

## The Ministry of Culture

On the basis of Article 26 of the Archives and Archival Institutions Act (“Narodne novine No. 105/97), and upon the proposal made by the Croatian State Archives, the minister of culture has approved the

### **REGULATIONS FOR THE USE OF ARCHIVES**

#### **I GENERAL CONDITIONS**

##### **Article 1**

These Regulations define the conditions, means and procedure for the use of public archives that are kept in the Croatian State Archives, in regional state archival institutions, as well as in the archival institutions of counties, towns and municipalities.

The provisions of these Regulations also apply to the use of private archives that are kept in archival institutions, unless otherwise stipulated in the contract or act governing the transfer of records, as well as to the archives that are kept in public institutions (museums, libraries, institutes and so on), unless otherwise stipulated in special regulations.

##### **Article 2**

The use of archives is understood to mean the use of finding aids, as well as the use of archives regardless of the medium in which they are preserved. The use of records includes the consultation of archives, transcriptions, publication, exhibition, reproduction, loan and issuing of certified transcripts or copies.

##### **Article 3**

Archives can be used for official purposes, for scholarly research, for journalistic purposes, for teaching purposes, exhibitions and publication, with the aim of asserting or protecting personal rights and in other justified aims.

#### **II ACCESSIBILITY**

##### **Article 4**

All users have the right to use archives under the same conditions.

##### **Article 5**

Public archives become, as a rule, accessible 30 years after their creation, but they can also be available before the expiration of the set limit if they were intended for public use from the very outset, or if the creator explicitly allowed their use in the document regulating the transfer of records to the archival institution.

Public archives that contain information relating to defence, international relations, economic interests and national security concerns, the publication of which would lead to harmful consequences for the national security or the national interest of the Republic of Croatia shall become accessible 50 years after they were created unless otherwise stipulated in special regulations.

Public archives that relate to personal data (birth records, marriage records, medical documentation, personal files, court, tax and financial records and so on) become accessible 70 years after their creation or 100 years after the birth of the person they refer to.

#### **Article 6**

Public archives from Article 5, section 3 of these Regulations can become accessible before the expiration of the above set limit, if they were from the outset, intended for the public or if approval is given by the person it refers to or by his or her spouse, children or parents after that person's death.

#### **Article 7**

Those who, in the course of their work and activity, created the records in line with the purpose for which it was created or the purpose it was used for can use archives, without limitation.

### **III PROCEDURE**

#### **Article 8**

In order to use archives, the user shall submit a written application on a special form that must contain personal information, information concerning the users address, the theme of research or other purpose of use, as well as the material that is sought.

Approval for using the archives is issued by the director of the archival institution.

Approval for using the archives is issued immediately if possible, and, if not, within three days after the submission of the application.

Approval for using the archives is valid only for the person that submitted the application.

### **Article 9**

A written notice shall be issued in the event that the application for the use of archives is turned down.

The party receiving a notice of refusal from paragraph 1 of this Article can appeal to the Ministry of Culture.

### **Article 10**

Use of archives can be rejected temporarily if the said archives are damaged, if they are undergoing expert processing or if they are already being used by another user.

### **Article 11**

In the event that scholarly reasons demand the use of archives prior to the expiration of the set limit, the director of the archival institution can, by previously acquired opinion of the Croatian Council on Archives, namely of its Commission for Providing an Opinion on early Access to Archives (hereinafter the "Commission"), allow the use of archives in line with the provisions of the Archives and Archival Institutions Act even though the conditions from articles 5 and 6 of these Regulations have not been met.

### **Article 12**

The Commission from Article 11 of these Regulations consists of five members from the ranks of members of the Croatian Council on Archives, namely the director of the Croatian State Archives, and one member each from the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry of Culture and the Ministry of Justice.

Members of the Commission elect the chairman from their own rank that schedules and chairs the meetings of the Commission.

Members of the Commission shall meet as soon as possible, namely no later than 15 days after receiving notice of their appointment to the Commission, in order to elect their chairman.

### **Article 13**

A user whose request for use of archives has been refused or partially refused because the archives has not as yet been made accessible to the public can submit a request for the approval of the use of the archives that are not yet accessible.

The request for approval from paragraph 1 of this Article needs to be submitted to the director of the archival institution. The director of the archival institution is obliged to seek the opinion of the creator of the records or the opinion of his legal

representatives. Having received their opinion, the director is obliged to forward all the paperwork to the Commission of the Croatian Council on Archives.

#### **Article 14**

The chairman of the Commission shall schedule a meeting of the Commission no later than 15 days after receiving an individual request for the approval of the use of archives prior to the expiration of the stipulated period.

After deliberating the reasons for use of records given in the user's request, as well as the opinion of the creator of the records or his legal representatives, the Commission shall forward its opinion to the Croatian Council on Archives no later than 30 days after receiving the request.

The Croatian Council on Archives shall give its opinion concerning the use of archives prior to the expiration of access date in line with Article 58 of the Archives and Archival Institutions Act and on the basis of the Commission's opinion. Their opinion is forwarded to the director of the archival institution, who issues a ruling.

If the Croatian Council on Archives does not meet within eight days upon receiving the opinion of the Commission, the director of archival institution on the basis of the Commission's opinion shall make the ruling concerning the use of archives.

#### **Article 15**

Before issuing a ruling concerning the use of archives prior to the expiration of the access date, the director of the archival institution is obliged to act in accordance with Article 22 of the Archives and Archival Institutions Act and in such a way so as to guarantee the protection of the public interest, the protection of privacy as well as the rights and interests of the third party.

#### **Article 16**

The ruling on the request for the use of archives prior to the expiration of the access date shall be made within 60 days of receiving the request.

In the event that the request is denied, the supplicant can appeal to the Ministry of Culture.

#### **Article 17**

The procedure for approving early access to archives can also be initiated by the director of state archival institution. The director forwards the request for early access to archives to the Commission, having obtained the opinion of the records creator.

The procedure to be followed in the event of Paragraph 1 of this Article is the one in articles 14 through 16 of these Regulations.

## **IV PROCEDURE AND CONDITIONS FOR THE USE OF ARCHIVES IN THE READING ROOM**

### **Article 18**

Archives are available for consultation in the reading room of the archival institution.

State and other public archival institutions are obliged to pass their own Reading Room Regulations.

### **Article 19**

In principle, copies (not originals) of the archives are provided to users. Original film or photographic archives or the security copies are not accessible for use.

Documents required for official purposes are, as a rule, accessible in the form of certified copy.

Original archives can be provided for use in exceptional circumstances if there are no copies of the archives or if the research method of work so requires.

### **Article 20**

The use of archives and finding aids is free of charge.

The making of copies, use of special technical equipment, or the lease of audio-visual records is charged according to the price list of the services of the state archival institutions.

In line with the price list from Paragraph 2 of this Article, archival institutions also charge fees for research for individual users, like for genealogical and other thematic research.

### **Article 21**

The price list for all services in archival institution is approved by the Ministry of Culture on an annual basis and upon the proposal made by the Croatian State Archives. The approved price list is valid for all state archival institution in the Republic of Croatia until a new Price List is approved.

## **V THE LOAN OF ARCHIVES**

### **Article 22**

As an exception to Article 18 of these Regulations, original archives can be loaned to state bodies on a temporary basis and on the condition that that particular body pays for the making of a security copy.

Each loan requires the drawing up of a document for the loan of archives with a list of loaned documents and a determined period for the loan.

### **Article 23**

Archives can be loaned for exhibitions outside the archival institution in the event that conditions have been secured for their protection and safety and with the obligation that a security copy is made of the archives and, in case that the archives is damaged, that the archives be restored, the cost of all the above being borne by the party that has requested the loan.

### **Article 24**

The loan of archives for exhibitions requires the signing of a written agreement that defines the conditions of the loan and exhibition, as well as setting the duration of the loan. The agreement needs to be accompanied by an insurance policy.

The party preparing the exhibition is obliged to print in the catalogue and the captions next to the exhibited documents the name of the archives, the name of the fonds or collection and the archive unit, as well as being obliged to present three copies of the exhibition catalogue to the archival institution.

### **Article 25**

For the loan of deposited archives for exhibition, the party preparing the exhibition is obliged to enclose with the loan request the written approval of the archives proprietor.

### **Article 26**

Film archives can be loaned only with the written approval of the maker or the importer of the film that needs to be enclosed with the loan request.

### **Article 27**

In line with Article 28 of the Archives and Archival Institutions Act, original archives can be taken abroad for exhibition or some other purpose (expert opinion, restoration and so on) only with the approval of the Ministry of Culture.

Before the archives can leave the country, security copies of them need to be made if they do not already exist, a loan agreement needs to be signed and an insurance policy needs to be taken out.

## **VI MAKING COPIES**

### **Article 28**

Copies of finding aids, of whole fonds or collections as well as large parts of them may not be made for users.

### **Article 29**

Copies, as a rule, made from security microimages.

Microimages are always made for all older archives dating from before end of the 18<sup>th</sup> century as well as for certain types of archives that can be damaged during the process of copying, for example books, graphics, plans, maps, photographs and so on.

### **Article 30**

Copies from additional microfilms obtained from other archival institutions can be made only with the permission of those other archival institutions.

## **VII USERS' RESPONSIBILITIES**

### **Article 31**

When using archives, either in the reading room or outside it, a user is obliged to handle them with care. He or she must not write any notes on them, underline the text or damage it in any way, nor alter the existing order in the documents.

### **Article 32**

If a user damages archives that were given for him to use, he or she is required to pay for the damage incurred.

### **Article 33**

Damage, destruction, theft or attempted theft of archives is a criminal offence punishable under the articles of the Criminal Code of the Republic of Croatia.

The archival institution shall prosecute any person that wilfully damages, destroys, steals or attempts to steal archives by filing a report to the proper state authorities in line with the law.

#### **Article 34**

The director of the archival institution shall issue a formal decision refusing access to archives to any person for whom it is known that he or she has been reported because of actions from Article 33 of these Regulations or any person who has been charged, prosecuted or is undergoing criminal proceedings.

#### **Article 35**

The person who has been granted the use of archives is responsible, under law, for any damage and violation of any person's rights ensuing from the use of the archives.

The user of archives is personally responsible in the case of violation of the Law on Copyright Provisions.

#### **Article 36**

When issuing special permission for the use of archives that is yet not accessible for public use, the user is required to sign a statement and obliged him/herself that he or she shall not make public any information that might harm public or private interests, and that he or she accepts all legal and material responsibility in the event of any dispute.

#### **Article 37**

In any of his/her work or articles in which archives are used as a source material, the user is required to properly quote the name of the archival institution, the name of the fonds or collection as well as the reference code of the archive unit of the used archives.

#### **Article 38**

The user is required to make a written request for special permission for the publication of archives to the director of the archival institution.

#### **Article 39**

The user is required to provide the library of the archival institution whose archives were used with one copy of his or her expert or scholarly work, or a book that was written on the basis of the used archives.

### **VIII CERTIFIED TRANSCRIPTS AND COPIES**

#### **Article 40**

Archival institutions issue certified transcripts and copies of archives that are required by state bodies or by citizens and corporations in order for them to assert their rights.

A request for issuing a certified transcript or a copy needs to be submitted to the in a written statement that lists the purpose for which the document is sought, as well as necessary information for locating the original document.

#### **Article 41**

The archival institution issues certified copies or facsimiles only for those archives whose original copies it holds.

The certification of the transcript or copy asserts that it is the same as the original, but it in no way asserts the veracity of the information given in the document.

### **IX FEES**

#### **Article 42**

Users are required to pay a fee for the issuing of a certified transcript or a copy in line with the Price List from Article 20 of these Regulations.

#### **Article 43**

For the use of archives for purposes of propaganda, profit, as well as duplication or publication of reproductions or original archives, it is necessary to seek special approval from the archival institution.

The archives shall share in the profit made from the publication of reproductions of from the publication of archival material from Paragraph 1 of this Article in line with a special agreement that needs to be signed with the user.

#### **Article 44**

These Regulations take effect eight days after publication in the "Narodne novine".

Zagreb, June 23 1999

Signed by the Minister of Culture  
Božo Biškupić, MA