents of state and municipal institutions, agencies and enterprises, persons authorised by the state, activity documents of state agencies and enterprises which operated in Lithuania at various times, as well as the documents preserved in state archives.

2. Activity documents of enduring value of non-governmental organisations, private legal and natural persons, as well as the documents of the historical heritage of Lithuania or related to Lithuania, or their copies, received from other states may be included to the National Documentary Fond.

3. The special part of the National Documentary Fond shall consist of the activity documents of the structures of the opposition (resistance) to the occupation regimes of the USSR and Germany, the People's Commissariat for Internal Affairs of the Lithuanian SSR (from 1940 to 1941 and from 1944 to 1946), the People's Commissariat for State Security of the Lithuanian SSR (in 1941 and from 1944 to 1946), the Ministry for State Security of the Lithuanian SSR (from 1946 to 1953), the Ministry of Internal Affairs of the Lithuanian SSR (from 1946 to 1954), the Committee for State Security of the Lithuanian SSR (from 1954 to 1991), the People's Commissariat for State Security of the USSR (NKGB), the Ministry for State Security of the USSR (MGB), the subdivisions of the Committee for State Security of the USSR (KGB) which operated in Lithuania from 1940 to 1991, the subdivisions of the People's Commissariat for Internal Affairs of the USSR (NKVD) and the Ministry of Internal Affairs of the USSR (MVD) which operated in Lithuania from 1946 to 1954, the subdivisions of the People's Commissariat of Defence of the USSR (NKO) and the People's Commissariat (Ministry) of the Navy (NKVMF) which operated in Lithuania in 1941, from 1943 to 1946, the subdivisions of the Main Intelligence Directorate of the General Staff of the Soviet Army (GRU) which operated in Lithuania from 1940 to 1991, the Communist Party of Lithuania, as well as the structures subordinate to these organisations, services. The documents of the special part of the National Documentary Fond, with the exception of the documents of the former secret (first) divisions of the state establishments, enterprises and organisations that operated in the Lithuanian SSR, must be transferred in accordance with the procedure laid down in paragraph 2 of Article 4 of this Law and preserved in the Lithuanian Special Archives. The documents of the former secret (first) divisions of the state establishments, enterprises and organisations that operated in the Lithuanian SSR shall be preserved in other state archives.

Article 4. Ownership of Documents

1. The National Documentary Fond shall be property of the Republic of Lithuania.
2. The documents of the National Documentary Fond shall be withdrawn from civil circulation. If private legal or natural persons hold the documents of the said Fond, they must be transferred to that state or municipal institution, agency or enterprise to which they would belong within its competence, and if such an institution, agency or enterprise does no longer function, a decision concerning the storage of documents shall be taken by the Chief Archivist of Lithuania. When a legal or natural person who holds the documents of the National Documentary Fond, refuses to transfer the said documents, a competent state or municipal institution, agency or enterprise, and if such does no longer function – the Chief Archivist of Lithuania must take measures in accordance with the procedure established by the law.

3. Activity documents of non-governmental organisations and private legal persons shall be their private property.

CHAPTER TWO

STATE ADMINISTRATION OF DOCUMENTS AND ARCHIVES

Version of Article 5 until 1 July 2012:

Article 5. Entities Carrying out State Administration of Documents and Archives

1. The Government of the Republic of Lithuania (hereinafter referred to as "the Government") shall:

1) approve long-term state programmes on the preservation of the National Documentary Fond;

2) approve the Description of the Procedure for Issuing and Revocation of the Licences for Documents Arrangement and/or Storage Services, Return of the Documents and the Licences;

3) approve the Description of the Procedure for Export of Documents from the Republic of Lithuania;

4) be responsible for the transposition of legal acts of the European Union defining the field of management and use of documents and archives into the national law of the Republic of Lithuania;

5) shape in Lithuania policy of management and use of European Union documents and archives;

6) establish the Office of the Chief Archivist of Lithuania and charge the Minister of Culture of the Republic of Lithuania (hereinafter referred to as the "Minister of Culture") with the performance of part of the rights and duties of the owner of this agency;

7) approve regulations of the Office of the Chief Archivist of Lithuania, set, in accordance with the procedure laid down by legal acts, the maximum allowable number of civil servants and employees working under the employment contract;

8) appoint and dismiss the Chief Archivist of Lithuania in accordance with the procedure laid down by the Law on the Government;

9) on the recommendation of the Chief Archivist of Lithuania, establish state archives and charge the Minister of Culture with the performance of part of the rights and duties of the owner of these agencies;

10) fulfil other functions related to state administration of documents and archives as set out in legal acts.

2. The Minister of Culture shall:

- 1) participate in the shaping and implementation of national policy in the field of management and use of documents and archives;
- 2) participate in the shaping and implementation of national policy in the field of management and use of European Union documents and archives;
- 3) develop and submit to the Government for approval long-term state programmes on the preservation of the National Documentary Fond;
- 4) upon the instructions of the Government implement part of the rights and duties of the owner of the Office of the Chief Archivist of Lithuania and state archives;
- 5) fulfil other functions related to state administration of documents and archives as set out by legal acts.

3. The Chief Archivist of Lithuania – the head of the Office of the Chief Archivist of Lithuania, responsible to the Minister of Culture, shall:

- 1) participate in the shaping of national policy in the field of management and use of documents and archives, as well as implement this policy;
- 2) upon the instructions of the Government or the Minister of Culture participate in the shaping and implementation of European Union policy in the field of management and use of documents and archives;
- 3) ensure enforcement in Lithuania of legal acts in the field of management and use of European Union documents;
- 4) regulate administration of the field of state management of documents and archives, present co-ordination findings with respect to draft legal acts, other documents related to policy of management of archives and documents and drawn up by other state institutions and agencies;
- 5) control administration of the National Documentary Fond;
- 6) form a uniform practice of documents management in state and municipal institutions, agencies and enterprises;
- 7) solve issues concerning the transfer of activity documents of state and municipal institutions, agencies and enterprises;
- 8) have the right to receive from state and municipal institutions, agencies and enterprises, persons authorised by the State, non-governmental organisations, private legal persons the information regarding the fulfilment of the set objectives and assigned functions;
- 9) approve the administrative structure of the Office of the Chief Archivist of Lithuania; the Chief Archivist of Lithuania shall be the manager of appropriations allocated for the Office of the Chief Archivist of Lithuania and state archives;

10) carry out the functions, set out by legal acts, pertaining to administration of the Office of the Chief Archivist of Lithuania as well as to state administration of documents and archives.

4. State archives shall:

1) carry out public administration functions related to the implementation of the provisions of this Law and other laws attributed to the competence of state archives;

2) accumulate, preserve, research and promote permanent retention documents of the National Documentary Fond;

3) in accordance with the procedure laid down by the law ensure public access to the documents preserved in state archives;

4) on the basis of the documents preserved in state archives, issue certificates, attested copies of documents, extracts intended for the approval of juridical facts;

5) administrate the part of the National Documentary Fond assigned to them, solve issues related to inclusion of activity documents of non-governmental institutions, private legal and natural persons to the said part of the National Documentary Fond;

6) within the limits of their competence supervise the implementation, set out in legal acts, of the requirements for management and use of documents and archives;

7) within the limits of their competence implement the provisions of European Union legal acts in the field of documents management and use;

8) have the right to receive from state and municipal institutions, agencies and enterprises, persons authorised by the State, non-governmental organisations, private legal persons the information regarding the fulfilment of their objectives and functions;

9) have the right to conclude agreements with legal and natural persons of the Republic of Lithuania and foreign states;

10) enjoy other rights defined by legal acts.

5. The Council on Archives shall be an expert institution advising on the issues related to the implementation of this Law and assigned to the competence of the Minister of Culture; it shall function on a voluntary basis. The Council on Archives shall comprise persons delegated by state archives and appointed by the Minister of Culture. The personal composition of the Council on Archives and its regulations shall be approved by the Minister of Culture. The Council of Archives shall advise the Minister of Culture on the following:

1) shaping and state administration of state policy of documents and archives;

2) preservation of the heritage existing in archives;

3) efficient use of budget appropriations and other funds allocated for the field of state documents and archives;

4) other fields specified in the regulations of the Council of Archives.

Version of Article 5 as of 1 July 2012:**Article 5. Entities Carrying out State Administration of Documents and Archives**

1. The Government of the Republic of Lithuania (hereinafter referred to as "the Government") shall:

1) set trends and priorities of the development of the field of management and use of documents, when approving strategic planning documents;

2) approve the Description of the Procedure of Issuing, Suspension and Revocation of the Licences;

3) approve the Description of the Procedure for the Export of Documents from the Republic of Lithuania;

4) be responsible for the transposition of legal acts of the European Union defining the field of management and use of documents and archives into the national law of the Republic of Lithuania;

5) shape in Lithuania the policy of management and use of European Union documents and archives;

6) establish, reorganise, reform and liquidate the Office of the Chief Archivist of Lithuania and charge the Ministry of Culture of the Republic of Lithuania (hereinafter referred to as the "Ministry of Culture") with the performance of part of the rights and duties of the owner of this agency;

7) approve regulations of the Office of the Chief Archivist of Lithuania, set, in accordance with the procedure laid down by legal acts, the maximum allowable number of positions of civil servants and employees working under the employment contract and receiving remuneration from the state budget and state monetary funds;

8) appoint and dismiss the Chief Archivist of Lithuania in accordance with the procedure laid down by the Law on the Government;

9) on the recommendation of the Chief Archivist of Lithuania, establish state archives and charge the Ministry of Culture with the performance of part of the rights and duties of the owner of these agencies;

10) approve the structure of the administration of the Chief Archivist of Lithuania or charge the Chief Archivist of Lithuania to approve the said structure;

11) fulfil other functions related to state administration of documents and archives as set out in legal acts.

2. The Ministry of Culture shall:

1) shape a national policy in the field of management and use of documents and archives;

2) shape a film heritage protection policy and coordinate the creation of a state film chronicle according to target appropriations of the state budget as well as to the description of the procedure for creation of a chronicle, set by the Minister of Culture;

3) participate in the shaping and implementation of national policy in the field of management and use of European Union documents and archives;

4) coordinate preparation and implementation of strategic planning documents in the field of management and use of documents and archives;

5) upon the instructions of the Government implement part of the rights and duties of the owner of the Office of the Chief Archivist of Lithuania and of the state archives;

6) fulfil other functions related to state administration of documents and archives as set out by legal acts.

3. The Chief Archivist of Lithuania – the head of the Office of the Chief Archivist of Lithuania, accountable to the Minister of Culture of the Republic of Lithuania (hereinafter referred to as the “Minister of Culture”), shall:

1) participate in the shaping of a national policy in the field of management and use of documents and archives, as well as implement this policy;

2) upon the instructions of the Government or the Minister of Culture, participate in the shaping and implementation of a European Union policy in the field of management and use of documents and archives;

3) ensure enforcement in Lithuania of legal acts in the field of management and use of European Union documents;

4) regulate administration of the field of state management of documents and archives, present co-ordination findings with respect to draft legal acts, other documents related to policy of management of archives and documents and drawn up by other state institutions and agencies;

5) control administration of the National Documentary Fond;

6) form a uniform practice of documents management in state and municipal institutions, agencies and enterprises;

7) solve issues concerning the transfer of activity documents of state and municipal institutions, agencies and enterprises;

8) coordinate accumulation, preservation and use of film heritage;

9) have the right to receive from state and municipal institutions, agencies and enterprises, persons authorised by the State, non-governmental organisations, private legal persons the information regarding the fulfilment of the set objectives and assigned functions;

10) be the manager of budget appropriations allocated for the Office of the Chief Archivist of Lithuania and state archives;

11) carry out the functions, set out by legal acts, pertaining to administration of the Office of the Chief Archivist of Lithuania as well as to state administration of documents and archives.

4. State archives shall:

1) carry out public administration functions related to the implementation of the provisions of this Law and other laws attributed to the competence of state archives;

2) accumulate, preserve, research and promote permanent retention documents of the National Documentary Fond;

3) in accordance with the procedure laid down by the law ensure public access to the documents preserved in state archives;

4) on the basis of the documents preserved in state archives, issue certificates, attested copies of documents, extracts intended for the approval of juridical facts;

5) administrate the part of the National Documentary Fond assigned to them, solve issues related to inclusion of activity documents of non-governmental institutions, private legal and natural persons to the said part of the National Documentary Fond;

6) within the limits of their competence supervise the implementation, set out in legal acts, of the requirements for management and use of documents and archives;

7) within the limits of their competence ensure collecting, preservation and use of original film material in accordance with the procedure laid down by the law;

8) within the limits of their competence implement the provisions of European Union legal acts in the field of documents management and use;

9) have the right to receive from state and municipal institutions, agencies and enterprises, persons authorised by the State, non-governmental organisations, private legal persons the information regarding the fulfilment of the objectives and functions of the state archives;

10) have the right to conclude agreements with legal and natural persons of the Republic of Lithuania and foreign states;

11) enjoy other rights defined by legal acts.

5. The Council on Archives shall be an expert institution advising on the issues related to the implementation of this Law assigned to the competence of the Minister of Culture; it shall function on a voluntary basis. The Council on Archives shall comprise persons delegated by state archives and appointed by the Minister of Culture. The personal composition of the Council on Archives and its regulations shall be approved by the Minister of Culture. The Council of Archives shall advise the Minister of Culture on the following:

1) shaping and state administration of national policy of documents and archives;

2) preservation of the heritage existing in archives;

3) efficient use of budget appropriations and other funds allocated for the field of state documents and archives;

4) other fields specified in the regulations of the Council of Archives.

Article 6. Legal Status of the Office of the Chief Archivist of Lithuania

1. The Office of the Chief Archivist of Lithuania shall be a government agency which supports the Chief Archivist of Lithuania in the carrying-out of state administration of the field of documents and archives.

2. The Office of the Chief Archivist of Lithuania shall be headed by the Chief Archivist of Lithuania. He shall be appointed and dismissed in accordance with the procedure laid down by the Law on the Government.

3. The Office of the Chief Archivist of Lithuania shall be a public legal person having bank accounts and the seal bearing the coat of arms of the State of Lithuania and its name.

4. The Office of the Chief Archivist of Lithuania shall be a budgetary institution financed from the state budget and other sources of financing provided for by the law.

Article 7. State Archives

Version of paragraph 1 until 1 July 2012:

1. State archives shall be budgetary agencies subordinate and accountable to the Chief Archivist of Lithuania. State archives shall be set up in accordance with the procedure established by the law; their regulations and administrative structures shall be approved by the Government; the concrete number of civil servants and employees working under the employment contract shall be set by the Chief Archivist of Lithuania. Directors of state archives shall be appointed and dismissed by the Chief Archivist of Lithuania in accordance with the procedure established by the law.

Version of paragraph 1 from 1 July 2012:

1. State archives shall be budgetary agencies subordinate and accountable to the Chief Archivist of Lithuania. State archives shall, in accordance with the procedure established by the law, be set up and their regulations shall be approved by the Government; their administrative structures, the concrete number of positions of civil servants and employees working under the employment contract and receiving remuneration from the state budget and state monetary funds shall be fixed by the Chief Archivist of Lithuania, not exceeding the largest allowable number of positions of civil servants and employees working under the employment contract and receiving remuneration from the state budget and state monetary funds in agencies subordinate to the Office of the Chief Archivist of Lithuania. Directors of state archives shall be appointed and

dismissed by the Chief Archivist of Lithuania in accordance with the procedure established by the law.

2. State archives shall be public legal persons having bank accounts and the seals bearing the coat of arms of the State of Lithuania and their names.

3. State archives shall be budgetary agencies financed from the state budget and other sources of financing provided for by the law.

Version of Article 8 until 1 July 2012:

Article 8. Paid Services of State Archives and other Agencies Established by the Ministry of Culture in Accordance with the Procedure Laid down by the Law

State archives and other agencies established by the Ministry of Culture may provide paid services relating to the preservation, arrangement, search, restoration, copying, conversion, display of documents, as well as training and consulting services. A detailed list of paid services, fees charged for the services and the procedure of provision thereof shall be set by the Minister of Culture on the recommendation of the Chief Archivist of Lithuania.

Version of Article 8 as of 1 July 2012:

Article 8. Paid Services of State Archives

State archives may provide paid services relating to the preservation, arrangement, search, restoration, copying, conversion, display of documents, as well as training and consulting services. A detailed list of paid services, fees charged for the services and the procedure of provision thereof shall be set by the Minister of Culture on the recommendation of the Chief Archivist of Lithuania.

Article 9. Repealed.

CHAPTER THREE

DOCUMENTS MANAGEMENT AND TRANSFER

Article 10. Organisation of Documents management

Version of paragraph 1 until 1 July 2012:

1. Activity documents of a state or municipal institution, agency or organisation must be effectively managed and accessible for meeting the needs of such institution, agency or organisation or the needs of other persons, protected against damage, loss, illegal use, replacement, destruction. The head or any other authorised person of a state or municipal institution, agency or enterprise (hereinafter referred to as the “head”) shall, in the manner

prescribed by regulations, be responsible for the organisation of the management of documents of that institution, agency or enterprise.

Version of paragraph 1 as of 1 July 2012:

1. Activity documents of a state or municipal institution, agency or organisation must be effectively managed and accessible for meeting the needs of such institution, agency or organisation or the needs of other persons, protected against damage, loss, illegal use, replacement, destruction. The head or any other authorised person of a state or municipal institution, agency or enterprise (hereinafter referred to as the “head”) shall, in the manner prescribed by regulations, be responsible for the organisation of the management of documents of that institution, agency or enterprise.

2. The head of a state or municipal institution, agency or enterprise must:

- 1) set registers, other registration documents of the institution, agency or enterprise;
- 2) appoint persons responsible for the registration, arrangement, storing and destruction of documents, and define their powers.

Version of paragraph 3 until 1 July 2012:

3. State and municipal institutions, agencies and enterprises which transfer permanent retention documents to state archives shall co-ordinate with the state archives the following:

- 1) legal acts which specify the documents specified in subparagraph 1 of paragraph 2 of this Article;
- 2) documentation plans, registration documents, computerised documents management systems.

Version of paragraph 3 as of 1 July 2012:

3. State and municipal institutions, agencies and enterprises, transmitting to state archives documents of permanent retention and electronic documents of long-term retention via the Electronic Archive Information System, shall co-ordinate with the state archives the data of documentation plans and the data of the registration documents, specified in subparagraph 1 of paragraph 2 of this Article.

Version of paragraph 4 until 1 July 2012:

4. State and municipal institutions, agencies and enterprises which do not transfer documents to state archives shall co-ordinate the documents specified in subparagraphs 1 and 2 of paragraph 3 of this Article with an institution or agency which performs the functions of their founder or an institution or agency which is authorised by it.

Version of paragraph 4 as of 1 July 2012:

4. State and municipal institutions, agencies and enterprises which do not transfer documents to state archives shall co-ordinate the documentation plans and registration

documents of activity specified in subparagraph 1 of paragraph 2 of this Article with an institution implementing the rights and duties of the owner of that institution, agency or enterprise or an agency authorised by it.

5. Persons authorised by the state shall organise activity documents management in the manner prescribed by this Law as well as the laws granting powers, to the extent they do not contradict this Law.

6. Non-governmental organisations, private legal and natural persons shall organise activity documents management in pursuance of laws, other regulations, and taking into account their obligations and needs.

7. State and municipal institutions, agencies and enterprises, non-governmental organisations, private legal persons must, on the basis of the documents held, issue in the manner prescribed by legal acts the documents related to the exercising of individual's rights, which confirm juridical facts.

Article 11. Creation, Arrangement and Registration of Documents

1. Documents must be created in compliance with the requirements for respective documents, established by regulations.

2. Documents created or received in the course of the exercising of the powers and activities of state or municipal institutions, agencies or enterprises must be registered in documents registers, systematised according to a documentation plan of an institution, agency or enterprise, arranged and entered into the registration documents.

3. Non-governmental organisations and private legal persons must create documents, the creation of which is established by regulations, arrange and enter them into the registration documents in accordance with an established procedure.

4. The Chief Archivist of Lithuania shall set out general requirements for the creation, arrangement and registration of documents.

Article 12. Preservation of Documents

State and municipal institutions, agencies and enterprises, persons authorised by the state, non-governmental organisations, private legal persons must:

- 1) store documents in safe and secure environment, evaluating possible risk factors;
- 2) retain their activity documents for a proper period in order to ensure evidence of the activities, and protect the rights of natural and legal persons related to the said activities;
- 3) retain for a proper period the activity documents of other natural and legal persons, received in accordance with the procedure established by this Law and other regulations;

4) ensure that kept electronic and other documents that are accessed only by means of special equipment would remain authentic, reliable and accessible through the whole retention period. Contextual information must be preserved together with such documents.

2. The head of a state or municipal institution, agency or enterprise, non-governmental organisation, private legal person shall be responsible for the storing of activity documents for a proper period.

3. The Chief Archivist of Lithuania shall set out requirements for the storing of documents of state and municipal institutions, agencies and enterprises, and installation of repositories, and shall, in accordance with the procedure laid down by the Law on Construction, issue conditions of the designing of construction works of repositories.

Article 13. Documents Retention Periods

1. State and municipal institutions, agencies and enterprises, non-governmental organisations and private legal persons shall fix retention periods of activity documents in compliance with the requirements of laws and other regulations. If these requirements are not set out, a document retention period shall be fixed taking into account the obligations and legitimate interests of state and municipal institutions, agencies and enterprises, non-governmental organisations, private legal persons and other persons concerned.

Version of paragraph 2 until 1 July 2012:

2. Indexes of retention periods of internal administration documents of state and municipal institutions, agencies and enterprises, activity documents of non-governmental organisations and private legal persons, the creation of which is established by regulations, shall be drawn up and, after co-ordination with interested central entities of state administration, shall be approved by the Chief Archivist of Lithuania.

Version of paragraph 2 as of 1 July 2012:

2. Indexes of retention periods of internal administration documents of state and municipal institutions, agencies and enterprises, internal administration documents of non-governmental organisations and private legal persons, the creation of which is established by regulations, shall be drawn up and, after co-ordination with interested central entities of state administration, shall be approved by the Chief Archivist of Lithuania.

3. Central entities of state administration shall prepare and, after co-ordination with the Chief Archivist of Lithuania, approve indexes of retention periods of documents accumulated in the sphere assigned to such entities.

Version of paragraph 4 until 1 July 2012:

4. The Chief Archivist of Lithuania or state archives authorised by it shall take decisions regarding the permanent retention of documents.

Version of paragraph 4 as of 1 July 2012:

4. The Chief Archivist of Lithuania or state archives authorised by it shall take a decision which activity documents of state and municipal institutions, agencies, enterprises, non-governmental organizations and private legal persons must be retained permanently.

Article 14. Destruction of Documents

1. Documents may be destructed following their appraisal and the expiration of their retention period set by regulations. A decision concerning the destruction or extension of the retention period of activity documents of a state or municipal institution, agency or enterprise, non-governmental organisation, private legal person shall be adopted by its head in pursuance of the general requirements for the creation, arrangement and registration of documents laid down by the Chief Archivist of Lithuania.

Version of paragraph 2 until 1 July 2012:

2. State and municipal institutions, agencies and enterprises must co-ordinate decisions concerning the destruction of documents with the following:

- 1) a state archive to which permanent retention documents are being transferred;
- 2) an institution or agency performing the founder's functions or an institution or agency authorised by it, when documents are not being transferred to state archives.

Version of paragraph 2 as of 1 July 2012:

2. State and municipal institutions, agencies and enterprises must co-ordinate decisions concerning the destruction of documents with the following:

- 1) a state archive to which documents of permanent retention are being transferred;
- 2) an institution implementing the rights and duties or an agency authorised by it, when documents are not being transferred to state archives.

3. Documents of state and municipal institutions, agencies and enterprises, selected for destruction, must be destroyed.

4. The activity documents of the structures referred to paragraph 3 of Article 3 of this Law, which belong to the special part of the National Documentary Fond, must not be destroyed.

Version of Article 15 until 1 July 2012:

Article 15. Transfer of Documents to State Archives for Storage

1. Activity documents of permanent retention shall be transferred to state archives by the Seimas of the Republic of Lithuania, the President of the Republic, institutions and agencies

established by them, the Government of the Republic of Lithuania, courts, the Bank of Lithuania, ministries and government agencies, law-enforcement and armed-forces institutions and agencies, other central and territorial entities of state administration and municipal administration, agencies and enterprises providing public services, in the conduct of activities of which permanent retention documents are accumulated. A list of state and municipal institutions, agencies and enterprises which transfer documents to state archives shall be approved by the Chief Archivist of Lithuania.

2. State and municipal institutions, agencies and enterprises may store permanent retention documents for up to 20 years after the entry of such documents into registration documents. During this period institutions, agencies or enterprises must transfer documents to state archives for permanent retention.

3. The Chief Archivist of Lithuania may:

1) extend a period of keeping of permanent retention documents in a state or municipal institution, agency or enterprise, if there are justified reasons, but no longer than for up to 40 years;

2) fix a concrete period of transfer to state archives of electronic and other documents which are accessible only with special equipment.

4. Permanent retention documents of state and municipal institutions, agencies and enterprises, which are being transferred to state archives, must be arranged in accordance with the procedure laid down by regulations. Information finding aids and available security copies of transferred documents of state or municipal institutions, agencies or enterprises may be transferred together with the said documents. The procedure for transferring to state archives the documents, including those accessible with special equipment, shall be established by the Chief Archivist of Lithuania.

5. Activity documents of non-governmental organisations, private legal and natural persons may, by agreement between the parties, be transferred to state archives by including them to the National Documentary Fond. Terms and conditions of the transfer, arrangement, access to and use of such documents shall be determined in an agreement.

Version of Article 15 as of 1 July 2012:

Article 15. Transfer of Documents to State Archives for Storage

1. Documents of permanent retention and electronic activity documents of long-term retention shall be transferred to state archives by the Seimas of the Republic of Lithuania, the President of the Republic, institutions and agencies established by them, the Government of the Republic of Lithuania, courts, the Bank of Lithuania, ministries and government agencies, law-enforcement and armed-forces institutions and agencies, other central and territorial entities of

state administration and municipal administration, agencies and enterprises providing public services in the conduct of activities of which documents of permanent retention and electronic documents of long-term retention are accumulated. A list of state and municipal institutions, agencies and enterprises which transfer documents to state archives shall be approved by the Chief Archivist of Lithuania.

2. State and municipal institutions, agencies and enterprises may store permanent retention documents for up to 20 years after the entry of such documents into registration documents. During this period institutions, agencies or enterprises must transfer documents to state archives for permanent retention.

3. The Chief Archivist of Lithuania may:

1) extend a period of keeping of permanent retention documents in a state or municipal institution, agency or enterprise, if there are justified reasons, but no longer than for up to 40 years;

2) fix a concrete period of transfer to state archives of electronic and other documents which are accessible only with special equipment.

4. Documents of permanent retention and electronic activity documents of long-term retention generated by state and municipal institutions, agencies and enterprises, which are being transferred to state archives, must be arranged in accordance with the procedure laid down by regulations. Information finding aids and available security copies of transferred documents of state or municipal institutions, agencies or enterprises may be transferred together with the said documents. The procedure for transferring documents to state archives shall be established by the Chief Archivist of Lithuania.

5. Activity documents of non-governmental organisations, private legal and natural persons may, by agreement between the parties, be transferred to state archives by including them to the National Documentary Fond. Terms and conditions of the transfer, arrangement, access to and use of such documents shall be determined in an agreement.

Article 16. Transfer of Activity Documents of State and Municipal Institutions, Agencies and Enterprises Subject to Liquidation or Reorganization

Version of paragraph 1 until 1 July 2012:

1. Activity documents of permanent retention belonging to a state or municipal institution, agency or enterprise subject to liquidation or reorganization, which ceases to exist after the reorganization, shall be transferred for permanent retention to state archives.

Version of paragraph 1 as of 1 July 2012:

1. Documents of permanent retention and electronic documents of long-term retention generated by a state or municipal institution, agency or enterprise subject to liquidation or reorganization, which ceases to exist after the reorganization, shall be transferred to a state archive.

2. Documents of a state or municipal institution, agency or enterprise subject to liquidation, the retention period of which, fixed by regulations, has not expired shall be transferred to the successor to the functions of the institution, agency or enterprise subject to liquidation and in the absence of the above-mentioned successor – to the institution executing the institution executing the owner's rights and duties or an agency authorised by it, or if the institution executing the rights and duties of the owner of the state institution, agency or enterprise is the Seimas of the Republic of Lithuania or the Government of the Republic of Lithuania – to the municipality within the territory of which the registered office of the state institution, agency or enterprise was located.

Article 17. Transfer of Activity Documents of Non-governmental Organisations and Private Legal Persons Subject to Liquidation

Activity documents of non-governmental organisations and private legal persons subject to liquidation, the retention period of which, fixed by regulations, has not expired, must be transferred to the municipality on whose territory the head office of the non-governmental organisation or private legal person was located prior to the removal of the said organisation or person from the register of legal persons.

Article 18. Documents Arrangement and/or Storage Services

Version of paragraphs 1 and 2 until 1 July 2012:

1. Citizens of the Republic of Lithuania and legal persons established in the Republic of Lithuania as well as branches of legal persons or other organizations of the Member States of the European Union or the States of the European Economic Area, established in the Republic of Lithuania, may provide documents arrangement and/or storage services upon the issuance of a licence for such activities by the Chief Archivist of Lithuania. The Government of the Republic of Lithuania shall approve the description of the procedure for issuing and revocation of licences, return of the documents and the licences.

2. Citizens of the Member States of the European Union and the States of the European Economic Area as well as legal persons or other organizations established in the Member States of the European Union and the States of the European Economic Area, and their branches established in the Republic of Lithuania may provide documents arrangement and/or storage

services upon having been issued the licences for such activities by the Chief Archivist of Lithuania in compliance with the provisions of paragraph 1 of this Article, or upon submitting to the Office of the Chief Archivist of Lithuania the documents issued by of a competent authority of a Member State of the European Union or a State of the European Economic Area proving that they have the right to provide documents arrangement and/or storage services in compliance with the legal acts of that particular Member State of the European Union or State of the European Economic Area.

Version of paragraphs 1 and 2 as of 1 July 2012:

1. Citizens of the Republic of Lithuania and legal persons established in the Republic of Lithuania may provide documents arrangement and/or storage services upon the issuance by the Chief Archivist of Lithuania of a licence to provide such service. The Government of the Republic of Lithuania shall approve the Description of the Procedure of Issuing, Suspension and Revocation of Licences.

2. Citizens of a Member State as well as legal persons established in the Member States may provide documents arrangement and/or storage services in the Republic of Lithuania upon having been issued by the Chief Archivist of Lithuania a licence to provide such service in compliance with the provisions of paragraph 1 of this Article, or upon submitting to the Office of the Chief Archivist of Lithuania the documents issued by of a competent authority of a Member State proving that they have the right to provide documents arrangement and/or storage services in compliance with the legal acts of that particular Member State.

3. The persons referred to in paragraphs 1 and 2 of this Article shall be issued the following licences:

- 1) the licence to provide the documents arrangement service;
- 2) the licence to provide the documents storage service.

4. The licence to provide the documents arrangement service shall be issued to the persons referred to in paragraphs 1 and 2 of this Article who meet the following requirements:

1) a natural person or the head of a legal person does not have a conviction for serious or grave premeditated crimes or crimes against property, property rights, property interests, the economy and business practice or the financial system which has not expired or has been expunged;

2) a natural person or a legal person's employee, responsible for the licensed documents arrangement service, must have the higher university education or the education equated to it and at least two-year work experience in the field of the licensed activities, other legal person's employees whose work is directly related to the licensed documents arrangement service must

have at least one-year work experience or the professional qualification in the field of the licensed activities.

5. The licence to provide the documents storage service shall be issued to the persons referred to in paragraphs 1 and 2 of this Article who meet the following requirements:

1) a natural person or the head of a legal person does not have a conviction for a serious or grave premeditated crime or a crime against property, property rights, property interests, the economy and business practice or the financial system which has not expired or has been expunged;

2) a natural person or a legal person's employee, responsible for the licensed documents storage service, must have the higher university education or the education equated to it and at least one-year work experience in the field of the licensed activities;

3) a natural or legal person must have installed repositories which meet the requirements of legal acts.

6. The Chief Archivist of Lithuania shall, within five working days from the date of the receipt of all the documents necessary for issuing of the licence, send to the applicant a confirmation that the documents have been received; the said confirmation shall indicate the time limit within which the applicant's request for issuing of the licence will be considered, available measures for the protection of the applicant's rights which may be used in the event of a dispute between the Chief Archivist of Lithuania and the applicant; the confirmation shall also indicate that in the event the applicant does not receive the reply within the set time limit the licence will be considered to have been issued. If the applicant fails to submit all the documents necessary for issuing of the licence, the Chief Archivist of Lithuania shall, within five working days from the date of the receipt of the request, inform the applicant about the need to submit the missing documents or to supplement or correct the submitted data.

Version of paragraph 7 until 1 July 2012:

7. The Chief Archivist of Lithuania must, not later than within 30 calendar days from the receipt of all the documents necessary for issuing of the licence, examine the submitted documents and issue the licence to the persons referred to in paragraphs 1 and 2 of this Article or produce a written reasoned refusal to issue such a licence. The time limit of issuing of the licence may be extended for up to 30 calendar days for important reasons. In this case the Chief Archivist of Lithuania shall, prior to the expiration of the time limit of issuing of the licence, inform in writing the applicant about the extension of the time limit and indicate the reason for the extension.

Version of paragraph 7 as of 1 July 2012:

7. The Chief Archivist of Lithuania must, not later than within 30 calendar days from the receipt of all the documents necessary for issuing of the licence, examine the submitted documents and issue the licence to the persons referred to in paragraphs 1 and 2 of this Article or produce a written reasoned refusal to issue such a licence. The time limit of issuing of the licence may be extended for up to 30 calendar days for important reasons. In this case the Chief Archivist of Lithuania shall, prior to the expiration of the time limit of issuing of the licence, inform in writing the applicant about the extension of the time limit and indicate the reason for the extension. The licence shall be issued in the electronic form. The validity of the documents arrangement and/or storage licence shall be attested by the entry in the publicly accessible List of Documents Arrangement and/or Storage Licence Holders. At the request of a person the Office of the Chief Archivist of Lithuania shall issue a certificate confirming the fact that he has been issued the licence to provide documents arrangement and/or storage services.

8. The licence shall not be issued if:

1) not all specified documents have been submitted or false, incorrect, incomplete data have been supplied and the applicant does correct, revise or supplement them;

2) a natural or legal person does not meet the requirements set out in paragraphs 4 and 5 of this Article;

3) a natural or legal person previously had had the licence of this type, however it was revoked because of violations of the provision of the licensed service and less than three years have elapsed since the revocation of the licence.

Version of paragraphs 9 and 10 until 1 July 2012:

9. The licence shall, in accordance with the procedure laid down by the Licensing Rules, be revised if at least one of the following data indicated in the licence has changed: the legal person's name, legal form, code, registered office or the natural person's name, surname, personal number, residential address, data on the repositories.

10. Licences shall be issued for an unlimited period of time. The state fee shall be charged in accordance with the procedure laid down by the Law of the Republic of Lithuania on Fees and Charges for the issuing, revision of licences and issuing of duplicates of the licences.

Version of paragraphs 9 and 10 as of 1 July 2012:

9. The licence shall, in accordance with the procedure laid down by the Description of the Procedure of Issuing, Suspension and Revocation of Licences, be revised if at least one of the following data indicated in the licence has changed: the legal person's name, legal form, code, registered office or the natural person's name, surname, personal number, residential address, data on the repositories.

10. Licences shall be issued for an unlimited period of time. The state fee shall be charged in accordance with the procedure laid down by the Law of the Republic of Lithuania on Fees and Charges for the issuing and revision of licences.

11. Duties of the licence holder shall be as follows:

1) to adhere to the laws and legal acts of the Republic of Lithuania regulating the licensed service;

2) to create conditions for the Chief Archivist of Lithuania or the employees, authorised by him, of the Office of the Chief Archivist of Lithuania or of the state archives to inspect the provision of documents arrangement and/or storage services and the furnished information related to the licensed service;

3) to ensure that the employees whose work is directly related to the licensed service would have the education, work experience or professional qualification in the field of provision of the licensed service provided for in subparagraph 2 of paragraph 4 of this Article or subparagraph 2 of paragraph 5.

12. The licence holder shall have the right in accordance with the procedure laid down by the law to appeal against the decisions concerning the suspension of the licence, revocation of the licence, refusal to revise the licence.

13. The Chief Archivist of Lithuania or, upon his instructions, the state archives shall, not later than once every five years, inspect how the licence holder adheres to the conditions of provision of the licensed service. Upon obtaining information about possible violations, inspection shall be immediately carried out. The licence holder shall be informed in writing about the results of the inspection.

14. Having established that the licence holder fails to fulfil the duties specified in paragraph 11 of this Article or that the licence holder – the head of the legal person fails to meet the requirements set out in subparagraph 1 of paragraph 4 or subparagraph 1 of paragraph 5 of this Article, the Chief Archivist of Lithuania must warn about possible suspension of the licence.

15. The licence shall be suspended if:

1) the licence holder, being warned in writing by the Chief Archivist of Lithuania about possible suspension of the licence because of the violations referred to in paragraph 14 of this Article, fails to eliminate them within the set time limit (not less than 30 calendar days);

2) the licence holder temporarily suspends the provision of the service specified in the licence and applies in writing to the Chief Archivist of Lithuania with regard to the suspension of the licence.

16. Upon the suspension of the licence because of the violations referred to in paragraph 14 of this Article, the licence holder must eliminate them not later than within three months from

the date of the suspension of the licence. Upon the elimination of the established violations, the licence holder shall inform in writing the Chief Archivist of Lithuania who within five working days from the receipt of information inspects whether or not the violations have been eliminated and within five working days from the inspection takes a decision to cancel the suspension of the licence. Upon the suspension of the licence in the case referred to in subparagraph 2 of paragraph 15 of this Article, a decision to cancel the suspension of the licence shall be taken within five working days from the date of the receipt of the request of the licence holder to cancel the suspension of the licence.

17. The licence shall be revoked if:

1) the licence holder terminates the provision of the service indicated in the licence and applies in writing to the Chief Archivist of Lithuania regarding the revocation of the licence;

2) the legal person holding the licence is liquidated, is the subject of in-court or out-of-court proceedings for a declaration of bankruptcy, or the natural person holding the licence dies;

3) the licence holder has not eliminated the established violation(s) within three months from the suspension of the licence;

4) the licence holder whose licence has been suspended continues providing the licensed service;

5) it transpires the natural person holding the licence has a conviction for a serious or grave premeditated crime or a crime against property, property rights, property interests, the economy and business practice or the financial system.

18. Repealed.

CHAPTER FOUR

ACCESS TO DOCUMENTS OF NATIONAL DOCUMENTARY FOND AND THEIR USE

Article 19. Access to Documents of the National Documentary Fond

1. Persons shall have the right of access to documents of the National Documentary Fond, except those documents the access to which is limited by the law. Persons shall have the right of access to such documents in accordance with the procedure established by the said laws.

Version of paragraph 2 until 1 July 2012:

2. A person who wishes to become acquainted with the documents the access to which is not limited, must apply to the document holder, submitting a written request and a document proving his identity. A person should not be obliged to give reasons for having access to documents. A person may get access to documents only on the premises of the document holder.

Version of paragraph 2 as of 1 July 2012:

2. A person may acquaint himself with the documents, the access to which is not limited, in the premises of the documents holder or using legal access, guaranteed by the documents holder, to the stored electronic documents through electronic means of communication. A person who wishes to acquaint himself with the documents must apply to the document holder, submitting a written request. The person should not be obliged to give reasons for having access to documents.

3. The document holder must provide a person who seeks access to documents with available finding aids and the documents requested by him or their copies. A person shall get finding aids and have access to documents for free. When access to documents is possible only by means of special equipment or when copies of documents are made at the person's request, the person must cover the expenses related to the display or copying of documents. If a document holder refuses to present the documents requested by a person, he must explain in writing the reasons of the refusal and the possibility to appeal against such refusal in accordance with the procedure laid down by the law.

Article 20. Limitations to the Right of Access to Documents of the National Documentary Fond

1. The right of access to the documents of the National Documentary Fond may be limited only by the law, with the aim of protecting:

- 1) national security, defence, international relations;
- 2) public safety;
- 3) privacy and other legitimate private interests;
- 4) prevention, investigation and prosecution of criminal activities;
- 5) the equality of parties concerning court proceedings;
- 6) the economic, monetary and exchange rate policies of the state;
- 7) commercial and other economic interests, be they public and private.

2. After the expiration of the time limits of the limitations on access to documents, fixed by the law, the documents must be made public and accessible.

3. Access to the documents of the special part of the National Documentary Fond, covered in paragraph 3 of Article 3 of this Law, shall not be limited. Access to the documents of the special part of the National Documentary Fond shall be regulated in accordance with the procedure laid down in paragraphs 2 and 3 of Article 19 of this Law. Access to the documents containing information regarding the persons who have admitted to secret collaboration with the intelligence agencies of the USSR and who have been entered on the record of the persons who

have confessed, as well as in the cases when a person who suffered from the intelligence agencies of the USSR expresses his will on the limitation of use of the information on him until his death, shall be limited. The procedure for accessing and using the restricted documents, as well as the procedure according to which a person who suffered from the intelligence agencies of the USSR expresses his will on the limitation of use of the information on him shall be laid down by the Government of the Republic of Lithuania in compliance with this and other laws.

4. Access to activity documents of non-governmental organisations, private legal and natural persons, transferred by adding them to the National Documentary Fond, may be limited where this provided for in an agreement on the transfer of documents.

5. Access to the documents of the National Documentary Fond which contain information on person's private life, as well as to structured sets of personal data shall be limited for a term of 30 years after that person's death, and in the event of failure to determine the date of death – for a term of 100 years from his birth. If neither the date of birth nor the date of death of a person is determined, the access shall be limited for a term of 70 years from the creation of the documents, with the exception of the cases when the terms fixed in paragraph 3 of this Article shall apply.

6. Access to documents which are in bad physical condition may be limited until the improvement of the conditions of such documents or making of security copies thereof.

Article 21. Use of Documents of the National Documentary Fond

1. Natural and legal persons may make use of the documents of the National Documentary Fond.

2. Documents containing information the use of which is limited by laws, shall be used in accordance with the procedure established by the law.

3. Documents which are the subject matter of copyright shall be used in accordance with the procedure established by regulations governing copyright.

4. Documents may be used:

1) for evidential, educational, scientific research and other non-commercial purposes;

2) for commercial purposes when a new product is created on the basis of the documents by seeking profit.

5. When using documents for commercial purposes, an agreement between a document holder and their user shall be drawn up, concerning the conditions of the commercial use of documents. The said conditions must be such that they would not discriminate all users.

6. The document holder shall not be obliged to translate a held document, adapt or convert it, create new information requested by a user.

7. When publishing documents of the National Documentary Fond, it shall be obligatory to indicate the document holder. When a user of documents publishes the information prepared on the basis of the documents of the National Documentary Fond, he must submit to the document holder one copy of the publication free of charge.

Article 22. Temporary Transfer of Documents of the National Documentary Fond for Use

1. The document holder may temporarily transfer for use the documents of the National Documentary Fond to the following:

1) legal and natural persons who transferred the documents, successors to their functions or rights – for a period of up to 12 months;

2) exhibition organisers – for a period of the preparation or holding of an exhibition.

2. The document holders shall transfer to courts and pre-trial investigation institutions the documents belonging to the National Documentary Fond as well as have them returned to them in accordance with the procedure established by the law.

3. Documents shall be transferred directly, send by courier post or other special post.

4. Legal and natural persons to whom the documents have been temporarily transferred for use shall be responsible in accordance with the procedure laid down by regulations for the safety, physical condition and return to the document holder of the said documents within the time limits laid down by regulations and specified in the document concerning the transfer.

CHAPTER FIVE

EXPORT OF DOCUMENTS FROM THE REPUBLIC OF LITHUANIA

Article 23. Export of Documents from the Republic of Lithuania

1. Permanent export from the Republic of Lithuania of the documents of the National Documentary Fond shall be prohibited, except when such export is permitted under the international agreements on the reconstruction of national archival heritage of the states.

2. Documents of the National Documentary Fond that are 10 years of age may be temporarily exported from the Republic of Lithuania for cultural exchange or other purposes upon the receipt of the permission of the Government of the Republic of Lithuania or an institution authorised by it.

3. Export from the Republic of Lithuania of the documents of more than 50 years of age, which are owned by non-governmental organisations, private legal and natural persons, shall be allowed only upon the receipt of the permission of the Government of the Republic of Lithuania

or an institution authorised by it. If it is established that the absence of the documents would impoverish the cultural heritage of Lithuania, a permit for permanent export of the documents shall not be granted.

4. The Procedure for the Export of Documents from the Republic of Lithuania shall be established by the Government of the Republic of Lithuania.

CHAPTER SIX FINAL PROVISIONS

Article 24. Liability for Violation of this Law

Legal and natural persons who violate the requirements of this Law shall be held liable according to the procedure established by laws and other legal acts of the Republic of Lithuania.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ALGIRDAS BRAZAUSKAS

Annex to
the Law of the Republic of Lithuania
on Documents and Archives

THE LEGAL ACT OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23/11/1995 P 0031 – 0050).

2. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, P 36).