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## Macro appraisal of archives in Slovenia

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All professional articles on the subject of appraisal of archives begin with undisputed statements that the scope and diversity of documents and records on paper and other media is (still) growing enormously. The quantity of documents in physical form on paper is not diminishing despite the ascendancy of electronic operations and the electronic storage of material in digital form on magnetic and optical media. For this reason the evaluation of documents, irrespective of their type and form, is an increasingly urgent, although exceptionally responsible professional task for the archivist. Despite the extraordinary complexity of data and information in modern information systems, destroyed material can usually no longer be reconstructed or restored. Over the last hundred years, and in Slovenia over the last fifty years, the archive profession around the world has developed numerous **principles and criteria of appraisal** for the needs of appraising and selecting archives, in addition to various methodologies and procedures (the “positive” and “negative” method of appraisal, macro and micro appraisal, functional appraisal).

### *Objectives and methods of appraising documents*

By means of the principles and criteria of evaluating documents, we may directly or indirectly assess them in terms of their administrative, legal, commercial, personal or other importance, and in terms of their importance for history, science and culture. The objectives of evaluation are usually set out in archive regulations, generally with a definition of archives, whereby the purpose and importance of material are defined.

**In Slovenia, archives are evaluated in terms of their importance for history, other sciences and culture and the long-term legal certainty of legal and natural persons, while the time frames for storing documentary material are determined relative to the operational needs of the material creator and with regard to the prescribed periods of storage.<sup>1</sup>**

Here I should point out that in Slovenia we distinguish between the terms “**documentary material**” and “**archives**”, where we regard all documents generated in the operations of legal and natural persons to be documentary material. Archives are merely a part of documentary material, and they hold a lasting importance for science and culture and for the legal certainty of legal and natural persons. In line with the regulations and professional criteria, archives relating to entities of public law (state administrative and judicial authorities, the bodies of local self-governing communities, public companies, public institutes and other public institutions) are evaluated and selected from documentary material through the procedure of macro appraisal, using what is termed the “positive” method, in other words through the direct determining of archives.

In the appraisal of documents, we must first and foremost be aware that there are no absolute principles or criteria of evaluation which would be generally valid and applicable for all

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<sup>1</sup> Article 2 of the Protection of Documents and Archives and Archival Institutions Act (Official Gazette of the Republic of Slovenia/OG RS/ No. 30/2006) and Articles 2, 195 and 196 of the Decree on administrative operations (OG RS, No. 20/2005).

material in all periods at all creators of material! For this reason the evaluation of material, irrespective of the objective or method, requires the best possible theoretical and practical familiarity with various professional archive principles and criteria which have been or are still being used by archivists in the specific evaluation of material. Around the world the majority of models and projects for evaluating material, including the modern method of macro appraisal and functional evaluation of material, have since the end of the 1980s prescribed very precisely the objectives and methodology (procedures and techniques) for evaluating documents, but there are not so many specific principles and criteria developed or other methodological aids for selecting material, for instance various classification plans, instructions and lists of archives and the periods for storage.

This also applies to the modern method of macro functional appraisal of material, which has developed the technique of classifying and analysing functions and a method of evaluating and selecting based on function, although this is deficient with regard to addressing specific criteria of evaluating analysed functions and material (records) which is generated in their execution. This last point also applies to what are in world archive literature currently the most famous projects of macro appraisal or functional evaluation of national archives, such as the Canadian method of macro appraisal or rather the GWP project (Government-Wide Plan for the Disposition of Federal Records), which was given a theoretical basis in 1990 by Terry Cook,<sup>2</sup> the Australian DIRKS (Design and Implementation of Record Keeping System),<sup>3</sup> and the Dutch PIVOT<sup>4</sup> project.

Macro and micro appraisal of documents based on function or functional evaluation through the application of the principles and criteria of evaluating material generated in the discharging of functions, represents the basis for the modern methodology of appraising and selecting archives from documentary material, and determining the periods for storing documentary material, in contrast to certain older but fairly frequently used methods of evaluation by content, by type of material and other principles, which have relied mainly on the subjective assessments and criteria of individual archivists, taking into account the formal

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<sup>2</sup> Regarding the Canadian method of macro appraisal see in particular:

- Terry Cook, *An Appraisal methodology: Guidelines for Performing an Archival Appraisal*, 1991.
- Terry Cook, *Macroappraisal: The new theory and strategy for records disposition at the National Archives in Canada*, Archivaria (Ottawa), 1995.
- Richard Brown, *Functional Appraisal at the National Archives of Canada: Seven Years of Actual Practice*, Annual Conference SAA, Chicago 1997 (see also the Croatian translation in *Arhivski vjesnik* 41, 1998).
- Terry Cook, 'Macroappraisal and Functional Analysis: Appraisal Theory, Strategy, and Methodology for Archivists, L'évaluation des archives: des nécessités de la gestion aux exigences du témoignage', 3<sup>rd</sup> archive symposium, Gira, University of Montreal, 27 March 1998.
- Silvija Babić, *Makrovrednovanje: Kanadska metoda funkcionalnoga vrednovanja*, *Arhivski vjesnik*, god. 47/2004, Zagreb 2004, pp. 7 - 19.

<sup>3</sup> For the Australian macro appraisal project see:

- Barbara Reed, *Appraisal and Disposal, Keeping Archives*, Second Edition, Port Melbourne, 1993, pp. 157 - 207.
- Sue McKemmish, *Jučer, danas i sutra, Kontinuitet odgovornosti*, Croatian translation, original article published in *Proceedings of the Records Management Association of Australia*, RMAA Perth 1997.
- Anne Marie-Schwirtlich, *The Functional Approach to Appraisal; the Experience of the National Archives of Australia*, *Comma* 2002, 1 - 2, (Paris), pp. 57 - 62.
- Ducan Simpson, Susan Graham, *Appraisal and Selection of Records: A New Approach*, *Comma* 2002, 1 - 2, (Paris), pp. 51 - 56.

<sup>4</sup> All projects are mentioned in the *Guidelines on Appraisal*, International Council on Archives (Tom Mills, *Strategic Approaches to Appraisal*, version of May 2005), while the Swiss project is mentioned by Richard Brown, *Funkcionalno vrednovanje u Državnom arhivu Kanade (sedam godina stvarne prakse)*, *Arhivski vjesnik* 41, Zagreb 1998.

or prescribed methods and procedures. In literature we frequently call such evaluation the method of the archivist's feeling in his fingertips (very frequent German expression: Fingerspitzengefühl).<sup>5</sup>

**Macro functional appraisal is focused on the functions of the entire public administration, which are usually structured and to a certain extent analysed by level in common (framework), departmental (standardised) and individual classification plans from three to five decimal places, while micro functional appraisal focuses on individual documents, matters and files within individual functions.**

Any kind of evaluation of documentary or archive material, including macro functional appraisal, requires objective, professionally grounded criteria, which in taking into account the principles and other basics of appraisal enable in particular analyses of function, the optimal possible storage of original documented data and information on events, phenomena, persons, things, places etc. in a given time and space in terms of their importance for science or culture and other administrative, legal, official, public, commercial and personal needs of legal and natural persons.

### *Foreign influences on Slovenian appraisal theory and practice*

One of the first to substantiate theoretically the modern theory of appraisal, including the beginnings of functional evaluation and the fundamental principles and criteria of evaluation, which have remained current to the present day, was Theodore R. Schellenberg in 1956 in his work *Appraisal of Modern Records*.<sup>6</sup> Since the beginning of the 1990s, Schellenberg has been enjoying a renaissance and has been reprinted, despite certain new principles and criteria of evaluation. All professional archival literature around the world dealing with the appraisal of records, especially textbooks and manuals on archive science, rely on and quote his theory of evaluation, especially the principle of dividing material into primary and secondary significance and the principle of dividing material in terms of content with value as evidence and as information.<sup>7</sup> The same applies to the archive practices of the former Yugoslavia and of Slovenia. Alongside Schellenberg's theory and practice of appraisal from the fifties, in Slovenia we have consistently used as a model primarily German, and also former Soviet and Eastern European theory, although without accommodating its political and ideological substance. Here of course we cannot overlook our own and the former Yugoslavia's almost fifty years of professional experience in developing the principles and criteria for evaluating records and numerous generic and individual instructions, sheets and lists for selecting archives and determining the periods for the storage of material.

Since the beginning of the 1990s, archivists around the world have been united over the need to develop primarily a "positive" method of appraising and selecting archives and determining the periods for storage based on the function of the creators, wherein there is a need to develop the most detailed possible, specific and professionally substantiated principles and

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<sup>5</sup> Hans Booms, *Gesellschaftsordnung und Überlieferungsbildung, Zur Problematik archivarischer Quellenbewertung*, *Archivalische Zeitschrift* 68, 1972, p. 17 and Hervé Bastien, *Entwicklung und Anwendung von Normen bei der Bewertung*, XII. Internationaler Archivkongress, Montreal 1992, p. 2.

<sup>6</sup> Theodore R. Schellenberg, *The Appraisal of Modern Public Records*, *National Archives Bulletin* 8, Washington 1956, pp. 223 - 278. (Croatian translation: Th. R. Schellenberg, *Moderni arhivi, Principi i tehnika rada*, Izdanje Saveza društava arhivista Jugoslavije, Beograd 1968; German translation: *Die Bewertung modernen Verwaltungsschriftguts*, Marburg 1990, *Veröffentlichungen der Archivschule Marburg* 17.

<sup>7</sup> Glej: Luciana Duranti, *Arhivski zapisi, Teorija i praksa*, Hrvatski državni arhiv, Zagreb 2000, pp. 73 - 117.

criteria for appraisal and selecting. All the attention of archivists needs to be focused on important archives, and less effort should be spent on destroying unnecessary or worthless documentary material! We need to avoid the development of a generally valid theory of appraisal or principles and criteria, especially if such a theory is based on ideological and political foundations or on merely narrow professional interests or the needs of individual sciences, such as historiography.<sup>8</sup> At the beginning of the 1990s there was strong criticism in Western countries of the former real socialist principles and criteria, which are founded on the so-called principles of historical materialism, Marxism and Leninism, on the decisive role of the ruling communist ideology and the Party, on a class approach and so on.<sup>9</sup> Nor did these principles pass by Slovenia's archive practices, and here too we saw the establishing of special archives of the Party, the state security service and an archive of the worker's movement and revolution, or rather the material of these institutions and periods were deemed to be more important than other material of state bodies and other institutions.

In the last twenty years the world has seen the increasing establishment of the model of macro functional appraisal of public administration material, which in many countries has been practiced more or less for over fifty years, although theoretically and practically this method has only been substantiated and backed up in detail through the development of the Canadian, Dutch and Australian models of macro functional appraisal of public administration material since the beginning of the 1990s.

At this point I must refute the assertions of modern Canadian, American, Australian and certain other archive theorists, that the functional method of macro appraisal was developed and put into practice only in Canada, Australia, the USA and the Netherlands through projects of appraisal at the beginning of the nineties. The method of functional evaluation or macro appraisal has been and is still being very effectively implemented in numerous European countries, in the former Yugoslavia, and also in Slovenia, and so on for more than fifty years. This has been the case especially in those countries where administrative, operational and other types of function within the office work of those creating material have been systematically categorised in classification plans. Classification plans with functions, together with the periods for storage and archives, are the basis for the so-called lists. Such lists represent in Slovenia, too, a concrete aid in selecting and delivery of the archives of state and local community authorities, as well as in determining the periods for storage of documentary material. In Slovenia the method of functional macro appraisal has been practiced for public administration material on the local level ever since 1981, without us initially even being aware that this involved the method of macro appraisal or functional evaluation. In Slovenian archival literature we have observed this concept only since the end of the 1990s.

There is a vast amount of professional literature in the world on the appraisal of records. It is becoming increasingly easy to view and access this primarily via internet-accessible bibliographies,<sup>10</sup> and also frequently through regulations, articles and monographs published on the internet. Here we should highlight the extensive Russian and former Soviet archive literature, which owing to linguistic and political barriers is still insufficiently known or not known at all in the West, as well as German literature, including from the former East

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<sup>8</sup> Bodo Uhl, *Der Wandel in der archivischen Bewertungsdiskussion*, *Der Archivar* 43, Düsseldorf 1990, pp. 529 - 538.

<sup>9</sup> Vladimir Žumer, *Politika akvizicije i kriteriji vrednovanja: profesionalni i politički aspekti*, *Arhivski vjesnik* XLII, 1999, pp. 53 - 77.

<sup>10</sup> An example of an archival periodical bibliography on the internet:  
<http://www.ica.org/biblio/BibliogCAPdraft.pdf>.

Germany, Italian, French, Canadian, American and Australian literature and professional archive literature on the principles and criteria of certain smaller countries (such as the Scandinavian countries, the Netherlands, Croatia and so on). Under powerful Russian and German influence, the principles and criteria of evaluating documentary and archive material have been fairly well and systematically processed in the archive practices of the former Yugoslavia.

In literature we may observe various methods of dealing with or categorising principles and criteria. The basics for categorisation are highly diverse. Certain authors prioritise criteria of content, others external characteristics, and others still prioritise the criteria of material origin. Some give priority to principles and criteria which are supposedly absolute or more important etc., such as the criterion of the limit date. In principle we must explain that there are no absolute criteria which would apply in all cases always and everywhere, although certain criteria may be the sole and decisive ones for selecting or storing individual types of functional wholes of material in a given period, in a given field or territory. We should not favour individual criteria, and with certain exceptions we should not render them absolute as the sole applicable or valid criteria. In the complex application of principles and criteria we need them to be mutually enhancing and interwoven.

Attempts at a systematic theoretical categorisation of the criteria for appraisal depending on common characteristics can be traced primarily in former Soviet or Russian professional literature, and also in Western, chiefly German and American archive literature. A systematic categorisation of criteria can also be observed in the draft Guidelines on Appraisal, which have been produced since 2003 by the Committee for Appraisal working group at the International Council on Archives and are published on its website.<sup>11</sup>

Since the end of the 1950s, indirectly the greatest influence on Yugoslav and also Slovenian archive theory, chiefly through professional archivist literature, especially textbooks on archive science and archivist newspapers, has been exerted by Schellenberg's theory<sup>12</sup> and the former Soviet archivist practices<sup>13</sup> together with that of the Eastern European countries, especially the German Democratic Republic.<sup>14</sup> A smaller influence may be observed on the part of former Western European countries, although the influence of German practices on Slovenia throughout this period was by no means negligible, especially regarding the use of individual specific principles and criteria for evaluating material. There was a much smaller influence from other appraisal theories, unfortunately including modern Dutch, Canadian, American and Australian theory and practice of functional evaluation, although for 25 years Slovenia, too, has in practice implemented functional evaluation of records of the state or public administration based on framework, departmental and individual classification plans

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<sup>11</sup> **Guidelines on Appraisal, International Council on Archives (Vincent DOOM, Selection Criteria, version of August 2004; Markku Leppanen, Sampling of Records, version of February 2005).**

<sup>12</sup> Primarily the Croatian translation: Th. R. Schellenberg, *Moderni arhivi, Principi i tehnika rada*, Izdanje Saveza društava arhivista Jugoslavije, Beograd 1968.

<sup>13</sup> See the basic former Soviet and Russian literature:

- Metodika otbora dubletnyh materialov na gosudarstvennoe hranenie, Rekomendacii, Moscow 1969.

- Teorija i praktika ekspertizy cennosti dokumentov i komplektovanija gosudarstvennyh arhivov SSSR, Trudy VNIIDAD, Moscow 1974, Part 1, Part 2.

- Osnovnye položenija otbora dokumentov c povtorjajuščejsja informaciej na gosudarstvennoe hranenie, Moscow 1976.

- Teorija i praktika arhivnogo dela v SSSR, Moscow 1980, second revised and supplemented edition.

- Osnovnie pravila raboti gosudarstvennyh arhivov Rosii, ROSARHIV, Moscow 2000 (manual).

<sup>14</sup> See: Botho Brachmann et al., *Archivwesen in der Deutschen demokratischen Republik, Theorie und Praxis*, Berlin 1984, (manual).

and fairly detailed specific criteria of evaluation. Classification plans with a certain archive material and periods of storage have also produced very good practical results regarding the archives received from the public administration and created prior to Slovenia's independence in 1991.

The greatest influence on the development of the theory of evaluating modern records has been exerted without doubt by the American archivist Theodore R. Schellenberg, who in his fundamental 1956 work *Appraisal of Modern Records* based the theory of appraisal on the principle of a two-stage division of material into primary and secondary importance of use, and in terms of content he divided archives into material with value as evidence and material with informational value. Schellenberg's fundamental principle for evaluating modern records for historical or scientific needs is the importance of the content of the material, which must be determined by concrete analysis of individual records "from file to file". For him the analysis of individual documents, files and cases is the foundation of archival evaluation.<sup>15</sup>

Despite the fact that we still cannot consider Schellenberg to be the initiator or founder of the functional evaluation of modern records, in his 1956 work he established the requirement that records, if they are classified so that they reflect the organisation and function of the creator of the material, should be evaluated and selected on the basis of the creator's organisation and functions. With regard to the fundamental principle of functional evaluation, that the classification plan for categorising material must be based on the functions of the creator of the archives, Schellenberg noted that archival records are the remainder of certain operations and that they are created in a natural way by groups associated with those operations, and that functions, activities and individual actions may be deemed to be operations.<sup>16</sup>

Russian archive practices, which developed the appraisal theory in the sixties and seventies to extraordinary degrees of detail, divide the criteria of expertise of value into three major groups depending on:

1. the origin of the material (the importance of the creator of the material, time and place of creation),
2. content of the material (importance of data and information and their repetition and concentration),
3. external characteristics of the material (form of records, originality, linguistic and palaeographic features, physical composition of records etc.).

Within these groups, professional literature deals with the principles and criteria in great detail, with numerous practical examples of evaluation. The quoted VNIIDAD study in two parts from 1974, entitled *Theory and practice of the expertise of the value of records for receiving in the state archive*, is still regarded as the fundamental work on principles and criteria.<sup>17</sup> These criteria were for the most part entirely, although without the political principles of evaluating documents, adopted in the 1970s and 80s by the Yugoslav and partly also by the Slovenian archive profession. The Soviet criteria were applied entirely or in an even more perfected form by the archivists of the former real socialist countries, especially

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<sup>15</sup> Theodore R. Schellenberg, *Die Bewertung modernen Verwaltungsschriftguts*, übersetzt und herausgegeben von Angelika Menne - Haritz, Veröffentlichungen der Archivschule Marburg, Nr. 17, Marburg 1990, pp. 99 - 101.

<sup>16</sup> For a more detailed substantiation see in: Luciana Duranti, *Arhivski zapisi, Teorija i praksa*, Hrvatski državni arhiv, Zagreb 2000, pp.79 - 84.

<sup>17</sup> Glej: Vladimir Žumer, *Valorizacija dokumentarnega gradiva v Sovjetski zvezi* [Appraisal of documents in the Soviet Union], *Arhivi V*, Nos. 1 - 2, Ljubljana 1982, pp. 38 - 42.

the German Democratic Republic,<sup>18</sup> Poland, Hungary, Czechoslovakia, Bulgaria and elsewhere. It is significant, however, that these countries never adopted from the Soviet Union the System of Standard Classification (SEK) prescribed for the entire state,<sup>19</sup> which from the sixties was the basis for functional evaluation, selecting and receiving of archives from state bodies. At the same time this was also the basis for the political evaluation of documents according to the principle of the importance of the October Revolution and the importance of the Communist Party in the state and society. In all these countries, there was a need in line with the basic principles of evaluating documents primarily to document and ensure historical sources for the role of the Party and the working class in society and the state.

On the other hand, in his 1991 monograph *Archival Appraisal*<sup>20</sup> the American archive appraisal theorist Frank Boles dealt with numerous criteria, based on a study of extensive professional literature on appraisal that had been published in English since the 1940s.<sup>21</sup> Of the modern foreign textbooks on archive science, with regard to dealing with the principles and criteria for evaluation, and especially functional macro appraisal of documents, attention should be drawn to the textbook by Luciana Duranti entitled *Archive Documents, Theory and Practice*, published in 1997.<sup>22</sup> Duranti emphasises primarily the importance of classifying documents on the basis of functions and activities of institutions, which is the cornerstone of functional evaluation. Functional macro appraisal of documents is also especially emphasised in ISO standard 15489 (*Records Management*) and in MoReq – Model Requirements for the Management of Electronic Records.<sup>23</sup>

A typical macro functional appraisal of modern documents from state administration can be seen in the Canadian GWP project (*Government-Wide Plan for the Disposition of Federal Records*),<sup>24</sup> which since 1990 has been theoretically substantiated in numerous professional articles by Terry Cook, and was given a special presentation in 1997 by Richard Brown in the paper *Functional Appraisal at the National Archives of Canada: Seven Years of Actual Practice*.<sup>25</sup>

Wider use of macro appraisal and functional appraisal of documents from state administration bodies came about at the end of the 1980s, especially in Canada, the Netherlands, Australia, Switzerland and in other countries of Europe and in America, owing to the hyperproduction of documents, and because the classical method of evaluating and selecting individual documents and files by importance of content and other criteria could no longer ensure the

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<sup>18</sup> Cp.: Botho Brachmann et al., *Archivwesen in der Deutschen demokratischen Republik, Theorie und Praxis*, Berlin 1984, (manual).

<sup>19</sup> Shema edinoj klassifikacii dokumentnoj informacii v sistematičeskikh katalogah gosudarstvennyh arhivov SSSR, 2<sup>nd</sup> revised edition, Moscow 1978.

<sup>20</sup> Frank Boles, *Archival Appraisal*, New York, London 1991.

<sup>21</sup> Boles's criteria of appraisal are also adopted in the draft *Guidelines on Appraisal from the International Council on Archives*.

<sup>22</sup> Luciana Duranti, *I documenti archivistici. La gestione dell'archivio da parte dell'ente produttore*. Ministero per i Beni Culturali e Ambientali. Ufficio Centrale per i Beni Archivistici. Rome, 1997. See Croatian translation: Luciana Duranti, *Arhivski zapisi, Teorija i praksa*, Hrvatski državni arhiv, Zagreb 2000, pp. 73 - 117 (textbook).

<sup>23</sup> MoReq specification - Model of Requirements for the Management of Electronic Records, DLM Forum, European Commission 2001, Archives of the Republic of Slovenia 2005, [www.gov.si/ars](http://www.gov.si/ars), [mju.gov.si](http://mju.gov.si), [www.dlmforum.eu.org](http://www.dlmforum.eu.org).

<sup>24</sup> *Government-Wide Plan for the Disposition of Records*, National Archives of Canada, 3<sup>rd</sup> version, 1997.

<sup>25</sup> Richard Brown, *Functional Appraisal at the National Archives of Canada: Seven Years of Actual Practice*, Annual Conference SAA, Chicago 1997; Croatian translation Richard Brown, *Funkcionalno vrednovanje u Državnom arhivu Kanade (Sedam godina stvarne prakse)*, *Arhivski vjesnik* 41, Zagreb 1998, pp. 51 - 65.

adequate receiving of archives into public archive institutions. Only through the macro functional method of evaluation is it possible to ensure comprehensive evaluation of documents generated in the exercising of all functions of public administration bodies. The job of the archivist is to evaluate and preserve documents regarding all existing public functions of a given period. Functional appraisal can be defined as an assessment of the value of documents in terms of the capacity to document public functions in their entirety and at the same time the individual administrative and operational functions or the activities of legal and natural persons. Macro functional appraisal must encompass the entire functions of the state or public administration, and the starting point for this is a functional analysis of administrative institutions.

Macro functional appraisal is characterised by the fact that:

- evaluation is no longer based on analysis of individual documents, signifying a departure from Schellenberg's division of material into primary operational and secondary historical importance, and on a division of archives with value as evidence or as information,
- evaluation relies on a system of functions, operational processes and activities and no longer on administrative office units (records, files, cases) and that
- the archive value of documents is determined in context through functions or tasks.

With macro appraisal individual records, files and cases are no longer the direct basis for evaluating documents, since this is taken over by the functions, while an assessment of the value of the material is no longer almost exclusively tied to envisaging its future secondary importance for scientific research, and rather the value is tied to the importance of the functions or tasks of the creators and the material generated in their work.

The criteria of evaluation regarding the importance of material as cultural heritage (Heritage Value), which were developed by Frank Boles, are also the basis for systematic categorisation of criteria in the draft Guidelines on Appraisal, drawn up by the special working group, the Committee for Appraisal at the International Council on Archives from 2003 to 2005.<sup>26</sup>

### ***Legal basis for macro appraisal of documents in Slovenia***

Fundamental issues of macro appraisal of documents in Slovenia are governed by regulations, particularly the **Protection of Documents and Archives and Archival Institutions Act<sup>27</sup> and the Decree on the protection of documents and archives<sup>28</sup> of 2006, the Decree on administrative operations,<sup>29</sup> and the Instructions for providing time limits for keeping documentary material of public administration bodies of 2005,<sup>30</sup> the Standard technological requirements for electronic storage of material in digital form - ETZ,<sup>31</sup> which**

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<sup>26</sup> **Guidelines on Appraisal, International Council on Archives (Tom Mills, Strategic Approaches to Appraisal, version of May 2005; Vincent DOOM, Selection Criteria, version of August 2004; Markku Leppanen, Sampling of Records, version of February 2005; Cassandra Findlay, The Process of Appraisal, version of August 2004; Stephen Twigg, The Appraisal of Electronic records, version of May 2003).**

<sup>27</sup> Protection of Documents and Archives and Archival Institutions Act (OG RS No. 30/2006).

<sup>28</sup> Decree on the protection of documents and archives (OG RS, No. 86/2006).

<sup>29</sup> Decree on administrative operations (OG RS, No. 20/2005).

<sup>30</sup> Instructions for providing time limits for keeping documentary material of public administration bodies (OG RS, No. 81/2005).

<sup>31</sup> Standard technological requirements for electronic storage of material in digital form - ETZ, version 1.0, Ljubljana 2006 (published on the website of the Archives of the Republic of Slovenia, [www.arhiv.gov.si](http://www.arhiv.gov.si)).

can be called the Slovenian MoReq and other regulations.<sup>32</sup> The regulations are harmonised with ISO standards (for instance ISO 15489:2005 - **Information and documentation - Records management**, ISO/IEC 27001 - **Information security management systems**) and with the recommendations of the European Union (for instance Moreq<sup>33</sup> - Model Requirements for the Management of Electronic Records). It is very important that archive regulations are harmonised with the regulations in the field of records management and with international standards in this field.

Appraisal of archives, especially the method and procedure of selecting archives and the procedure of discarding or destroying unnecessary documentary material, was regulated previously in Slovenia by the archive laws of 1966,<sup>34</sup> 1973,<sup>35</sup> 1981,<sup>36</sup> and 1997,<sup>37</sup> and by implementing regulations (rules, decrees and instructions) of 1952,<sup>38</sup> 1970,<sup>39</sup> 1981,<sup>40</sup> and 1999.<sup>41</sup>

**In 1981 a macro functional method of appraising documents was introduced with the “positive” method of selecting archives on the basis of written instructions for selecting archives from documentary material, issued by the competent archival institution to every entity of public law separately on the basis of that entity’s classification plan for categorising material by functions. Despite the frequent amending of archive legislation, this method has not changed to the present day.**

After 1981, when the then Socialist Republic of Slovenia introduced through the Natural and Cultural Heritage Act<sup>42</sup> the so-called “positive” method of evaluating and selecting archives,

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<sup>32</sup> Of the other regulations and standards relating to the appraisal of material, I should mention just:

- **General Administrative Procedure Act (OG RS, No. 80/99, with revisions No. 73/2004).**
- **Court rules (OG RS, No. 17/95).**
- **Personal Data Protection Act (OG RS, No. 86/2004).**
- **Classified Information Act (OG RS, No. 87/2001).**
- **Slovenian Accounting Standards, Nos. 21, 22 and 23 (OG RS, No. 118/2005).**
- **Value Added Tax Act (OG RS, No. 117/2006).**
- **Tax Procedure Act (OG RS, No. 117/2006).**
- **Rules on documentation in nine-year primary education (OG RS, No. 61/2005).**
- **MoReq - Model Requirements for the Management of Electronic Records, DLM Forum 2001, Archives of the Republic of Slovenia 2005, also published on the website <http://www.arhiv.gov.si> (MoReq Specification, European Communities, 2001).**
- **ISO 15489:2005, Information and documentation - Records management.**
- **ISO 23081:2006, Information and documentation - Records management processes - Metadata for records.**
- **ISAD(G) 2 - General International Standard Archival Description, 2nd Edition - ISAD(G)2, 2000, International Council on Archives, <http://www.ica.org>.**

<sup>33</sup> **Moreq: Model Requirements for the Management of Electronic Records - MoReq Specification, European Communities, 2001.**

<sup>34</sup> Archives and Archival Institutions Act (OG of the Socialist Republic of Slovenia, No. 4/66).

<sup>35</sup> Archives and Archival Institutions Act (OG of the Socialist Republic of Slovenia, No. 37/73).

<sup>36</sup> Rules on the selecting and delivery of archives to archival institutions (OG RS, No. 34/81, revised 2/82).

<sup>37</sup> Archives and Archival Institutions Act (OG RS, No. 20/97, revised 32/97).

<sup>38</sup> Instructions on the collection, storage and periodical discarding of archives (OG FLRJ, No. 8/52 and OG LRS, No. 12/52).

<sup>39</sup> Instructions on the selecting of archives from registratory material (OG of the Socialist Republic of Slovenia, No. 9/70).

<sup>40</sup> Rules on the selecting and delivery of archives to archival institutions (OG RS, No. 34/81, revised 2/82).

<sup>41</sup> Rules on the selecting and delivery of public archives to archival institutions (OG RS, No. 59/99).

<sup>42</sup> Natural and Cultural Heritage Act (OG of the Socialist Republic of Slovenia, No. 1/81).

on the basis of the Rules on selecting and delivering archives to archival institutions,<sup>43</sup> the country started to introduce **generic and individual written instructions for selecting archives from documentary material, which the competent public archival institutions started to issue to individual state administration bodies**, political organisations and societies, and especially to the then state enterprises or organisations of associated labour.

In 1981 the Natural and Cultural Heritage Act and the Rules on selecting and delivering archives to archival institutions provided answers to the majority of questions in the area of the methodology of evaluation and the “positive” method of selecting archive material from documentary material by means of written instructions for selecting, and regulated the procedure for delivering archives to the competent archival institution. **At the same time this was the start of functional macro appraisal of material in the field of state administration, or in all areas where the creators of material based their categorisation of material on functions or tasks, systematically categorised into classification plans.**

### *Literature on macro appraisal of documents in Slovenia*

Ever since the 1950s, the Slovenian archive profession has been dealing with professional issues of appraising material and with the **issues of how, what, who, when and in what manner to appraise or select archives**,<sup>44</sup> or rather ever since the third international conference of archival institutions in Florence in 1956, where the main topic was in fact appraisal of documents. There is very extensive professional literature on appraisal. On the one hand, Slovenian appraisal theory and practice was influenced by the former Yugoslav archive practices, and on the other hand by German and via the former Yugoslavia also by Soviet archive practices. Throughout this period it very successfully adopted and merged good ideas and good practices up until 1991 from the fairly strictly segregated “Western” and “Eastern” archive practices.

A more detailed substantiation and professional interpretation of macro appraisal of documents can be found in 1981 in the commentary on the law and implementing regulations by J. Žontar entitled Regulations governing archive activities,<sup>45</sup> and in 1982 in the theoretical contribution of V. Žumer entitled Criteria of appraising documentary material of public legal entities and societies whose archives are taken over by the Ljubljana Historical Archives,<sup>46</sup> in 1984 in the archive textbook by J. Žontar entitled Archive Science,<sup>47</sup> as well as in the Manual for professional training of workers dealing with documentary material,<sup>48</sup> in 1995 in the study by V. Žumer entitled Appraisal of documentary material for history, science and culture,<sup>49</sup> in

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<sup>43</sup> Rules on the selecting and delivery of archives to archival institutions (OG RS, No. 34/81, revised 2/82).

<sup>44</sup> Sergije Vilfan, Škartiranje [Discarding]: Povodom referata J.H.Collingridgea na Trećem međunarodnem kongresu arhiva u Firenci, Arhivist 7/1957, vols. 1 - 2, (Beograd), pp. 31 - 45.

<sup>45</sup> Jože Žontar, Predpisi, ki urejajo arhivsko dejavnost [The regulations governing archive activities], Arhivi IV, Nos. 1 - 2, Ljubljana 1981, pp. 5 - 36.

<sup>46</sup> Vladimir Žumer, Kriteriji valorizacije dokumentarnega gradiva družbenih pravnih oseb in društev, katerih arhivsko gradivo prevzema Zgodovinski arhiv Ljubljana [Criteria of appraising documents of public legal entities and societies whose archives are taken over by the Ljubljana Historical Archives], Arhivi V, Nos. 1 - 2, Ljubljana 1982, pp. 14 - 23.

<sup>47</sup> Jože Žontar, Arhivistika [Archive Science], Dopisna delavska univerza Univerzum, Ljubljana 1984.

<sup>48</sup> Priročnik za strokovno usposabljanje delavcev, ki delajo z dokumentarnim gradivom [Manual for the professional training of workers dealing with documentary material], Republic Committee for Culture, Časopisni zavod Uradni list SR Slovenije, Ljubljana 1984.

<sup>49</sup> Vladimir Žumer, Valorizacija dokumentarnega gradiva za zgodovino, znanost in kulturo [Appraisal of documentary material for history, science and culture], Archives of the Republic of Slovenia, Ljubljana, 1995.

2001 in the manual by V. Žumer entitled Archiving of documents<sup>50</sup> and in 2003 in the study by J. Žontar entitled Archive science in the 20<sup>th</sup> century.<sup>51</sup>

A concerted orientation towards the development of theory and practice of appraisal, especially throughout the 1980s, marked numerous Slovenian archivist consultations and gatherings organised by the Archive Society of Slovenia,<sup>52</sup> which were partly or entirely devoted to the appraisal of material by thematic groups, in other words partly according to activities or type of material.

### *Method of macro appraisal of documents in Slovenia*

**Under the definition in archive law, public archives are created by entities of public law separating them from documentary material on the basis of the written professional instructions of the competent archival institution and additional written professional instructions from representatives of the competent archival institutions upon the actual selecting (macro appraisal).<sup>53</sup>** Documentary material from other legal and natural persons which has the character of archives becomes archive material on the basis of a decision of the national archival institution (private archives).

**In line with the regulations, the archives of an entity of public law are determined by the competent archival institution on the basis of that entity's classification plan or systematically categorised and analysed administrative and operational functions (functional evaluation).** In evaluating or determining the archive material, the competent archival institution takes account of the methodology, criteria for evaluating documentary material and the general list of archives given in the appendix to the Decree on the protection of documents and archives,<sup>54</sup> the methodology and determining of archives given in the **Instructions for providing time limits for keeping documentary material of public administration bodies, and practical experience in the area of appraising documentary material in the archive profession.**

### *Written instructions for selecting archives from documentary material as an instrument of macro appraisal*

In written professional instructions to the entity of public law for which it has jurisdiction, the archival institution determines the list of documentary material of that public entity which has the characteristics of archives, and determines in detail the application of principles and criteria. The written professional instructions must take into account the organisational structure of the public entity and the method of categorisation used by that entity (classification plan) for the documentary material.

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<sup>50</sup> Vladimir Žumer, Arhiviranje zapisov [Archiving of documents], GV Založba, Ljubljana 2001.

<sup>51</sup> Jože Žontar, Arhivska veda v 20. stoletju [Archive science in the 20<sup>th</sup> century], Archives of the Republic of Slovenia, Ljubljana 2003, pp. 86 - 97 and literature cited therein.

<sup>52</sup> The majority of papers and discussion papers from gatherings, consultations and seminars were published in the magazine of the Archive Society of Slovenia, *Arhivi*. The issues of appraising documentary material have been touched upon in part by the annual consultations on professional and technical issues of archival institutions in Radencih since 1979, and these are published in the magazine *Sodobni arhivi*.

<sup>53</sup> Article 34 and Article 38 (2) of the valid archive law.

<sup>54</sup> OG RS, No. 86/2006.

In accordance with the Decree on the protection of documentary and archive material<sup>55</sup> the written instructions for selecting at state administration bodies, local community bodies and judicial bodies must be based on the method of categorising material prescribed for office work, in other words on a classification plan for categorising material according to content or functions. The public entity must therefore acquaint the archival institution with its organisational structure, competences and tasks (functions), the subject of operations and activities, the method of administrative operation and the records of documentary material. It must also supply the archival institution with other information needed for evaluating its documentary material.

**In accordance with archival and administrative regulations, the instructions for selecting archives on the basis of a classification plan for categorising material by function or task are the main instrument of macro functional appraisal of material in the public administration! Determining archives is within the competence of the public archive institutions, while determining the other periods for storage of documentary material is within the competence of the material creator.**

**In accordance with the prescribed and other professional criteria for appraisal and with the written instructions for selecting archives from the entire documentary material, public archival institutions have the competence to determine archives of lasting importance for science or culture and lasting legal interest! The written instructions issued by the competent archival institution to each creator, usually individually, are drawn up by an archivist, and are adopted by a special ad hoc committee of the competent institution, in which there are also representatives of the material creator. The written instructions must be based on a classification plan for categorising material by content and function, which is proposed by the material creator.**

**The creators or holders of public archive material are bound to submit to the competent archival institution a classification plan for categorising material by function, to provide information on the documentary and archive material, to participate in the archival committee for confirming the instructions, to select the archives in line with the written instructions and deliver the material to the competent public archival institution within 30 years.**

A public entity which keeps archives in electronic digital form, must on the request of the competent archival institution report to it on the method and procedures of storing the electronic material. This report must contain primarily information on the hardware and software used and the services, forms and document storage media, on ensuring the permanent accessibility of the information, planned and executed conversion into another form of document or on copies made to another document storage medium, and on steps to ensure the security, integrity, authenticity, credibility and usability of the material.

### ***Principles and criteria for appraising archives***

**One of the first to deal with the principles and criteria for evaluating and selecting archives starting in the mid 1950s was the lawyer, historian and archivist S. Vilfan,<sup>56</sup>**

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<sup>55</sup> Articles 56 and 57 of the valid archive decree.

<sup>56</sup> Sergije Vilfan, Škartiranje [Discarding]: Povodom referata J.H.Collingridgea na Trećem međunarodnom kongresu arhiva u Firenci, Arhivist 7/1957, Vols. 1 - 2, (Beograd), pp. 31 - 45.

and after him since 1982<sup>57</sup> the archivist V. Žumer, who published in 1995 an extensive study of foreign and national principles and criteria for evaluating documents in the publication *Appraisal of documentary material for history, science and culture*,<sup>58</sup> and in 2001 in the manual *Archiving of documents*<sup>59</sup> he published numerous generic guidelines for selecting archives and lists of documentary material with periods of storage, these being the result of the professional work of Slovenian archivists in the field of appraisal. In 1999 the formulation of criteria for appraisal was laid down in theory and practice by the *Rules on selecting and delivery of public archives to archival institutions*<sup>60</sup> wherein the appendix also set out a generic “positive” list of documentary material which has generally the character of archives.

Ultimately the principles and criteria for appraising documents were also incorporated in 2006 into the new *Protection of Documents and Archives and Archival Institutions Act*, and into the *Decree on the protection of documents and archives*,<sup>61</sup> despite the fact that the existing archive legislation did not contain criteria.

**Archives are selected from documentary material with regard to:**

- the needs of historiography, other sciences and culture, where account is taken of the most frequently used archives for these purposes (on the one hand we may determine the most frequently used archive material for research, study, cultural, educational and other purposes, and on the other hand we may take into account research needs and projects),
- the needs of legal and natural persons for permanent legal certainty,
- the importance of the material’s content or the importance of the functions, which is determined through direct analysis or prediction,
- the special nature of events and phenomena, for which there is a need to store more material or material in its entirety (for certain events in a given period there is a need to store more material, for instance the period following 1991 for the processes of denationalisation, privatisation, building Slovenian statehood and so forth),
- the special nature of the location or area to which material relates or in which it was created,
- the importance of the public entity creating the material,
- the importance of the material’s author,
- the originality of records and their duplication, so that in a mass of multiplied material it is possible to determine material which most perfectly reflects the substance,
- the originality of data and information and their duplication, so as to ensure the best possible storage of original recorded data and information on nature, things, locations, events, phenomena and persons,

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<sup>57</sup> Vladimir Žumer, *Kriteriji valorizacije dokumentarnega gradiva družbenih pravnih oseb in društev, katerih arhivsko gradivo prevzema Zgodovinski arhiv Ljubljana* [Criteria of appraising documents of public legal entities and societies whose archives are taken over by the Ljubljana Historical Archives], *Arhivi V*, Nos. 1 - 2, Ljubljana 1982, pp. 14 - 23.

<sup>58</sup> Vladimir Žumer, *Valorizacija dokumentarnega gradiva za zgodovino, znanost in kulturo* [Appraisal of documentary material for history, science and culture], Archives of the Republic of Slovenia, Ljubljana, 1995.

<sup>59</sup> Vladimir Žumer, *Arhiviranje zapisov* [Archiving of documents], GV Založba, Ljubljana 2001.

<sup>60</sup> Article 2 of the Rules on the Selecting and delivery of public archives to archival institutions (OG RS, No. 59/99).

<sup>61</sup> Article 40 (8) of the Protection of Documents and Archives and Archival Institutions Act (OG RS, No. 30/2006) and Article 55 of the Decree on the protection of documents and archives (OG RS, No. 86/2006).

- a representative selection – the satisfactory representation of mass material of equal value on the basis of a representative selection depending on the type of material, chronological cross-section or statistical methods,
- the degree of preservation and extent of the material created and
- the internal and external features of the material, such as language, artistic value or method of recording.

With regard to the supplemented definition of archive material in 2006, evaluation gained the additional criterion of “the needs of persons for permanent legal certainty”.

The following in particular are deemed to be the **starting points for macro appraisal**:

- the historical development of the creator of the documentary and archive material (structures of institutions),
- the organisation of material creators and their administrative and operational functions,
- the types of documentary and archive material being generated in the execution of functions and
- a familiarity with systems of office work with documentary and archive material.

### *Appraisal or selection of creators of public archives*

The appraisal of archives also embraces the evaluation of public entities from which the public archival institutions will receive archives. Since the Slovenian archive law of 1973, within the area of what is called appraisal of the creators of archives there has been a categorisation or selection of creators depending on the importance of their archives. Following the change to the national legal order in Slovenia in 1991, when public archival institutions became competent only for the archives of legal entities of public law, the importance of appraising public creators of archives was drastically reduced. The Archives of the Republic of Slovenia provided and still provide the protection of archives for practically all public entities for which the institution has jurisdiction under the law or which are bound to hand over public archives *ex lege*,<sup>62</sup> while the regional state archival institutions competent for a very high number of legal entities of public law on the local level<sup>63</sup> did not perform any appraisal of creators or selection up until 2004. The Archives and Archival Institutions Act<sup>64</sup> of 1997 envisaged that the minister would issue a list of legal entities and their organisational units which fell under the jurisdiction of the Archives of the Republic of Slovenia, individual regional archival institutions and the archives of local self-governing communities, where they had been established. The Minister for Culture only confirmed the proposed appraisal of creators in

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<sup>62</sup> Article 55 of the Protection of Documents and Archives and Archival Institutions Act (OG RS, No. 30/2006) provides:

“The Archives of the Republic of Slovenia shall protect the public archives of state bodies, those exercising public authorisation or performing public services provided by the state, the Bank of Slovenia and state and public funds, agencies and other legal entities founded by the state or operating in the territory of the entire country. The Archives of the Republic of Slovenia shall protect film archives.

<sup>63</sup> Article 55 of the Protection of Documents and Archives and Archival Institutions Act (OG RS, No. 30/2006) provides that regional archives “shall in the territory of the regional archival institution protect the generated archives of state bodies or their organisational units and of those exercising public authorisation or performing public services provided by the state and performing activities in the territory of one or more self-governing local communities. Regional archives shall also store the archives of self-governing local communities, if these do not establish their own archives for the protection of their public archive material.”

<sup>64</sup> Article 14 of the Archives and Archival Institutions Act (OG RS, No. 20/97, revised 32/97).

2004. The appraised list of public entities whose archives are determined and taken over by the competent public archival institutions has been published since 2004 on the website of the Archives of the Republic of Slovenia.<sup>65</sup> This involves the minimal selection of public entities from which regional archival institutions receive public archives.

The new archive law<sup>66</sup> requires the providers of public archival services, including the national archive institution, regional institutions and the archives of self-governing local communities, to keep a register of public entities for which they determine their jurisdiction, and from which they will receive archives.

Competence for evaluating and determining the archives of public entities operating on the national level (the government, government services and offices, ministries, bodies within ministries, inspectorates, funds, agencies, the biggest public companies and institutes in the country) is held by the Archives of the Republic of Slovenia, while competence for public entities on the local level (administrative units, bodies of self-governing local communities, public institutes and public companies) is held by the following regional national archival institutions: the Celje Historical Archives, Koper Regional Archives, Ljubljana Historical Archives with a Unit for Gorenjska and a Unit for Dolenjska and Bela krajina, Maribor Regional Archives with a Unit for Prekmurje and a Unit for Koroška, Nova Gorica Regional Archives and Ptuj Historical Archives.

### ***Generic lists of public archives***

Since 1966 the archives of individual legal entities in Slovenia have been specifically determined by rare cases of generic “positive” and “negative” lists of material (so-called prior and executive exclusion lists) which were introduced by the Archives and Archival Institutions Act of 1966 and 1973.<sup>67</sup>

The first generic list of archives from state administration bodies on the local level, which relied on the framework classification plan of state bodies from 1964, was published in the **Manual for professional training of workers dealing with documentary material** in 1984.<sup>68</sup> In Slovenia this was also the first published example of macro functional appraisal of archives from public administration bodies on the basis of the then prescribed standardised classification plan for categorising matters and documents by function. The greatest number of generic lists and plans for archive material in the area of administration, justice, the economy, education, health and other areas were published in the manual **Archiving of Documents** in 2001.

**The Rules on selecting and delivery of public archives**<sup>69</sup> of 1999 provided for archival institutions a general list of documentary material for which it is considered that it is generally always archive material and is released to the competent archival institution, if it is public archive material. **The Instructions for providing time limits for keeping documentary**

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<sup>65</sup> Website of the Archives of the Republic of Slovenia: [www.gov.si/ars](http://www.gov.si/ars).

<sup>66</sup> Article 54 of the Protection of Documents and Archives and Archival Institutions Act (OG RS, No. 30/2006).

<sup>67</sup> Archives and Archival Institutions Act (OG of the Socialist Republic of Slovenia, No. 4 /66) and Archives and Archival Institutions Act (OG of the Socialist Republic of Slovenia, No. 37 /73).

<sup>68</sup> Generic instructions for selecting the archives of administrative bodies of municipalities, Manual for professional training of workers dealing with documentary material, Republic Committee for Culture and Časopisni zavod Uradni list SR Slovenije, Ljubljana 1984, pp. 102 - 106.

<sup>69</sup> OG RS, No. 59/99.

**material of public administration bodies<sup>70</sup> and the Decree on the protection of documents and archives of 2005 and 2006 adopted this list in its entirety.<sup>71</sup>** This was the first “positive” generic list of archives in Slovenia to be published in archival implementing regulations.

The generic list of archives can be used in selecting by all private legal and natural persons who then store the material in private archives, if they do not deliver it to the public archives in the form of a deposit, gift, bequest or purchase. The generic list of archives also represents a very useful concrete aid for archivists in drawing up guidelines for selecting archives from documentary material for individual public entities, while for all legal and natural persons it is a direct professional aid regarding what material needs to be kept for history, science and culture, as well as for ensuring permanent legal certainty and the interests of various subjects.

***List of public archives from the appendix to the Instructions for providing time limits for keeping documentary material of public administration bodies of 2006 and the Decree on the protection of documents and archives of 2005:***

### ***1. Regarding administrative and operational functions and competence***

#### ***General and organisational functions:***

- material on founding, constituting, registration, mergers, acquisitions, divestments, divisions, rehabilitations, security measures, bankruptcies, liquidations and terminations, winding up and other status changes (laws, former social agreements and self-management agreements, applications and opinions for registration, decisions, records and minutes, statutes, rules, rule books and other general acts, extracts from the registers of crafts, companies and societies),
- material on internal organisation and operation (laws, regulations, statutes, general and former self-management acts, organigrams, organisational projects, analyses and so forth),
- material on land register matters relating to the ownership of real estate (decisions, contracts of sale, extracts from land registers),
- material on appointments, elections and referendums (decisions appointing officials, executive and management workers, calls of elections and referendums, records of the results, posters, flyers and promotional material).

#### ***Administrative, judicial, management and self-management functions:***

- minutes of meetings of political, government, administrative, judicial, management, self-management, inspection, supervisory, professional and other bodies of administration and operation of all kinds of institutions (generally with material for meetings),
- official and public records (databases, registers, cadastral registers, lists),
- decisions, judgements, rulings, records, opinions of the aforementioned bodies in important matters within their competence and important entire matters or files from administrative or judicial procedures conducted by those bodies,
- general legal and former self-management instruments (statutes, rule books, rules of procedure and other general and self-management instruments, self-management agreements, social contracts),
- circulars, notices, guidelines, instructions and so forth.

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<sup>70</sup> Instructions published by the Archives of the Republic of Slovenia in the Official Gazette of the Republic of Slovenia, No. 81/2005.

<sup>71</sup> Appendix to the Decree on the protection of documents and archives (OG RS, No. 86/2006).

***Personnel functions:***

- workforce plans,
- personnel records,
- collective annual and occasional reports on employees, fluctuations, personal incomes, worker education, trainees, professional exams, disciplinary procedures, occupational safety, accidents at work, strikes and so forth,
- selection of disciplinary matters involving the sanction of termination of employment.

***Financial and commercial functions:***

- collective (generally annual) annual financial plans and reports,
- national budgets and budgets of local communities,
- final accounts with financial reports,
- initial, merger, liquidation and other balance sheets and inventory closures,
- market research and reports,
- collective annual plans, reports and accounts for sales, procurement, export, import, retail trade, supplies and so forth,
- material on commercial promotion and advertising (brochures, instructions, advertisements, posters, newspaper, broadcast and other advertisements, photographs, advertising films and spots, exhibition and sales catalogues).

***Statistics, planning and analysis of all fields of activity:***

- primarily annual, medium-term, long-term, occasional plans and analyses and reports of the most diverse type and content,
- collective annual statistical reports and analyses of public entities,
- statistical material which public entities must provide according to the regulations governing statistical research that is important for the entire country,
- all collective (generally) annual statistical processing by administrative and statistical bodies such as: statistical yearbooks, the results of all manner of statistical research (first and final), statistical reports, bulletins, information, presentations and studies, research results, analyses, methodological research etc. and collective secondary statistics and information.

***Investment, construction and development:***

- urban and spatial plans,
- capital programmes and reports,
- proprietary construction documentation, including construction plans for structures and facilities,
- development plans for new technology, production and products (technological documentation),
- research projects, elaborates and analyses,
- regulations and standards,
- inventions, patents, licences, technical improvements and innovations.

***Information and documentation functions:***

- notices, information sources, internal and public media, official gazettes, newspapers,
- records and reports from gatherings, consultations, conferences, symposia, seminars, lectures, presentations and press conferences,
- publications on historical development and activities, yearbooks and collected works,

- magnetic recording tapes and cassettes, photographs, films, video cassettes etc. with audio and visual recordings of the work, operations and activities of public entities, structures, facilities, events, processes, phenomena, persons and locations, especially various arranged events, celebrations, jubilees, memorials, speeches and so forth,
- posters, flyers, brochures and other small printed items on the activities of public entities, chronicles and logs, diaries and memoires.

## **2. *Regarding the type of material or documentation:***

- regulations and other documents of a legal and administrative character issued by a public entity within its area of competence (laws, implementing regulations, decrees, instructions, statutes, rule books, decisions, judgements, rulings and other),
- official, public records, including personal databases (official records, cadastral registers, card files, registers, lists and other),
- own minutes of meetings with material for meetings of the authorities and bodies of a public entity (assemblies, councils, committees, commissions, working bodies, gatherings, consultations, seminars, round tables and other bodies),
- entire important matters within administrative procedures for which a public entity is competent,
- entire important files of judicial bodies, separated up by type of matter or register,
- documents on the establishing, organisation and liquidation of a public entity,
- records on the results of elections and referendums,
- all manner of plans, reports and analyses (especially annual and important individual ones),
- collective statistical reports and analyses (especially annual),
- budgets and final accounts,
- constructions documentation with plans of structures owned by a public entity,
- construction plans of public structures and a selection of plans of private structures at those administrative bodies that are competent for issuing construction permits,
- technological documentation,
- proprietary legal property matters,
- all legal property matters at administrative bodies relating to the procedures of nationalisation, seizure, denationalisation, return of property, comassation, agrarian reform and ownership transformation,
- printed archives: internal, official, commercial, special anniversary publications, printed records of meetings, annual reports and plans, advertising announcements, prospectuses, flyers, posters, samples of printed forms and similar material generated in the operations of a public entity,
- important business and other books (especially logs, chronicles, diaries and memoires),
- feature and documentary films,
- photographs, films and video recordings of the operations and activities of a public entity, on nature, structures, facilities, people, workers, important phenomena, events and arranged events,
- all prescribed office records on documentary material,
- decorations and awards,
- samples of individual documents, matters, files and other types of material by various criteria of sampling.

The Decree on the protection of documents and archives provides especially that archives also

contain.<sup>72</sup>

- office and other records on documentary and archive material, irrespective of their form and type,
- classified archives irrespective of the type of secrecy, level of classification or duration of secrecy,
- personal databases, if they have the character of archives,
- archives containing data on the privacy of individuals,
- printed or otherwise duplicated archives created for the needs of information, as internal publications and newspapers, printed plans and business reports, printed records of meetings and small printed items (posters, flyers, brochures, instructions, programmes, invitations etc.).

### ***Selecting and delivery of archives to the competent archival institution***

Prior to the start of selecting archives, the public entity must inform the competent archival institution of this, and in selecting must heed the professional instructions which the archival institution can give prior to or during the selecting. After selecting, it must ensure the storage of documentary material not identified as archives, in line with the periods for storage.

**Public archives are selected from documentary material and delivered to the competent archival institution no later than 30 years from their creation, in a good state, inventoried, technically furnished, complete, in complete wholes and in the agreed form and media, where this involves electronic material in digital form.** This deadline may be shortened or in exceptions also extended.

The selecting and delivery of archives are performed by a special committee of at least three members at the public administration body, who are appointed by the head of the body, and who make a written record and inventory of the delivered archives. A public entity that delivers public archives to an archival institution is bound to mark the material with the appropriate periods of inaccessibility and in the record of delivery must give a special indication of the possible periods of inaccessibility for individual public archive material containing classified data, sensitive personal data, commercial secrets, tax secrets etc.

**Electronic archives are delivered to the competent archival institution in reproduced digital form in the prescribed or standardised media and document formats.** In accordance with the agreement and with the professional instructions from the competent archival institution, archives created in physical form on paper may in exceptions be delivered to the competent institution only in electronic digital form (for instance mass material such as population censuses).

In the event of the termination of a public entity<sup>73</sup> without any known legal successor, irrespective of the 30-year deadline, archives must be delivered to the competent archival institution prior to the termination of the public entity. The body conducting the termination procedure or implementing a status change to the public entity (usually a court) must ensure the selecting and delivery of public archives to the competent archival institution.

### ***The duty of public entities***

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<sup>72</sup> Article 65 of the Decree on the protection of documents and archives (OG RS, No. 86/2006).

<sup>73</sup> Article 41 of the Protection of Documents and Archives and Archival Institutions Act (OG RS, No. 30/2006).

In connection with the protection of documents and archives, entities of public law have the duty:

- to ensure the protection of documentary material, determine the periods of document storage and separate out and destroy unnecessary documentary material for which the period of storage has expired,
- to cooperate with the competent archival institution in the formulation of instructions for selecting public archives from documentary material.
- to select public archives from documentary material according to the instructions of the competent archival institution and
- to deliver public archives to the archival institution within the prescribed deadlines and in the prescribed manner.

According to the law governing archives, they must ensure the storage, material safety, integrity and presentability of documentary material obtained or generated in their work, until the actual archives are extracted from it.<sup>74</sup> They must ensure for the competent archival institution the possibility of viewing the state in which the documentary material is kept, and must provide information required for keeping records of archives, under the conditions provided by archive regulations.

In order to carry out these obligations, public entities must ensure adequate material, personnel and financial conditions and must identify a person responsible for carrying out these obligations. Employees working with documentary material must hold at least secondary education and have passed a test of professional ability at the competent archival institution pursuant to special rules.<sup>75</sup>

### ***Determining the periods for storage of documentary material***

**Public entities are bound themselves to determine the periods of storage for documentary material not identified as archives. The periods of storage are determined in accordance with the prescribed periods (around 200 regulations) and relative to operational needs. Periods are determined in years (2, 5, 10, 20 years and more). The creator usually determines the periods of storage in the classification plan for categorising material by content or by administrative and operational function.**

Periods of storage together with the classification plan are entered into the computer application for keeping prescribed records of documents, matters and files,<sup>76</sup> which usually enables the automatic determining of periods, the calculation of years for destroying the material, selecting, reviewing and printing out lists of documentary material by storage periods, the creation of lists of selected archives, lists of removed or destroyed material and so forth.

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<sup>74</sup> Article 39 of the valid archive law.

<sup>75</sup> Rules on the professional qualifications of employees of public entities and the workers of service providers working with documentary material (OG RS, No. 132/2006).

<sup>76</sup> In Slovenia the public administration bodies entrusted with keeping computer records of documentary material for the most part use the Lotus Notes software or the application SPIS, which in addition to keeping records of matters, records and files, enables the scanning of physical documents and the receiving, recording, salvaging and archiving of electronic documents (e-mails, electronic faxes, web forms, exchanged electronic data from electronic databases and from the central information system of the public administration - CIS).

## ***Regulations setting individual periods of storage***

Almost two hundred laws and implementing regulations in Slovenia lay down the specific periods for storage of documentary material, expressed in years, and some periods of storage referred to in regulations can be implemented indirectly.<sup>77</sup> For the most part this involves sectoral or special regulations laying down the periods of storage for documentary material in an individual field of activity, and applying only to institutions from that field (for instance the administration, judiciary, education and health), while there are less regulations applicable to all legal and natural persons (for instance the personal data protection act, the accounting act and the value added tax act). Most regulations set the period of storage just for one type of documentary material.

**The periods of storage given in regulations are for the most part implemented or determined on the basis of the importance of the material for the operation of institutions. Legal interest is especially important in determining these periods.** In public administration there is a general rule that every action and piece of work of an administrative body needs to be documented and records need to be kept such that it is possible later to review the work, check its correctness, timeliness and quality of execution, prove facts and keep documents for science and culture or for the legal certainty of legal and natural persons.<sup>78</sup>

A great many storage periods are implemented pursuant to the General Administrative Procedure Act,<sup>79</sup> which provides various periods, especially the period of legal validity or finality of matters from administrative procedure, and pursuant to the Code of Obligations<sup>80</sup> and the Penal Code of the Republic of Slovenia,<sup>81</sup> in connection with the periods of limitation in legal transactions, criminal and civil matters etc.

With regard to the prescribed periods of storage, the instructions for determining storage periods for the documentary material of public administration bodies draw attention to the valid regulations, including primarily the regulations on:<sup>82</sup>

- records in the area of work, employment, employment relationships, the central record of insured persons and those entitled to rights from pension and disability insurance, on health insurance and social security,
- the protection of personal data, central registers, classified data, the police, personal identity cards and other regulations in the area of home affairs,
- national statistics, population census and other statistical censuses,
- the building of structures and other regulations in the field of construction,
- accounting, book-keeping, Slovenian accounting standards,
- value added tax, tax procedure, the tax service,

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<sup>77</sup> The regulations under which it is possible to determine or deduce the storage periods are for instance: the General Administrative Procedure Act (OG RS, No. 80/99, with revisions No. 73/2004); Penal Code of the Republic of Slovenia (OG RS, No. 63/94); Code of Obligations (OG RS, No. 83/2001); Employment Relationships Act (OG RS, No. 14/90); Customs Act (OG RS, No. 1- 3/95).

<sup>78</sup> Article 92 of the Decree on administrative operations (OG RS, No. 20/2005).

<sup>79</sup> General Administrative Procedure Act (OG RS, No. 80/99, with revisions No. 73/2004).

<sup>80</sup> Code of Obligations (OG RS, No. 83/2001).

<sup>81</sup> Penal Code of the Republic of Slovenia (OG RS, No. 63/94).

<sup>82</sup> Point 10 of the Instructions for providing time limits for keeping documentary material of public administration bodies (OG RS, No. 81/2005).

- documentation of the regular courts and other regulations in the field of justice that set periods of storage for the documentary material of judicial bodies,
- higher education, grammar schools, documentation in secondary education, documentation in primary education and nine-year primary education, in kindergartens and other regulations in the field of education,
- databases in the field of health protection,
- general administrative procedure, obligational relations, the penal code and other regulations setting periods of limitation.

### ***Removal and destruction of documentary material (discarding)***

**Upon the expiry of the period of storage, documentary material is removed and destroyed by committee, involving a written record and outline inventory, at least every five years. Under the same procedure, documentary material may be destroyed after its safe and reliable conversion into digital form, unless special regulations provide otherwise. The consent of the competent archival institution is not required for removal and destruction!**

**The destruction of original archives generated in physical form on paper is not permitted after conversion into digital form or microfilm record, unless otherwise expressly provided by the competent archival institution. The competent archival institution may in exceptions permit the creator to destroy archives in physical paper form (for instance the mass archive material of a population census) if prior to that the archives were safely and reliably digitalised and stored in accordance with the conditions provided by archive legislation for safe and reliable electronic storage. In such cases a representative of the competent archival institution must also participate by law in the committee for the destruction of material. As a rule archives created in original paper form may not be destroyed after digitalisation, and must be delivered to the competent archival institution in the original paper or original analogue form!**

Removed documentary material may be destroyed 15 days from the day a written record was made of the removal of the material. The committee also ensures that removed documentary material containing classified data or commercial secrets is also destroyed (shredded), so that it can no longer be read. The committee makes up a brief written record of the release of removed documentary material for industrial processing, meaning the removal of material directly to a press or mill at a company for collecting and processing waste, or of its destruction. In the removal and destruction of unnecessary material account must be taken of the protection of personal data, and care taken that documents do not enter into the public domain, that they are not lost during transport and so forth.