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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*¹ has adopted and
the President has proclaimed the following Law:

Archives Law

Section 1. Terms Used in this Law

The following terms are used in this Law:

1) **description** - content exposition of description units (or components thereof) via analysis or comparison of archival documents in order to record the information necessary for identification and context explanation thereof;

2) **archival record** - a document which is to be stored in archives permanently or temporarily because of the archival value thereof;

3) **archival value** - informative significance of a record or evidence value of such record which shall be appraised in accordance with the procedures specified in this Law;

4) **archives:**

a) a set of records which, regardless of the date, form and environment of creation and information medium is accumulated, stored and used due to the archival value thereof;

b) a legal person of public or private rights or a structural unit thereof which in accordance with the procedures specified in the Law performs acquisition, preservation of archival records and ensures the accessibility thereof;

5) **depository storage** - fixed-term storage of private persons records in the National Archives of Latvia which are included in the national documentary heritage;

6) **destruction of a record** - irreversible liquidation of information or medium thereof;

7) **records appraisal** - the analysis of a set of records or a record which shall be performed in accordance with the requirements of this Law in order to determine whether a record has archival value and the time period for the storage of a record;

8) **record/document** (hereinafter - the record) - information arisen, received or converted in another form to any information medium, initiating, continuing, changing or terminating some activity, and which attests such activity;

9) **use of records** - searching, research and use of information included in records for scientific, economic, social, legal and other purposes;

10) **record management** - field of administration which ensures creation, receipt, registration, classification, systematisation, appraisal, control, storage and accessibility of public records until transfer for storage in archives of the institution, as well as destruction of those records which do not have archival value;

11) **records accessibility** - rights specified in the laws and regulations, as well as possibilities ensured by the inquiry system and means for searching, extraction and use of information;

12) **records preservation** - processes and activities for technical and intellectual preservation of records including preventive protection, conservation and transfer to new information medium;

13) **record system** - a structured set of data which contains data on creation, receipt, registration, storage, use and destruction of public records;

14) **records acquisition** - purposeful supplementation of archival holdings;

15) **obtained record** - a document converted in electronic form in accordance with the procedures specified in this Law for storage in an electronic environment;

16) **institution** - any institution or a private person to which the State powers have been granted by an external regulatory enactment or the agreement of public rights (including the President of the State, the *Saeima*, the Cabinet, the State Audit Office, Ombudsman, the Bank of Latvia, local government and other derived legal person of public rights, direct or mediated administrative institution, the Central Land Commission, the Central Election Commission, the Office of the Prosecutor, the court, notary, bailiff), a capital company in which a public person owns capital shares or stocks, a capital company which is under the decisive influence of a capital company of one or more public persons and also an association or foundation member or founder of which is a public person;

17) **access copy** - record's copy which is created in order that the users of archives could use it and thus the physical state of the original of a document is protected;

18) **security copy** - record's copy which is created in order to keep the information included in the record in case of loss or damage of original of records;

19) **record of permanent retention** - a record which shall be stored forever in accordance with the Law;

20) **private record** - a record created or received as a result of activity of a private person;

21) **public record** - a record created or received as a result of activity of an institution;

22) **temporary record** - a record for which a short-term (up to 10 years) or long-term (more than 10 years) storage time period has been determined;

23) **reference system** - mutually related set of searching means and systems which are based on unified classification and description methods and which contain data on the archive, record composition and content thereof, and which also ensure information searching.

[10 March 2016]

Section 2. Purpose of the Law

The purpose of this Law is to ensure creation, acquisition, appraisal, preservation, accessibility and use of the national documentary heritage upon implementation of appropriate records and archives management.

Section 3. Scope of Application of the Law

This Law applies to any institution, as well as to private persons in cases specified in this Law in the ownership of which are the records with archival value.

Section 4. Institution's Records and Archives Management

(1) The obligation of an institution is to perform records management by ensuring:

1) the documentation of its operation - creation of genuine, plausible and integrated evidence of operation - according to the functions and tasks specified for the relevant institution;

2) creation of a records system;

3) internal control and supervision of records management

4) records storage, use and accessibility until transfer to the institutions archives.

(2) The obligation of an institution is to perform the institutions archives management by ensuring:

1) records appraisal according to institution functions in order to determine:

- a) records of permanent and temporary retention,
- b) the time period for the storage of temporary records;

2) description of records of permanent and temporary retention and establishment of a reference system for the records accumulated in the archives of the institution;

3) storage of records in the archives of the institution or in accredited private archives by ensuring preservation and protection of such records:

a) for records of permanent retention - until transfer thereof for permanent State retention in the National Archives of Latvia,

b) for temporary records - until the end of the time period of storage specified for them and until destruction;

4) the accessibility and use of records, including issuing of statements, copies of records, extracts, duplicates to persons on the basis of all records at the disposal of the institution in accordance with the procedures specified in laws and regulations.

(3) The institution has an obligation to co-ordinate record classification schemes of the National Archives of Latvia, time periods for storage of records, reference systems, as well as deeds regarding destruction of records prior to destruction of records.

(4) The Cabinet prescribes the time periods for storage of the records attesting to the course of a person's work or service, and the records present in the file of an educatee, including a student, which have archival value.

(5) The manager of the institution shall be responsible regarding the observance of procedures for public records and archives management.

(6) The institution has the right to receive consultations and methodological aid from the National Archives of Latvia regarding records and archives management issues.

(7) The Cabinet shall determine the procedures for public records and archives management in institutions, criteria for determination of the time period for record storage and technical requirements for record preservation in the archives of institutions (hereinafter - the regulations for records and archives management).

[9 November 2017]

Section 5. Obligations of Private Persons in Private Records Management

(1) Legal or natural person governed by private law who performs economic activity or employs other natural persons on the basis of an employment, work-performance, or author's contract, and also association of persons:

1) shall ensure the storage of the records attesting to the course of a person's work created and received as a result of its activity, and also the records present in the file of an educatee, including a student, which have archival value;

2) upon request of another person, shall issue to such person statements and certified copies, duplicates, and extracts of records which he or she requires for proving rights and defending interests thereof in cases specified by the Law.

(2) The Cabinet shall determine the procedures by which private records with archival value shall be transferred to the National Archives of Latvia in the case of liquidation of a legal person.

(3) Application of the Cabinet regulations referred to in Section 4, Paragraph seven of this Law for private document and archives management shall be voluntary, if it is not otherwise prescribed by the Law.

(4) The Cabinet regulations referred to in Section 4, Paragraph four and Section 8, Paragraph two of this Law shall apply to legal or natural persons governed by private law who perform economic activity or employ other natural persons on the basis of an employment, work-performance, or author's contract, and also to associations of persons.

[9 November 2017]

Section 6. Transfer of Records for Permanent State Retention

(1) Records with archival value which have been selected for permanent retention shall be transferred for permanent State retention to the National Archives of Latvia not later than 15 years after creation or receipt thereof, if it is not otherwise provided for in this Law.

(2) Electronic records and records, if the information included therein is formed by an image or sound and which are perceived and used via relevant equipment (audiovisual and cinematographic records, photographs and sound records), shall be transferred for permanent State retention to the National Archives of Latvia not later than five years after creation or receipt thereof, if it is not otherwise provided for in the Law.

(3) Records, which are necessary for the performance of the functions and tasks of the institution for longer than specified in Paragraph one or two of this Section, shall be transferred for permanent State retention when the use thereof is not necessary in the institution anymore.

(4) The time period for record storage in the case referred to in Paragraph three of this Section may be extended, if the relevant conditions are ensured for record storage and a permit from the National Archives of Latvia has been received in accordance with the procedures specified by the Cabinet.

(5) Documents, for which the accessibility restrictions have been specified in accordance with Section 13, Paragraph two, Clause 3, shall be transferred for permanent State retention to the National Archives of Latvia after the end of the time period of accessibility restriction.

(6) The Cabinet shall determine the procedures by which institutions shall transfer records and reference systems for permanent State retention to the National Archives of Latvia within the time periods referred to in this Section, and also in the cases when the records are transferred for permanent State retention to the National Archives of Latvia before the time period for storage in the institution's archives established for them has expired.

(7) Public records shall be transferred for permanent State retention only to the National Archives of Latvia, except in the cases provided for in the Law.

(8) An institution has the right to receive free of charge copies certified by the National Archives of Latvia of those records which the relevant institution has transferred for permanent State retention.

[10 March 2016]

Section 7. Preservation of Records of Institutions to be Liquidated and Reorganised

(1) Records of permanent retention of institutions to be liquidated and reorganised shall not be divided and shall be transferred for permanent State retention to the National Archives of Latvia in organised form according to the regulations for records and archives management.

(2) Temporary records of institutions to be liquidated and reorganised shall be transferred to the legal successor of the institution's rights and obligations. If the institution does not have any legal successor of rights and obligations, the temporary records shall be transferred for storage to the National Archives of Latvia.

(2¹) Records of permanent retention of institutions to be liquidated and reorganised may be transferred to the legal successor of the institution's rights and obligations for ensuring the fulfilment of the transferred functions and tasks, if the relevant conditions are ensured for record storage and a permit from the National Archives of Latvia has been received.

(3) A place for further storage of temporary records shall be specified in a decision regarding reorganisation of the institution upon a proposal of the National Archives of Latvia.

(4) If the institution is liquidated or ceases to exist as a result of reorganisation, acceptance of its records of permanent retention in the National Archives of Latvia shall be financed from the State or self-government funds granted for the relevant institution.

(5) The manager of the relevant institution, legal successor of rights and obligations or liquidator shall be responsible for the preservation and protection of temporary records of the institutions to be liquidated or reorganised.

[9 November 2017]

Section 8. Determination of the Archival Value of a Record

(1) The archival value of a record shall be determined during the appraisal procedure of the relevant record taking into account the following criteria:

- 1) a record shall reflect activities of public administration, creation and implementation of the State policy;
- 2) the record is to be used protractedly for the implementation and protection of the obligations and rights of the institution or private person;
- 3) the record shall have historical, social, cultural or scientific significance;
- 4) the origin and external peculiarities of a record;

5) the record shall reflect a special character of the event or fact;

6) the significance of the author of the record.

(2) The procedures for calculation of archival value shall be regulated by the Cabinet. The Cabinet determines the records attesting to the course of a person's work or service, and also the records present in the file of an educatee, including a student, which have archival value.

[9 November 2017]

Section 9. Conversion of Public Records

(1) The National Archives of Latvia and institutions have the right to convert public records in electronic form for storage in electronic environment taking into account the following provisions:

1) obtained record shall ensure the reproduction and use of the content and metadata of a public record;

2) the obtained record shall ensure the integrity of a public record - it is complete and unchanged;

3) the authenticity and compliance with the public record of the obtained record shall be ensured;

4) the conversion process includes inspection and control which shall ensure the compliance of the record with the public record;

5) the record shall be protected during the conversion process against unauthorised access, additions, changes or destruction;

6) the conversion process shall be documented.

(2) The Cabinet shall prescribe the procedures by which public records are converted in the electronic form for storage in the electronic environment, the technical requirements for conversion, and also the procedures by which the obtained records are to be stored and the converted public records are to be destroyed.

Section 10. Legal Force of the Obtained Record

(1) The obtained record shall have the same legal force as the original public record, if it is not otherwise specified by the Law.

(2) A copy, duplicate or extract of the obtained record in printed form shall have the same legal force as a public record, if the correctness of the copy, duplicate or extract has been certified by the head of the institution or his or her authorised representative and the issuer of the copy, duplicate or extract can present the obtained record in electronic form upon request and it complies with the requirements of this Law.

[23 October 2014]

Section 11. Destruction of Public Records

(1) Public records, which have been converted in electronic form in accordance with the procedures specified in this Law for storage in an electronic environment, may be destroyed except the cases specified in Paragraph two of this Section.

(2) The following public records converted in electronic form may not be destroyed:

1) which due to external peculiarities or origin thereof have historical, social, cultural or scientific significance;

2) the information included therein is formed by an image or sound (audio visual and cinematographic records, photographs and sound records);

3) which shall be stored in accordance with provisions of other law or which are necessary for fulfilment of obligations and implementation of rights of the institution or private person.

[23 October 2014]

Section 12. Accessibility and Use of Archival Records

(1) The records stored in the National Archives of Latvia, the institution archives and accredited private archives or certified copies thereof shall be freely accessible and usable in the premises of archives accessible for a person in accordance with the procedures specified by this Law, if the accessibility is not restricted by the Law. A person has the right to request and use records by submitting a written request and presenting a personal identification document.

(2) A person has the right to request and obtain the information regarding himself or herself and his or her dead relative or spouse in the National Archives of Latvia, the archives of the institution and accredited private archives,

upon presentation of personal identification document and documents certifying the kinship or marriage. Other private person or public person has the right to request and obtain the information regarding a person's data subject, if a written permit has been received from him or her, as well as in cases specified by the Law. A person who requests the information shall present a written permit from the data subject and shall be responsible regarding the truth and use of the received information..

(3) The records acquired in the National Archives of Latvia, in the archives of the institution or accredited private archives which are protected by copyright or related rights (audiovisual and cinematographic records, photographs, sound or other records), shall be used by the person taking into account the requirements of the Copyright Law.

(4) The National Archives of Latvia, institutions and accredited private archives shall establish and maintain publicly accessible free of charge reference systems in order to ensure the accessibility of public records.

(5) The copy of a public record certified by the archives and referred to in Paragraph one of this Section shall have the same force as the original of such record.

(6) A person, who in accordance with the specified in this Law requests the original of the record from the archives, shall ensure the protection, preservation and return of such record to the archives. A written deed and agreement shall be drawn up regarding the issue of the original of the record in which the conditions and term of the issue of the record shall be indicated. A security copy, which is stored until return of the original of the record to the archives, shall be made at the expense of the relevant person upon the request of the archives. Within the framework of the case to be examined, the originals of the records shall be issued to the court in accordance with the procedural laws on the basis of a request made by a court or a judge.

(7) The procedures for use of records stored in the National Archives of Latvia, in the archives of the institution shall be determined by the Director of the National Archives of Latvia, the Head of the institution or the founder of the accredited private archives. A person shall be responsible for observance of this procedure. A person who uses archival records in the premises (search room) of the National Archives of Latvia, the archives of the institution, and the accredited private archives shall be prohibited from performing such activities which damage or can damage the physical state of the record or causes losses of elements of the reference systems of the archive, and shall also be prohibited from taking the archival records or elements of the reference systems of the archive outside the premises (search room) of the archive.

(8) Public records stored in the National Archives of Latvia, the archives of the institutions and in the accredited private archives shall be available for use in the premises accessible for a person free of charge. If a person can get acquainted with the archival records only by using special equipment of the archives (audiovisual, cinematographic and sound records), a charge can be collected for the use of such records the amount of which shall be determined by the Cabinet.

[9 November 2017; 3 October 2019 / The new wording of Paragraph seven shall come into force on 1 July 2020. See Paragraph 13 of Transitional Provisions]

Section 13. Restrictions for Accessibility and Use of Archival Records

(1) The National Archives of Latvia, institution and accredited private archives shall apply the restrictions for accessibility of records specified in this Section in such a way that they are not in contradiction with the fundamental rights and freedoms of persons, especially inviolability of private life.

(2) Accessibility shall be restricted for:

1) records which contain the official secret in accordance with the laws and regulations;

2) records the restrictions for accessibility of which are determined by other laws;

3) public records which have been created or received by the State security institutions, the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Interior, the Corruption Prevention and Combating Bureau, the President's Chancery, the State Chancellery or are stored in the National Archives of Latvia which contain the information related to national security, protection or foreign affairs the disclosure of which may cause harm to the interests of the State or public. The head of the relevant institution may determine a general information accessibility restriction period of 30 years for those records;

4) records containing sensitive personal data or other information on the private life of a person (including information regarding the adoption of a person and information attesting notarial activities), if the use of personal data or information contained therein can significantly touch the private life of a person. If the restrictions are not provided for in other laws, the record accessibility shall be restricted for 30 years from the death of the person to which the record applies. If the date of a person's death is not possible to determine, the record accessibility shall be restricted for 110 years after the birth of the person to which the record applies. If it is not possible to determine the date of a person's death and birth, the record accessibility shall be restricted for 75 years after creation of the record;

5) private records for which the restriction period for accessibility has been determined by the owner thereof.

(3) Records, for which restrictions for accessibility have been determined, are allowed to be used:

1) upon a request of the pre-trial investigating institution, the Office of the Prosecutor, the court or other public persons in cases specified by the Law;

2) upon a request of a scientist for performance of scientific activity, except the records specified in Paragraph two, Clause 5 of this Section;

2¹) upon a request of a student, if the student is drawing up a scientific or research work and the request is approved by the Dean of the Faculty of the university, except the records specified in Paragraph two, Clause 5 of this Section;

2²) upon a request of an employee of a library, museum, archive or scientific institution (except a scientist), if such employee performs research activity within the respective institution and the request is approved by the head of the library, museum, archive or scientific institution, except the records specified in Paragraph two, Clause 5 of this Section;

2³) upon a request of a natural person, if such person carries out a research with a precisely defined and lawful objective and a recommendation of the head of the scientific institution, accredited library or accredited museum competent in the relevant issue has been received;

3) in cases specified in Paragraph two, Clause 3 of this Section - based on a written permission of the institution which has determined the restriction period for the record accessibility;

4) in cases specified in Paragraph two, Clause 4 of this Section - by a written permission of the person to which the record applies, or after the death of such person - by a written permission of his or her spouse or the nearest forced descending or ascending heir.

(4) Persons, which in accordance with Paragraph three of this Section have the right to use records with accessibility restrictions, shall be responsible for that the records and information contained therein is used only in the amount appropriate for the objective of the request.

(5) The Director of the National Archives of Latvia or his or her authorised person, the head of the institution or the founder of the accredited private archives may determine the restrictions for use of an archival record in order to ensure preservation of the original of the record, which is in bad physical condition, by adopting a written decision thereon.

(6) A written decision regarding refusal of use of a record shall be adopted by the Director of the National Archives of Latvia or his or her authorised person or the Head of the relevant institution not later than within a month after submission of a request. A decision shall be submitted to the requester of a record who may appeal it in accordance with the procedures specified by the Administrative Procedure Law.

[11 April 2013]

Section 14. National Documentary Heritage

(1) National documentary heritage shall be a part of the national cultural heritage, which is formed by:

1) the records with archival value acquired in the National Archives of Latvia;

2) the records of permanent retention with archival value and accumulated by institutions;

3) private records with archival value, taking into account the specified in Paragraph two of this Section;

4) records with archival value or certified copies thereof obtained from foreign states.

(2) A private record with archival value may be included in the national documentary heritage upon initiation of the owner of a record or the National Archives of Latvia in accordance with the agreement entered into by the parties taking into account the procedures specified in this Law.

(3) A record shall be excluded from the national documentary heritage by a decision of the Director of the National Archives of Latvia in accordance with the procedures specified by the Cabinet, if:

1) the record has perished or lost;

2) the record has significant damage and it is not possible to renew or use it;

3) several copies of the record have been found or the term for storage of the record has expired;

4) as a result of appraisal it is concluded that the record has lost its archival value;

5) an owner of a private document has alienated a private document owned by him or her, except the case when in accordance with Section 15, Paragraph five of this Law the National Archives of Latvia may use right of first refusal towards a document to be alienated or a term of the agreement entered into by the owner of a private document and the National Archives of Latvia has expired.

Section 15. Ownership Rights to Records Included in the National Documentary Heritage and Operations with Them

Documents included in the national documentary heritage, except the documents specified in Section 14, Paragraph one, Clause 3 of this Law, shall be State property, they shall not be alienated and divided.

(2) Private records included in the national documentary heritage shall be the property of the relevant private person. If the private record included in the national documentary heritage in accordance with the entered into agreement has been transferred for storage to the National Archives of Latvia, the owner thereof has the right to receive this record temporarily from the archives in accordance with the procedures specified in the agreement or use it free of charge.

(3) The following provisions shall be taken into account as regards to the records included in the national documentary heritage:

1) an institution or private person, in the ownership or storage of which is the records included in the national documentary heritage, shall ensure the preservation and protection thereof;

2) when transferring records to other institution, the Head of the institution shall co-ordinate in writing with the National Archives of Latvia the place of further storage of these records;

3) when transferring a private record in the property or possession of another person, the owner of these records shall notify in writing the National Archives of Latvia;

4) the aggregate of private records shall not be divided; it is prohibited to alienate separate records of the aggregate of private records;

5) a private document shall be accessible and usable, if it is not specified otherwise in the agreement referred to in Section 14, Paragraph two of this Law.

(4) The National Archives of Latvia may provide assistance in the organisation of the set of private records included in the national documentary heritage, as well as grant budget funds for the preservation of the set of private records or private record included in the national documentary heritage.

(5) If the owner of the set of private records or private record included in the national documentary heritage has dispossessed the relevant set of private documents or private document, the National Archives of Latvia shall have the right of first refusal or the right to make copies of records. In case of alienation the owner shall compensate the budget funds granted for preservation of the set of private records or the private record to be dispossessed.

(6) If the preservation of the set of private records or private record included in the national documentary heritage is endangered or there are visible signs of damage, the National Archives of Latvia is entitled to determine for the owner of the set of records or the record binding measures for the preservation of the set of records or record or propose the alienation of the set of private records or private record for pay.

(7) Unowned records with archival value shall be transferred in the State property and they shall be transferred for storage to the National Archives of Latvia.

Section 16. Temporary Taking Out of Records Included in the National Documentary Heritage from the Republic of Latvia

(1) The Cabinet shall determine the procedures by which the records included in the national documentary heritage may be temporarily taken out from the Republic of Latvia, as well as the procedures by which security copies of a record specified in Paragraph two of this Section shall be made and the number thereof.

(2) Security copies shall be made prior to taking out the record from the Republic of Latvia. Making of copies of a record shall be organised and paid for by whoever requested the record.

Section 17. Register of the National Documentary Heritage

(1) Register of the National Documentary Heritage (hereinafter - the Register) shall be a part of the Unified State Archives Information System which contains data on the public and private records with archival value included in the national documentary heritage, institutions and private persons in the property or possession of which are records with archival value and also on the maintaining and use of the abovementioned data.

(2) The manager and keeper of the Register shall be the National Archives of Latvia. The Cabinet shall determine

the procedures for establishment, supplement, maintaining and accessibility of the Register.

(3) The records included in the Register, which at the same time are included in the collection of the national libraries, in the collection of the national museums or which in accordance with the procedures specified in the laws and regulations have been recognised as State protected cultural monuments, shall be described and controlled in accordance with the procedures specified by the Cabinet.

[10 March 2016]

Section 17.¹ Unified State Archives Information System

(1) The Unified State Archives Information System shall include:

- 1) Register of the National Documentary Heritage;
- 2) data on the records included in the national documentary heritage;
- 3) data on the supervision and control of institutions and accredited private archives;
- 4) e-services of the National Archives of Latvia;
- 5) other data necessary for the enforcement of this Law.

(2) The National Archives of Latvia shall be the manager of the Unified State Archives Information System. The National Archives of Latvia shall ensure the entering and updating of the Unified State Archives Information System:

- 1) by storing the entered data until the end of the time period specified for storage;
- 2) by determining the time period for the storage of data after the appraisal of the archival value in accordance with the procedures specified in laws and regulations;
- 3) by destroying the out-of-date data after the end of the time period specified for storage.

(3) The data to be entered in the Unified State Archives Information System shall be acquired electronically in the online data transmission mode or in accordance with the procedures specified in the laws and regulations governing the circulation of records.

(4) The data of the Unified State Archives Information System on the records which are included in the national documentary heritage and stored at the National Archives of Latvia, archives of institutions or accredited private archives shall be available online in the portal of the National Archives of Latvia free of charge if the availability thereof is not restricted in accordance with the provisions of this Law and other laws and regulations.

(5) The operation and administration of the Unified State Archives Information System shall be ensured by the Culture Information Systems Centre.

[10 March 2016 / Paragraph five is in force until 31 December 2020. See Paragraph 11 of Transitional Provisions.]

Section 18. Competence of the Ministry of Culture

The Ministry of Culture shall:

- 1) develop State policy in the field of records and archives management
- 2) organise and co-ordinate the implementation of this Law and other laws and regulations in the field of records and archives management;
- 3) develop draft laws and regulations in the field of records and archives management;
- 4) [10 March 2016];
- 5) examine submissions of persons regarding operation of the National Archives of Latvia and accredited private archives.

[10 March 2016]

Section 19. Archives Council

(1) The Archives Council is an advisory institution which is established and the by-laws of which are approved by the Minister for Culture.

(2) Five representatives from the National Archives of Latvia, two representatives from the Archivists Association of Latvia, one representative from the State Chancellery, the Ministry of Justice and the Ministry of Culture, and also

from the Institute of Latvian History at the University of Latvia and the Latvian Association of Local and Regional Governments shall be included in the composition of the Archives Council.

(3) The Archives Council shall:

- 1) participate in the elaboration of development strategy and policy of the archives sector;
- 2) provide opinions on issues of creation, preservation, accessibility and use of the national documentary heritage;
- 3) provide opinions regarding draft laws and regulations governing records and archives management.

Section 20. The National Archives of Latvia

(1) The National Archives of Latvia shall be the direct administrative institution subordinate to the Minister for Culture the structure of which is made so as to this institution could function according to the functional and territorial principle and provide administrative work thereof. The Director of the National Archives of Latvia shall be appointed by the Cabinet for five years upon initiation of the Minister for Culture.

(2) The National Archives of Latvia shall fulfil the following functions:

- 1) acquire records with archival value created in Latvia and outside Latvia;
- 2) provide accessibility of the records stored in the National Archives of Latvia performing the appraisal, description thereof and establishing of reference systems;
- 3) accept for storage and store the records with archival value acquired in the National Archives of Latvia, create the fond of security copies and copies for use;
- 4) ensure the accessibility and use of archival records, popularisation and informing of society, issues archival statements, certified records copies, extracts and duplicates;
- 5) appraises records in accordance with the procedures specified in this Law;
- 6) supervises the observance of records and archives management in the institutions and - in cases specified in this Law - in the accredited private archives providing methodological aid in the field of records and archives management;
- 7) performs inspections in the institutions in the field of records and archives management and - in cases specified in this Law - in the accredited private archives on issues regarding records management and preservation, accessibility and use of the national documentary heritage, examines the administrative offence cases and imposes administrative penalties;
- 8) accredit private archives;
- 9) perform researches and methodological work in the field of records and archives management;
- 10) issue written licences for use of those records acquired in the National Archives of Latvia the copyright and related rights of which are owned by the State;
- 11) establish and maintain the necessary information system for the performance of the functions specified in this Law;
- 11¹) provide opinions regarding draft laws and regulations governing public records and archives management;
- 12) perform the other functions specified in this Law.

(3) The Cabinet shall determine the procedures for acquisition, transfer and acceptance for storage, control, description and accessibility of records of the National Archives of Latvia, and also the technical requirements for record preservation.

[10 March 2016; 9 November 2017]

Section 21. Issuance of a Socially Legal Statement of the National Archives of Latvia

(1) A socially legal statement of the National Archives of Latvia shall contain information regarding work, studies, service in armed forces and other structures, possession of properties, civil registration records, presence in the medical treatment institutions, bringing into Latvia and bringing out of Latvia of persons, court judgements and other issues which are requested by a private person for submission to the institutions in cases specified by the Law.

(2) A socially legal statement of the National Archives of Latvia shall be prepared on the basis of all records stored in the National Archives of Latvia and issued not later than within a month after the day of receipt of the request from

a relevant private person. If due to objective reasons it is not possible to observe the specified time period, it may be extended for a time period not longer than four months from the day of receipt of the submission by a decision of the Director of the National Archives of Latvia notifying a submitter of the request thereof.

(3) The State fee shall be paid for preparation and issue of the socially legal statement of the National Archives of Latvia. The amount of the State fee and procedures for payment thereof shall be determined by the Cabinet.

Section 22. Rights of the National Archives of Latvia

The National Archives of Latvia shall have the following rights within the framework of competence specified by the Law:

1) to obtain (buying or receiving as a gift) records, archives, documentary evidence with archival value, as well as to make documentary evidence recording the events of the State and social life;

2) to receive the necessary information from institutions, as well as from private persons included in the register free of charge;

3) when the consent of the owners of relevant documents are received, to appraise the set of private records and private records which are intended to be included in the national documentary heritage;

4) to accept in depository storage the aggregate of private documents and private documents entering into the agreement specified in Section 14, Paragraph two of this Law;

5) to co-operate with foreign archives and international professional organisations in the field of records and archives management;

6) to temporarily issue the originals of acquired public records taking into account the procedures specified in Section 12, Paragraph six of this Law;

7) to perform publishing for popularisation of archival records;

8) to provide paid services specified by the Cabinet;

9) other rights provided for in the Law.

Section 23. Financing of the National Archives of Latvia

The financial resources necessary for fulfilment of functions of the National Archives of Latvia shall be formed by the budgetary subsidy from general revenue, revenue from provided paid services and other own revenue, including donations, gifts and foreign financial aid resources. The financial resources obtained by means of paid services and other own revenue shall be transferred to the account of the basic budget of the National Archives of Latvia and used only for the operation development of the National Archives of Latvia.

Section 24. Private Archives and Accredited Private Archives

(1) Private archives is a legal person of private rights or a structural unit thereof which performs the activities specified in Paragraph two of this Section. The legal status of a private archives shall be determined by a founder thereof.

(2) A private archives shall ensure:

1) storage and protection of private records;

2) issuance of archival statements or certified copies of records, as well as duplicates and extracts of records on the basis of private records present in the archives;

3) accessibility of private records taking into account the procedures specified in this Law and other laws.

(3) In addition to the specified in Paragraph two of this Section an accredited private archives have the following rights:

1) upon entering into a written agreement with an institution, to store public temporary records of the relevant institution in accordance with the procedures for records and archives management;

2) to provide methodological aid to the institutions in the field of public records and archives management.

(4) A private archives shall, upon terminating operation thereof, provide preservation of acquired records by transferring private records to the owners thereof or to other archives after co-ordination with the owners of the private records.

(5) An accredited private archives shall, upon the termination of its operation, ensure preservation of public

temporary records by transferring the public records to the relevant institution with which the agreement regarding the storage of public records has been entered into, or to another accredited private archives by co-ordinating such transfer with the relevant institution in accordance with the procedures specified in the agreement.

Section 25. Accreditation of Private Archives

(1) Any private archives has the right to be accredited. A private archives shall be accredited for five years, if it complies with the following conditions:

1) it has by-laws or articles of association approved by the founder;

2) the environment, premises and security systems necessary for the preservation of documents complying with the Cabinet Regulations referred to in Section 4, Paragraph seven of this Law are ensured;

3) registration and description of records in accordance with the procedures specified in the law is ensured;

4) accessibility of public records stored in the private archives is ensured;

5) [10 March 2016].

(2) The National Archives of Latvia shall perform accreditation and issue accreditation documents.

(3) The Cabinet shall determine the procedures for the accreditation of private archives.

[10 March 2016]

Section 26. Certification of Archives Specialists

[10 March 2016]

Section 27. Liability for Violations of this Law

[3 October 2019 / See Paragraph 13 of Transitional Provisions]

Section 28. Administrative Offences in Records and Archives Management and in Using the Records Stored in Archives

(1) For the violations of the procedures for records and archives management, a warning or a fine of fourteen to eighty-six fine units shall be imposed on a natural person, board member or official, but a warning or a fine of twenty-eight to two hundred and eighty fine units shall be imposed on a legal person.

(2) For violating the procedures for the use of archival documents in the premises (search room) of the National Archives of Latvia, the archives of the institution, and the accredited private archives by performing such activities which damage or can damage the physical state of the records or causes losses of elements of the reference systems of the archive, or for taking the archival records or elements of the reference systems of the archive outside the premises (search room) of the abovementioned archives, a warning or a fine of two to hundred fine units shall be imposed on a natural person, with or without prohibition to use the records in the premises (search room) of the relevant archive from one month up to one year.

[3 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 13 of Transitional Provisions]

Section 29. Competence in the Administrative Offence Proceedings

Administrative offence proceedings for the offences referred to in Section 28 of this Law shall be conducted by the National Archives of Latvia.

[3 October 2019 / Section shall come into force on 1 July 2020. See Paragraph 13 of Transitional Provisions]

Transitional Provisions

1. With the coming into force of this Law, the law On Archives (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1991, No. 21; 1993, No. 33; 2001, No. 1; 2005, No. 14) is repealed.

2. By 31 December 2010 the Cabinet shall ensure the compliance of the State archival system with the requirements of this Law.

3. In ensuring the compliance of the State archival system with the requirements of this Law the indivisibility, placement of the State Archive Collection, as well as the registration and identification system of the State archives fond records and files shall be retained.

4. The State Archive Collection established until adoption of this Law in accordance with the law On Archives shall be an integral part of the national documentary heritage and accountable to the documents specified in Section 14, Paragraph one, Clause 1 of this Law and acquired in the National Archives of Latvia. The State Archive Collection as a united set of records shall not be divided nor alienated.

5. The National Archives of Latvia shall start the work on 1 January 2011. The National Archives of Latvia shall be the legal successor of the obligations and property of the institutions of the State archival system.

6. Until commencement of operation of the National Archives of Latvia, the Directorate General of Latvia State Archives, Latvia State Historical Archives, State Archive of Latvia, Latvia State Archive of Audiovisual Documents, State Archive of Personal Files, as well as other institutions of the State archival system established in accordance with the Law on Archives shall continue the functions specified in the by-laws of the relevant institution of the State archival system.

7. By 30 September 2010, the Cabinet shall issue the Cabinet regulations referred to in this Law.

8. The Cabinet shall develop necessary amendments to the laws in force in order to co-ordinate the norms of this Law with the norms of other laws and submit the relevant draft laws to the *Saeima* by 30 August 2010.

9. Section 21, Paragraph three of this Law shall come into force from 1 January 2013.

10. [10 March 2016]

11. Section 17.¹, Paragraph five of this Law shall be in force until 31 December 2020.

[10 March 2016]

12. The Cabinet shall, by 30 April 2018, issue the Cabinet regulations referred to in Section 4, Paragraph four and the second sentence of Section 8, Paragraph two of this Law.

[9 November 2017]

13. The new wording of Section 12, Paragraph seven of this Law, the deletion of Section 27 and supplementation of the Law with Sections 28 and 29 shall come into force concurrently with the Law on Administrative Liability.

[3 October 2019]

This Law shall come into force on 1 January 2011.

This Law has been adopted by the *Saeima* on 11 February 2010.

President V. Zatlers

Riga, 3 March 2010

¹ The Parliament of the Republic of Latvia

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