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Pursuant to Articles 10, 23, 36, 40, 43, 47, 53, 54, 63, 71, 72, 73, 74, 88 and 91 of the Protection of Documents and Archives and Archival Institutions Act (Official Journal of RS, No. 30/06) the Government of the Republic of Slovenia has issued

REGULATION

On Documents and Archives Protection

1. INTRODUCTORY PROVISIONS

Article 1

(Subject of Regulation)

(1) This Regulation governs the activities and internal rules of persons keeping documents and/or archives, storage of such materials in physical and digital form, general conditions, registration and accreditation of digital storage equipment and services, selection and transfer of archives to public archival institutions, processing and keeping registers of archives, protection of film and private archives, use of archives in archival institutions and work of the Archival Commission.

(2) In order to provide for protection of archives and documents, the provisions of this Regulation shall be interpreted in accordance with the respective applicable ISO standards (standard ISO 14721 - Space Data and Information Transfer Systems, standard ISO 15489 – Records Management Systems, standard ISO 23081 – Metadata for Records: Principles, standard ISO/IEC 17799/BS7799 – Information Systems Security, standard ISO/IEC 27001 – Information Security Management Systems, standard ISO 9706 – Information and Documentation – Paper for Documents – Requirements for Permanence, standard ISO 11108 – Information and Documentation – Archive Paper for Documents – Requirements for Permanence, standard ISO 18014 – Time Stamping Services, standard ISO/IEC 12207 – Software Life Cycle Processes), British standard BS 5454 – Recommendation for the Storage and Exhibition of Archival Documents, and other respective standards for the fields of film, photographs and other recent recording media, and also in compliance with the respective ISO and ANSI standards listed in Annex 2 to this Regulation.

Article 2

(Definitions)

(1) The terms used in this Regulation have the following meaning:

- 1. “Information management system” represents the information system for treatment of documents in electronic or physical form;

- 2. “Information preservation system” is the information system for preservation and search of documents, which controls special functions of generation, storage and access to materials, in order to preserve their usability, integrity and accessibility;
- 3. “Public archival institutions” include the Archives of the Republic of Slovenia, regional archival institutions and archival institutions of local self-government communities;
- 4. “Entities under public law” are state authorities, authorities of local self-government communities, holders of public authority, public service performers and other persons, who fulfil the majority of the following conditions:
 - they are entities under public law;
 - they were founded by the state or local self-government community and/or the state or local self-government community has a majority share or influence in them;
 - they were founded with a public legal act;
 - they are liable persons in accordance with the regulations on access to public information;
- 5. “Authorities under public law” include state authorities, authorities of local self-government communities and holders of public authority;
- 6. “Minister” refers to the Minister responsible for archival institutions;
- 7. “Metadata” mean data on data describing the context, contents and structure of documents, their management with time and other;
- 8. “Organization with a lower level of administrative operations regularity” is an organization without confirmed internal rules;
- 9. “Organization with a higher level of administrative operations regularity” is an organization with confirmed internal rules;
- 10. “Services provider” is a legal or natural person offering storage and accompanying services on the market to other natural persons or those legal subjects, who, in compliance with the Act governing companies, does not have any of the following relationships with the provider – one legal subject owns a majority share of the other legal subject, one legal subject is dependant on the other subject, or both legal subject represent a concern. Entities under public law cannot be services providers when performing their official duties;
- 11. “Competent archival institution” means a public archival institution competent for archives of a certain entity under public law or another materials creator;
- 12. “Act” means the Protection of Documents and Archives and Archival Institutions Act.

(2) Other terms used in this Regulation have the same meaning as in the Protection of Documents and Archives and Archival Institutions Act (Official Journal of RS, No. 30/06; hereinafter referred to as: Act).

2. PREPARATION AND ORGANIZATION OF CAPTURE AND STORAGE IN DIGITAL FORM

Article 3 (Preparation and organization stages)

Any person capturing or storing documents in digital form is obliged to respect the following stages for preparation and/or organization of capture and storage:

1. Preparation to capture and storage, which includes:
 - a) preliminary research,

- b) analysis of business activities (list of sources of material, preparation of justification study, preparation of feasibility study),
 - c) definition of storage requirements,
 - d) evaluation of the existing systems (preparation of risks analysis and measures for their reduction),
 - e) plans for storage and establishment of information preservation system;
2. Preparation and adoption of internal rules on capture and storage of materials in digital form:
3. Implementation of storage, monitoring of internal rules implementation and taking measures in case of deviations in accordance with internal rules (internal control);
4. Amendments and supplements to internal rules as a result of amended existing regulations or internal acts, technological progress, professional findings or deficiencies established during internal control, reorganization.

Article 4 (Preparation to capture and storage)

(1) A preliminary research shall include conclusions in relation to the mission, internal organization, business and legal requirements and essential impacts and/or areas of risk for storage of documents and archives. For the purpose of a preliminary research it is necessary to define the extension of such research, collect information from various sources (regulations, internal documentation, professional literature, interviews with liable persons, etc.), which shall be adequately documented, and finally, a report on the preliminary research conclusions shall be prepared.

(2) An analysis of business activities including the list of individual business activities and necessary sources of documents shall be made on the basis of the preliminary research conclusions. When analyzing business activities, a justification study or electronic storage feasibility study shall be prepared in relation to larger quantities of materials, particularly important materials or on the basis of professional instructions by competent archival institutions.

(3) Requirements in relation to generation and storage of documents and archives for the needs of documenting the activities of an organization in accordance with the existing regulations and business needs (definition of sources, definition and a list of requirements, establishment of planned solutions in accordance with the requirements) shall be defined on the basis of the preliminary research conclusions and the analysis of business activities.

(4) Evaluation of the existing systems should include compliance examination of the existing information preservation or management systems and other information systems with the established storage needs and requirements. At the initial stage the evaluation shall include a list of the existing information systems in the organization, then it shall be judged if and to what extent the needs and requirements have been fulfilled, and finally a written evaluation of the established advantages and disadvantages of the existing systems and the way of work shall be prepared. With reference to the appraisal, a risks analysis and measures for their reduction shall be prepared in relation to larger quantities of materials, particularly important materials or on the basis of professional instructions by the competent archival institution.

(5) Planning of storage and establishment of the information preservation system shall include definition of measures and activities as well as necessary IT and other solutions required for elimination of the established weaknesses and for provision of conformity with the established electronic storage needs and requirements. Planning should include a review of available measures and solutions, selection of the most adequate ones by analyzing their advantages, disadvantages, opportunities and dangers in a concrete case as well as preparation of the action plan and project documentation for organizing of electronic storage and establishing of the information preservation system (rules on documents and archives storage; essential rules and a list of procedures and roles of liable persons; user, business and technological requirements for the information preservation and management system; training plan; plan of organizational and technological maintenance and uninterrupted operations; plan of electronic storage establishment; plan for transition to new organization and to a new information system and the related eventual conversion of materials from one format into another).

Article 5 (Internal rules)

- (1) Internal rules on storage of documents should include at least the following items:
1. Provisions on internal organization, roles and powers, number, composition and professional skills of personnel;
 2. Provisions on documents management, which include at least the following:
 - a) provisions on acquisition of documents;
 - b) provisions on classification;
 - c) provisions on signing;
 - d) provisions on registration of materials;
 - e) provisions on registration of special types of material;
 - f) provisions on expedition of material;
 - g) provisions on capture and conversion of documents;
 - h) provisions on short-term preservation of documents;
 - i) provisions on selection, conversion and long-term preservation of documents;
 - j) provisions on elimination and destruction of documents;
 - k) provisions with reference to material protection guarantee and eventual need for providing uninterrupted operations;
 - l) provisions on keeping logbooks and minutes;
 - m) provisions on internal and eventual external supervision;
 - n) provisions on establishment, transitional period and eventual mass capture and conversion;
 3. Provisions on infrastructure of information preservation system including basic technical and procedural characteristics, security level and infrastructure liability data, which include at least the following:
 - a) provisions on premises and locations;
 - b) provisions on personnel referring in particular to competences and duties of individual employees, provisions on special authorizations of staff members, required skills for personnel and provisions on eventual freelancers;
 - c) provisions on physical protection of infrastructure, including above all provisions on entrance in premises, treatment of hardware and waste and on delivery and movement of equipment and material;
 - d) provisions on classification of information sources and their management;

- e) provisions on infrastructure suitability testing;
 - f) provisions on electronic and/or software protection, which includes in particular provisions on security settings, use of information and communication technology and equipment and provisions on log-in to the system, security copies and similar;
 - g) provisions on internal control, which refer in particular to operational implementation and monitoring of events (control of physical access, control of powers, reporting on security issues and similar);
 - h) provisions on measures in case of unexpected events;
 - i) provisions on uninterrupted operations;
4. Provisions on periodic changes and supplements to internal rules and their validity.

(2) In addition to the items from the previous paragraph, internal rules on archives storage should include at least the following:

1. Additional provisions on personnel and archives information preservation system;
2. Additional provisions on capture and conversion of archives;
3. Additional provisions on conversion and long-term preservation of archives;
4. Provisions on uninterrupted operations guarantee and/or protection of archives and their transfer to competent archival institutions;
5. Provisions on transfer of archives and cooperation with the competent archival institution.

(3) Notwithstanding the provisions of the first and second paragraphs of this Article, internal rules of state authorities acting in compliance with the regulations on administrative operations or other similar regulations shall not include provisions on the issues, which have been regulated with those regulations.

Article 6

(Preparation and adoption of internal rules)

(1) Any person (natural or legal) keeping documents in digital form shall adopt a model of internal rules or prepare his/her proposal of internal rules, according to the conclusions made during the preparation on capture and storage stage.

(2) In case a person has adopted a model of internal rules, such rules should be adopted as a whole. In adopted internal rules the person can adequately replace only those provisions or parts of provisions, which refer to the person's status, internal organization or other internal matters. Such changes must not in any way interfere with the quality of documents and archives protection. The person can notify the Archives of the Republic of Slovenia on the adoption of model internal rules.

Article 7

(Application for confirmation of internal rules and confirmation)

(1) An application for confirmation of internal rules shall be filed with the Archives of the Republic of Slovenia on a prescribed form for the application referring to confirmation of internal rules (Annex 4 to this Regulation) and shall be delivered by hand, by mail or using the electronic way through the uniform E-Administration national portal.

(2) In case the Archives of the Republic of Slovenia has established that the submitted internal rules are in compliance with the Act, this Regulation and uniform technological requirements, the submitted internal rules shall be confirmed and entered in the register of confirmed internal rules.

(3) In case the Archives of the Republic of Slovenia has established that the submitted internal rules are not in compliance with the Act, this Regulation and uniform technological requirements, the submitted internal rules shall not be confirmed and registration in the register of confirmed internal rules shall be refused. However, the person concerned can be given the date, by which deficiencies should be eliminated, while the rules shall not be confirmed and registration shall be refused only after such date unless the person concerned has eliminated the deficiencies.

(4) Upon confirmation or later in case of changed legislation or technological progress, the Archives of the Republic of Slovenia shall also state the date, by which internal rules should be changed and/or supplemented and sent for new confirmation. Such date shall be entered in the register of confirmed internal rules, and the person, who has applied for registration, shall be informed on such date. In case new confirmation is not obtained within the defined period, the Archives shall erase internal rules from the register of confirmed internal rules.

Article 8

(Application for confirmation of model internal rules and confirmation)

(1) An application for confirmation of model internal rules shall be filed with the Archives of the Republic of Slovenia on a prescribed form for the application referring to confirmation of model internal rules (Annex 5 to this Regulation) and shall be delivered by hand, by mail or using the electronic way through the uniform E-Administration national portal.

(2) The application for confirmation of model internal rules should compulsory include necessary information on implementation of the preparation stage in relation to capture and storage, explanation of individual provisions, description of purpose of model internal rules and definition of persons, who can adopt model internal rules, as well as a statement on conditions for transfer of necessary copyrights to those persons.

(3) Model internal rules should be adequately compiled to allow persons to adopt them as a whole and in an unequivocal way with reference to the implementation of all planned activities (e.g. capture and conversion, storage, destruction, etc.).

(4) In case the Archives of the Republic of Slovenia has established that the application for confirmation of model internal rules includes all the prescribed items and that the submitted model internal rules are in compliance with the Act, this Regulation and uniform technological requirements, the submitted model internal rules shall be confirmed and entered in the register of confirmed internal rules, after which the entire contents of the rules and items required under the second paragraph of this Article shall be published.

(5) In case the Archives of the Republic of Slovenia has established that the application for confirmation of model internal rules does not include all the prescribed items or the submitted model internal rules are not in compliance with the Act, this Regulation and uniform

technological requirements, the submitted model internal rules shall not be confirmed and registration of confirmed internal rules shall be refused. However, the person concerned can be given the date, by which deficiencies should be eliminated, while the model internal rules shall not be confirmed and registration shall be refused only after such date unless the person concerned has eliminated the deficiencies.

(6) Upon confirmation or later in case of changed legislation or technological progress, the Archives of the Republic of Slovenia shall also state the date, by which model internal rules should be changed and/or supplemented and sent for new confirmation. Such date shall be entered in the register of confirmed internal rules, and the person, who has applied for registration, shall be informed on such date, as well as those persons having adopted model internal rules and notified the Archives of the Republic of Slovenia thereon. In case a new confirmation is not obtained within the defined period, the Archives shall erase model internal rules from the register of confirmed internal rules.

Article 9

(Implementation of storage and monitoring of internal rules)

(1) Persons storing documents and archives in the digital form shall always act in compliance with the Act, this Regulation, uniform technological requirements, their internal rules and professional rules when dealing with capture, storage and other activities related to such materials.

(2) Persons storing documents and archives in the digital form should monitor the execution of internal rules, whereby the following shall be assessed: efficiency of internal rules implementation and efficiency of the information preservation system and other information systems. The assessment shall be made according to the requirements of the Act, this Regulation, uniform technological requirements, internal rules and conclusions made during the stage of preparation on capture and storage.

(3) The verification shall be performed as internal monitoring and in cases when keeping particularly important materials it shall also include external assessment based on the professional instructions given by the competent archival institution. Internal monitoring shall be performed by an individual or a group or assessors appointed by the management board. External verification shall be performed by a certified information systems auditor.

(4) The implementation of internal rules shall be monitored on the basis of a preliminary assessment plan, which also includes the assessment criteria for individual requirements under the first paragraph of this Article.

(5) At the end of assessment a report shall be prepared, including conclusions on fulfilment or discrepancies in relation to the requirements under the first paragraph of this Article, the proposed activities for elimination of discrepancies and the deadline for their execution. Any data used to make the report conclusions shall also be documented in the attachment to the report.

(6) In case the report has proposed measures for elimination of discrepancies, the management board shall provide for execution of such measures within the proposed time limits and a new assessment of correct implementation of such measures.

(7) After the first successful assessment the management board shall define the plan for regular periodic assessment. The plan should include the assessment of the implementation of all the internal rules provisions and efficiency of all information systems at least every two years, while in case of important materials or larger quantities of materials or based on professional instructions by the competent archival institution at least one assessment every year should be planned.

Article 10

(Amendments and supplements to internal rules)

(1) Any person storing materials in the digital form shall prepare and adopt amendments and supplements to internal rules every time when:

- model rules adopted by such person as his/her own internal rules have changed;
- existing regulations have changed;
- required by technological progress or professional findings and/or required by the Archives of the Republic of Slovenia in relation to confirmed internal rules;
- deficiencies have been established during monitoring of internal rules implementation, which do not represent a deviation from internal rules but a deficiency concerning the rules themselves.

(2) Whenever necessary amendments and supplements under the previous paragraph are more extensive, a new preparation on capture and storage stage shall be executed before changing and supplementing internal rules, which shall be always done at least every five years.

3. CAPTURE, CONVERSION AND STORAGE OF MATERIALS IN DIGITAL FORM

Article 11

(Capture of original documents in digital form)

(1) The capture procedure of original documents in the digital form should provide at least the following:

1. Registering and administration of all units of documents regardless of the format, mode of documents creation and other technological features;
2. Appropriate classification of captured documents;
3. Proper capture of the contents of documents, which:
 - captures all key content related data;
 - captures or generates all necessary metadata, including data assuring material authenticity, data on format, display, structure and behaviour of a document unit (e.g. all components of an electronic document with attachments and/or web pages with links, all data and certificates related to electronic signature or time stamp, additional data confirming the same authenticity of captured materials in comparison with the original materials, date of creation, data on capture procedure, data on hardware and software, in which a document unit was created, etc.), and provides for strictly controlled and documented addition of such data;

- provides for capture and saving of web pages, which, for sufficient protection of archives, simultaneously captures and saves the original format of a certain web page, including all links and other data necessary for its display, as well as the captured display of the web page in the format for long-term preservation;
 - saves and identifies additional data, which are clearly separated from original data (added data providing authenticity, other metadata, etc.), and all significant notes and data on the capture procedure and original materials;
 - provides for usefulness of original documents contents;
4. Automatic and manual control of proper capture of content related data and metadata and sufficient amount of capture correctness and quality control, in order to eliminate mistakes and/or deviations;
 5. Preservation of sufficient quantity of documentation in order to prove that the applied methods and procedures regularly provide for reliable capture;
 6. Security and non-alterability of captured documents after proper capture;
 7. Possibility for capture and subsequent correction of mistakes during capture and justified updates of metadata only by authorized persons, guaranteeing a clear audit trace of such corrections or updates.

(2) In uniform technological requirements the Archives of the Republic of Slovenia shall prescribe the procedures (capture, control, etc.) and the content related data and metadata, which should be obligatory captured for certain types of documents.

Article 12

(Capture and conversion of original documents in physical form)

(1) The capture procedure of original documents in physical form and conversion into digital form should provide at least the following:

1. Registering and administration of all units of documents regardless of the physical medium, mode of documents creation and other features;
2. Appropriate classification of captured documents;
3. Proper capture and conversion of content reproduction for the selected document unit in the physical form into the electronic form, which:
 - provides for reproduction of all essential content related components of original materials, considering the nature and purpose of individual original material units;
 - captures or generates all necessary metadata (additional data confirming the same authenticity of captured materials in comparison with the original materials, date of creation, data on capture and conversion procedure, data on hardware and software used for conversion and capture, etc.) and provides for strictly controlled and documented addition of such data;
 - saves and identifies added data, which are clearly separated from original data (additional data providing authenticity, metadata, etc.) and all significant notes and data on the capture procedure and original materials;
 - provides for usefulness of original documents contents;
4. Automatic and manual control of proper capture and conversion of reproduced contents and metadata;

5. Security and non-alterability of captured and converted documents after proper capture;
6. Possibility for capture and subsequent correction of mistakes during capture and conversion and a possibility of justified updates of metadata only by authorized persons, guaranteeing a clear audit trace in relation to such corrections or updates.

(2) Capture and conversion of materials from the physical form into a format appropriate for preservation on a microfilm are also considered as adequate capture and conversion for the purpose of long-term preservation of documents.

(3) In uniform technological requirements the Archives of the Republic of Slovenia shall prescribe the procedures for capture, conversion, control, etc., and the conversion method and conversion format, as well as metadata, which should be obligatory captured for certain types of documents.

Article 13

(Conversion of documents in digital form)

(1) The conversion procedure of documents in the digital form from one format into another should provide at least the following:

1. Proper conversion of reproduced contents of a document unit, which:
 - converts all key content related data and the existing metadata;
 - generates all necessary metadata relating to conversion (additional data confirming the same authenticity of captured materials in comparison with the original materials, date of conversion, data on conversion procedure, data on hardware and software used for conversion, etc.), and provides for strictly controlled and documented addition of such data;
 - provides for usefulness of original documents contents;
2. Automatic and manual control of accurate conversion of reproduced contents and metadata;
3. Security and non-alterability of converted documents after proper capture;
4. Possibility for conversion and subsequent correction of mistakes during conversion and justified updates of metadata only by authorized persons, guaranteeing a clear audit trace of such corrections or updates.

(2) Conversion of materials from the digital form into a format appropriate for preservation on a microfilm is also considered as adequate conversion for the purpose of long-term preservation of documents.

(3) In uniform technological requirements the Archives of the Republic of Slovenia shall prescribe appropriate procedures for conversion, the conversion method and conversion format, as well as metadata, which should be obligatory generated for certain types of documents.

Article 14

(Long-term preservation format)

(1) As a long-term preservation format we shall consider any format fulfilling the following conditions:

1. Provides preservation of the contents of material and represents an arranged whole of all necessary data and links among them;
2. It is widely approved and recognized and/or used, while its use is supported with market-established hardware and software;
3. It is directly usable for content reproduction or can be simply converted into a directly usable form;
4. Allows automated conversion from the most frequently used original formats with automated detection and reporting of unanticipated events and/or mistakes during conversion;
5. It is independent on individual software or hardware and/or environment;
6. Considering the existing state of profession, it is highly probable that it provides secure preservation for more than five years;
7. Considering the existing professional anticipations, it shall provide for conversion into a new long-term preservation format defined in the future after the above stated period;
8. It shall be founded on an international, national or generally recognized and, as a rule, open standard, in case it exists, and
9. It shall fulfil other requirements of the Act and this Regulation.

(2) In uniform technological requirements the Archives of the Republic of Slovenia shall prescribe those recognized standards of formats, which fulfil the requirements under the previous paragraph.

Article 15

(Long-term preservation medium)

As a long-term preservation medium we shall consider an electronic recording medium fulfilling the following conditions:

1. It assures preservation of the data recording on the medium also upon disconnection of energy supplies or other changes of environment conditions (temperature and humidity oscillation, etc.) during the period needed to copy the data to another medium;
2. It is widely approved and recognized and/or used, while its use is supported with market-established hardware and software;
3. Recording on the medium shall be based on an international, national or generally recognized and, as a rule, open standard, in case it exists;
4. Its functioning shall guarantee all conditions of secure long-term material preservation stated in Article 16 of this Regulation, and
5. It shall provide for a higher number of copies from the existing to the future media.

Article 16

(Secure long-term preservation of captured documents in digital form)

(1) Secure long-term preservation shall provide for accessibility to captured documents and generated metadata and/or other data during the entire storage period, guaranteeing protection

against loss and permanent accessibility for authorized users only, which includes the following:

1. Secure environment for storage and functioning of electronic media (physical security, environment security and provision of energy supplies, electronic security);
2. Accessibility of data for authorized persons only and physical accessibility of media only for specifically authorized persons;
3. Obligatory use of secure encrypted links when sending sensible data (personal data, business confidential information, secret data, etc.) and when using storage services of external providers;
4. Considering the type of document, an adequate number of backups kept on different locations;
5. Copying of data to new media before degradation of the existing media;
6. Permanent control of recording media;
7. Other measures to provide information security.

(2) Secure long-term preservation shall provide usefulness during the entire storage period and guarantee possibility and adequacy of reproduction, which includes:

1. Storage of data in a form for long-term preservation;
2. Conversion of data into a new form for long-term preservation in order to provide usability on generally available hardware and software;
3. Other measures to provide possibility and adequacy of content reproduction.

(3) During the entire storage period secure long-term preservation shall provide for authenticity, which means provability of connection of reproduced contents with the contents of original material and/or source of that material as well as integrity of captured documents, which includes unchanged state, intactness and arrangement of reproduced contents, considering the contents of the original material.

Article 17

(Authenticity and integrity of material)

(1) Authenticity and integrity of captured documents in digital form for long-term preservation should be guaranteed during the entire storage period.

(2) Authenticity and integrity of captured materials in digital form for long-term preservation shall be provided by adding security contents to the materials (e.g. electronic signature, time stamp and similar), with other related technological tools allowing provability of authenticity and integrity of materials, or by providing additional organizational measures.

(3) In case authenticity and integrity of captured materials are proved with contents, which are losing or have completely lost their value or have been annulated with time (e.g. electronic signature, time stamp and similar), authenticity of captured materials in digital form for long-term preservation shall be provided with strictly controlled addition of contents (e.g. reliably added metadata, re-signing of contents or a new time stamp), confirming authenticity of captured materials. Such contents can be added on the level of individual units, group of units or entire captured material.

Article 18
(Provision of authenticity and integrity of material)

(1) In order to prove authenticity and integrity of materials, entities under public law can store materials with reliably added metadata relating to authenticity and integrity verification, and those metadata shall include at least verification data concerning secure electronic signature of materials, data on validity of the digital certificate or digital qualified certificate, which has been attached to the electronic signature, data on electronic signature validity, data on electronic signature validity verification time and time of reception of materials, or they shall use other related technological tools to provide and prove authenticity and integrity of materials (e.g. time stamp).

(2) Organizations with a higher level of administrative operations regularity providing for authenticity and integrity of electronically signed materials, shall provide for irreversibility and/or recognition of changes of materials in a technological way (e.g. secure time stamp, metadata from the previous paragraph and other metadata), in order to provide authenticity and integrity of materials during their evidential value period (until limitation of the right, until time for an extraordinary appeal expires, and similar), which shall not last more than ten years, and/or for archives no more than until the transfer of the archives to the competent archival institution. Confirmation of authenticity or integrity of materials shall be guaranteed at least once a year and upon every conversion of the format on the level of individual units, groups of units or entire captured materials. After such period authenticity and integrity of materials shall be provided only with reliably added metadata from the previous paragraph, in compliance with confirmed internal rules.

(3) During the entire storage period organizations with a lower level of administrative operations regularity shall, in order to provide authenticity and integrity of electronically signed captured material, and in addition to compliance with the requirements under the previous paragraph, also store additional security contents together with the materials in a digital form for long-term preservation, since such contents are necessary for long-term verification of validity of secure electronic signature, secure time stamp or other technological tools to provide authenticity and integrity of captured materials (e.g. entire chain of qualified certificates and time stamps and relevant data from the register of revoked certificates).

(4) In order to confirm authenticity or integrity of particularly important materials or those materials, defined with professional instructions by the competent archival institution, it is obligatory to use only a secure electronic signature, certified with a qualified certificate, a secure time stamp of a registered certifier or other related technological tools for confirmation of authenticity and integrity of materials unless defined otherwise by the competent archival institution in the professional instructions.

(5) In uniform technological requirements the Archives of the Republic of Slovenia shall specify the types of technological tools for providing authenticity and integrity of materials in digital form for long-term preservation.

4. EQUIPMENT AND SERVICES - GENERAL CONDITIONS

Article 19

(Obligatory general conditions for hardware)

Hardware used for capture of materials, storage of materials in the digital form and accompanying services should fulfil the following conditions:

1. It is widely approved and recognized and/or used, while its use is supported with market-established hardware and software;
2. It is in compliance with international, national and other generally recognized and, as a rule, open standards, in case they exist;
3. It is in compliance with the provisions of the Act, this Regulation and uniform technological requirements, and the established needs and requirements for individual capacity classes, which have been defined by the Archives of the Republic of Slovenia in uniform technological requirements;
4. Other conditions defined by the Archives of the Republic of Slovenia in uniform technological requirements.

Article 20

(Obligatory general conditions for software)

Software used for capture of materials, storage of materials in the digital form and accompanying services should fulfil the following conditions:

1. It is widely approved and recognized and/or used or has been developed especially for capture of materials, storage of materials in the digital form or accompanying services in accordance with the Act and this Regulation;
2. Its use is supported with hardware and software recognized on the market;
3. It is in compliance with international, national and other generally recognized standards;
4. It is in compliance with the provisions of the Act, this Regulation and uniform technological requirements, and the established needs and requirements for individual capacity classes, which have been defined by the Archives of the Republic of Slovenia in uniform technological requirements;
5. Other conditions defined by the Archives of the Republic of Slovenia in uniform technological requirements.

Article 21

(Services - general conditions)

(1) Any services provider should fulfil the following general conditions:

1. He/she has been registered with the competent court or other authority;
2. No compulsory settlement procedure, bankruptcy or liquidation procedure, any other procedure, the consequence or purpose of which is termination of provider's operations has been introduced or started; provider's operations are not managed by crisis management, or any other procedure similar to the above stated procedures has not been initiated against the provider, in compliance with the regulations of the country of the provider's registered office;
3. He/she has not been convicted in a final judgement for an offence in relation to corruption, while the judgement has not yet been erased;
4. He/she is economically and financially capable;
5. The provider has not been in any way proved a serious professional mistake on the

field related to storage and accompanying services.

(2) The services provider should employ at least three persons with the first level university education, of whom at least two persons should have no less than the first level university education of technical, organizational, informational and/or related science orientation, in compliance with the high education regulations, and at least two employees should also have two years of experience on the field of storage of documents in the digital form. The provider should employ a LLB or a graduate of the second level university programme from the legal field or should have signed an adequate consultancy contract with such person, in accordance with the high education regulations.

(3) All persons from the previous paragraph should possess special professional expertise from the archival profession, which shall be proved with a successfully passed examination signed by the Minister, and by delivering evidence on accomplished additional training. The Archives of the Republic of Slovenia shall define the type, extent and evaluation method for necessary additional training in the uniform technological requirements.

Article 22

(Storage - general conditions)

(1) The services provider should protect data with due professional care and should physically and electronically protect them in compliance with the recognized professional rules, in order to prevent physical or electronic intrusion and/or unauthorized access to the data.

(2) The provider's premises and infrastructure should be adequately electronically and physically secured against unauthorized intrusion, in compliance with the professional rules.

(3) The services provider should provide for adequate physical protection of own hardware and control of physical access to the information preservation system. The provider should promptly register any physical access to such information system. With regard to the physical access to the preservation provider's information system simultaneous presence of at least two persons being authorized to access the system is required.

(4) The provider's information and communication infrastructure linked into another information and communication network should be protected with reliable security mechanisms (Intrusion Prevention/Detection System, Firewall and similar), preventing unauthorized access through such network and limiting access only through protocols strictly necessary for data storage, while all other protocols should be blocked. In case the system was conceived to allow communication with the provider's preservation system through another network, it should be possible to use a secure (e.g. encrypted) connection upon the client's request.

(5) The provider's information preservation system should be composed only of hardware and software needed for storage, and it should have sufficient security mechanisms preventing the employees to abuse it, and providing for clear distribution of duties by fields. The information system security mechanisms should provide for controlled access to data and traceability of access down to the level of individuals, for all interventions and functions affecting the provider's performance in relation to storage services.

(6) The provider's data affecting reliability and security of the provider's operations should not leave the system in an uncontrolled way, which could jeopardize operations in accordance with the Act, this Regulation, uniform technological requirements and internal rules of the provider. When the media carrying data are not used any more, they should be removed and destroyed in a safe and reliable way.

(7) Services providers should perform regular security checks of their infrastructure every business day. In case they provide their services 24 hours a day 365 days per year they should do that every day. The providers should record all their findings and interventions. They should check if their infrastructure is secure, all security systems are functioning smoothly, if in the meantime there has been an intrusion or attempt of intrusion by unauthorized persons to the providers' equipment or data. Regular security checks shall be recorded in the control log kept by the providers.

(8) At least two provider's employees should simultaneously manage sensible elements of the provider's information preservation system (data storage systems, systems for data electronic protection, access control systems, and similar). For that purpose the provider should assure that there is no person, who would alone possess all necessary data and tools allowing access to those elements.

(9) In addition to the main location, the provider should also guarantee secure storage of at least two copies of data on two geographically remote locations, in order to prevent loss of data or use by unauthorized persons. The provider should register data on the storage of copies.

(10) Persons, who are the provider's full-time employees, are not allowed to perform beside their full-time job for other subjects the same or similar activities as they perform at work unless those subjects are capital related to the provider or unless such free-lance work was explicitly contractually agreed between the provider and another subject; they are also not permitted to perform activities, which are incompatible with their duties and responsibilities with the provider.

(11) Notwithstanding the provision of the previous paragraph, any provider's full-time employee is permitted to perform independent scientific and educational work, he/she is allowed to participate in cultural, artistic, sport, humanitarian and other similar societies and organizations, as well as work on the publicist field.

(12) The provider should prepare special minutes of all initial authorizations and procedures used at the establishment of the information preservation system. The minutes should be signed by all participants of such procedures and must be permanently kept. In case of any subsequent changes of authorizations or significant changes of the information preservation system settings made at the establishment of the system, all such changes should be documented in the minutes.

(13) The provider should keep one or several written registers, including all the data prescribed with this Regulation and other data on procedures and infrastructure interventions affecting the reliability of the provider's performance. Such registers should be kept for at least five years.

Article 23
(Accompanying services - general conditions)

- (1) Accompanying services include the following:
1. Capture of documents in digital form,
 2. Capture of documents in physical form,
 3. Conversion of documents from physical into digital form,
 4. Conversion of documents from digital form into a long-term preservation form,
 5. Arrangement or selection of documents in digital form,
 6. Arrangement or selection of documents in physical form,
 7. Destruction of documents in digital form,
 8. Destruction of documents in physical form,
 9. Provision of secure premises for storage of materials in digital form,
 10. Other services interfering with integrity, security or authenticity of documents in any way.
- (2) The accompanying services provider should perform services with due professional care and in accordance with the Act, this Regulation and uniform technological requirements, and protect documents and their integrity, security and authenticity.

Article 24
(Archives related services - special conditions)

- (1) Services of storing archives in the digital form and accompanying services in relation to the storage of archives in the digital form for entities under public law and archival institutions can be performed only by a provider, who has been accredited with the National Archives in compliance with Article 85 of the Act and in compliance with Articles 33, 34 and 35 of this Regulation.
- (2) In the public procurement procedure under the third paragraph of Article 59 of the Act only providers of equipment and long-term preservation services, who have been accredited with the National Archives pursuant to the previous paragraph, can be selected.

Article 25
(Large registers and records kept by entities under public law - special conditions)

- (1) Storage services providing preservation of large registers, kept records or other data base of entities under public law (hereinafter referred to as: data base) should provide the following:
- produce a backup copy for the entire data base normally once a year;
 - consecutive production of backup copies for those data base units, which have been changed since the last security copy of the entire data base,
 - tracing changes in data base under the previous indent and storage of the entire history of data base changes.
- (2) In uniform technological requirements the Archives of the Republic of Slovenia can define additional and/or special conditions for services concerning large registers and records of entities under public law.

5. REGISTRATION OF EQUIPMENT AND SERVICES PROVIDERS

Article 26 (Application)

An application for registration of a future hardware and software provider for digital form storage, for registration of a services provider for digital form storage and for registration of an accompanying services provider shall be filed with the Archives of the Republic of Slovenia on the prescribed application form for registration of an equipment and services provider (Annex 6 to this Regulation) by hand, by mail or electronically through the uniform E-Administration national portal.

Article 27 (Language of application)

The application should be filed in the Slovenian language, while the attached documentation can also be in another language if that has been previously approved by the Archives of the Republic of Slovenia.

Article 28 (Keeping documentation)

(1) The verification process having been concluded, the delivered documentation shall be stored at the Archives of the Republic of Slovenia.

(2) Documentation, which has been designated as secret or confidential pursuant to the regulations, shall be protected by the Archives of the Republic of Slovenia in accordance with the regulations applied when deciding on secrecy and/or confidentiality.

Article 29 (Decision on registration)

On the basis of the provider's application the Archives of the Republic of Slovenia shall issue a decision on the registration of the provider into the register, which shall be done within thirty days after the filling of a complete application.

Article 30 (Change of provider's data)

(1) Any change of the essential data from the application, except for the data from Article 32, or change of the attached documentation, should be notified in the electronic form on a prescribed form to the Archives of the Republic of Slovenia, which should normally be done eight days prior to the change, and no later than fifteen days after the change.

(2) The Archives of the Republic of Slovenia shall evaluate the notified change and decide if it is necessary to correct the entry in the register.

(3) In case the Archives of the Republic of Slovenia has been informed on any change of significant data on the provider, provided equipment or services or significant data from the application or attached documentation, it shall initiate the procedure from the previous paragraph as its official duty, notify the provider, and act in the same way as in the previous two paragraphs.

Article 31
(Applicant's appeal)

The applicant has the right to file an appeal against the decision of the Archives of the Republic of Slovenia with the Ministry of Culture within fifteen days after the decision was received.

Article 32
(Collecting data on a provider)

The Archives of the Republic of Slovenia shall collect and update the identification data on a provider of equipment, storage services or accompanying services, using the electronically remote access to the Business Register of Slovenia.

6. ACCREDITATION OF EQUIPMENT AND SERVICES

Article 33
(Application)

An application for accreditation of hardware and software, services of storage in the digital form and accompanying services shall be filed with the Archives of the Republic of Slovenia on the prescribed form for accreditation of equipment and digital storage services (Annex 7 to this Regulation) and shall be delivered by hand, by mail or using the electronic way through the uniform E-Administration national portal.

Article 34
(Contract Proposal)

Based on the application filed by the applicant, the Archives of the Republic of Slovenia shall send a proposal of the Contract on Accreditation Implementation and General Conditions on Accreditation Implementation within eight days after a complete application has been filed.

Article 35
(Implementation of accreditation)

(1) Based on the applicant's signature of the Contract on Accreditation Implementation, the Archives of the Republic of Slovenia, pursuant to the Contract and General Conditions for Accreditation Implementation, shall for the first time verify compliance of the applicant's equipment and/or services with the Act, this Regulation and uniform technological requirements, and after that on a regular basis at least once a year.

(2) In case the Archives of the Republic of Slovenia has established compliance of equipment and/or services from the previous paragraph, the applicant shall be granted accreditation and/or the accreditation shall be extended, which shall be entered in the register of equipment and services providers.

(3) In case the Archives of the Republic of Slovenia has established non-compliance of equipment and/or services from the first paragraph of this Article, the applicant shall not be granted accreditation and/or the accreditation shall be revoked, and such fact (revocation) shall be entered in the register of equipment and services providers.

Article 36 (Accreditation tariff)

(1) The Archives of the Republic of Slovenia shall prescribe accreditation tariffs with General Conditions for Accreditation Implementation.

7. ELECTRONIC STORAGE REGISTERS

Article 37 (Register of confirmed internal rules)

(1) The Archives of the Republic of Slovenia shall keep the Register of confirmed internal rules.

(2) The Register shall include the following data:

1. Company and/or name of person,
2. Registered office and/or permanent residence of person,
3. Data on person's registration in the Court and/or another relevant register,
4. Person's e-mail and web link,
5. Person's telephone and fax numbers,
6. Title of internal rules,
7. Version and validity of internal rules,
8. Date and number of the Confirmation Decision,
9. Eventual deadline for harmonization of internal rules or indication that a deadline has not been defined,
10. Contents of model internal rules and items from the application.

(3) The Register shall be publicly accessible on the Web free of charge. The Archives of the Republic of Slovenia shall publish the Register on its web pages in the electronic form for simple use as well as automatic adoption in the official form, which shall be signed by

Director of the Archives of the Republic of Slovenia using a secure e-signature certified with a qualified certificate.

(4) The data from the register shall be updated immediately after the Decision has been issued. An appeal against the Decision on registration shall not suspend updating in the Register.

(5) The data from the Register shall be stored permanently.

Article 38 (Register of equipment and services providers)

(1) The Archives of the Republic of Slovenia shall keep the Register of equipment and services providers.

(2) The Register shall include the following data:

1. Company and/or name of person,
2. Registered office and/or permanent residence of person,
3. Data on person's registration in the Court and/or another relevant register,
4. Person's e-mail and web link,
5. Person's telephone and fax numbers,
6. Provided service and/or equipment,
7. Date and number of the Registration Decision and its validity,
8. Date, number of the Decision, other data on accreditation and its validity.

(3) The Register shall be publicly accessible on the Web free of charge. The Archives of the Republic of Slovenia shall publish the Register on its web pages in the electronic form for simple use and automatic adoption, and in the official form, which shall be signed by Director of the Archives of the Republic of Slovenia using a secure e-signature certified with a qualified certificate.

(4) The data from the register shall be updated immediately after the Registration Decision and/or the Resolution on accreditation has been issued. An appeal against the Registration Decision shall not suspend updating in the Register.

(5) The data from the Register shall be stored permanently.

8. PRESERVATION OF DOCUMENTS AND ARCHIVES

Article 39 (Preservation)

Archival institutions, entities under public law and holders of private archives should guarantee conditions for preservation of archives and documents, assuring that materials shall not be damaged, destroyed or lost in any other way during storage, arrangement, description, use, transport and exhibition.

Article 40
(Extent of preservation)

- (1) Preservation under the previous Article shall include the following:
- definition of conditions for adequate premises and equipment for preservation of materials,
 - definition of necessary measures for protection of materials against theft, burglary, use, dust, fire, water, inadequate temperature and humidity, ultraviolet rays intrusion and other adverse biological, chemical and physical impacts.
- (2) The provisions of regulations on protection of confidential data shall apply for preservation of confidential data.

Article 41
(Preservation of materials in storerooms)

- (1) Materials comprising more than 30 running metres shall be preserved in archival storerooms using adequate equipment.
- (2) Materials outside archival storerooms shall be preserved in locked metal cabinets at a fireproof and waterproof place.
- (3) Smoking is prohibited in places where materials are stored.
- (4) The provisions of regulations on protection of confidential data shall apply for preservation of confidential data.

Article 42
(Archival storerooms)

- (1) Archival storerooms shall be used only for preservation of archives.
- (2) Archival storerooms should be:
1. Separated from other premises,
 2. At a waterproof place, adequately far from gas appliances, plumbing, sewage systems, fireplaces, flue ducts, central heating mains and similar dangerous fittings and systems,
 3. Constructed in an earthquake safe way using fireproof materials,
 4. Their construction should guarantee proper microclimatic conditions for preservation of materials,
 5. Adequately hydro and thermally insulated,
 6. Protected from fire, burglary and lightning,
 7. Equipped with adequate electrical installations with appliances for electric power switch-off in all storerooms,
 8. Equipped with luminaries protected from detrimental radiation.
- (3) Archival storerooms should have:

1. Metal equipment,
2. Adequate fire extinguishers and related systems,
3. Hygrometers and thermometers,
4. Fire, burglary and flood alarm systems,
5. Protection against ultraviolet rays even if materials have been sufficiently protected with technical equipment,
6. Adequate technical equipment for all types and formats of materials.

(4) The provisions of regulations on protection of confidential data shall apply for preservation of confidential data.

(5) In relation to preservation of materials in archival storerooms it is necessary to provide permanent climatic and other conditions as prescribed by the standard SIST EN ISO 11799 and other relevant internationally recognized standards.

Article 43 (Archival Storerooms Equipment)

The equipment of archival storerooms should provide for:

1. Rational placement of materials,
2. Protection against damage,
3. Easy access to materials,
4. Circulation of air and
5. Simple cleaning.

Article 44 (Measures for protection of materials in archival storerooms)

The measures for protection of materials under Article 40, Paragraph 1, indent 2 of this Regulation shall include in particular:

1. Maintenance of archival storerooms and archival equipment,
2. Automatic electric power switch-off (in case nobody is present),
3. Disinfection of materials before storing,
4. Drying wet or humid materials before acquisition and transfer,
5. Keeping materials and premises clean,
6. Dusting all materials at least once a year,
7. Constant control of storerooms and materials and elimination of circumstances, which could result in damages on materials,
8. Regular aeration of archival storerooms to prevent presence of harmful gases,
9. Assurance of adequate temperature and humidity in archival storerooms,
10. Compulsory constant measurement of temperature and humidity and keeping a record of temperature and humidity for each archival storeroom separately.

Article 45 (Prohibition of use of fire and combustible substances)

(1) In archival storerooms and during processing and use of materials open fire and any

substances or appliances, which could damage the materials or destroy them in any other way, should not be used.

(2) Combustible substances should not be kept in the immediate surroundings of archival storerooms.

Article 46

(Preparation for permanent preservation)

Archives and documents, which shall be permanently preserved, shall be prepared for permanent preservation in the following way:

1. They shall be flattened and/or folded in a format suitable for storage,
2. The edges shall not be cut,
3. They shall be put into adequate archival cases and/or other technical units used as equipment of archival units, and should not be hermetically closed, however, they should prevent the intrusion of dust,
4. Large format materials shall be put into metal chests or drawers and only exceptionally hung,
5. When arranging materials, metal objects and foils (artificial substances) without documentary value shall be removed, however, original arrangement of files should remain visible,
6. Archival cases and other technical units shall be placed or put on the shelves,
7. Materials larger than A 3 format shall lie on the shelves tied no more than 3 superimposed units together, and unbounded up to no more than 5 cm,
8. Materials shall be protected using the equipment from chemically resistant materials.

Article 47

(Preservation, arrangement and use of materials)

(1) When preserving, arranging and using the materials, the latter should be treated with care, to prevent damage or destruction and to maintain their original evidential value.

(2) Materials should not be bent; it is also prohibited to write, draw, stick, rub, erase on them or in any way remove recordings (writings) from them.

(3) When arranging archives, pages shall be numbered in pencil or exceptionally in carbon ink, therefore it is evident that pages were numbered during the arranging activities in an archival institution.

Article 48

(Paper, writing media, packaging)

In order to preserve documents of archival value, it is imperative to use more permanent paper types, writing media (inks, printing inks, printing and copying machines) and protective packaging for long-term preservation of archives, the quality of which has been defined with the international standards ISO 9706, ISO 11108 and ISO 11798, and have been adopted as

the Slovenian standards, as well as other international standards.

Article 49
(Protection of recording media)

In relation to preservation of technological media (e.g. film, photograph, tape, gramophone record, magnetic tape or disk, optical disk), the provisions of Articles 40, 44, 45 and 46 of this Regulation shall apply as appropriate, respecting the material characteristics of the recording medium.

Article 50
(Transfer and transport of archives)

Archives shall be transferred and transported in the way and with the equipment assuring protection of archives from mechanical, thermal and chemical damage. When transferring confidential data, the provisions regulating the transfer of such data shall apply as appropriate.

Article 51
(Damaged archives)

- (1) Damaged archives, frequently used archives and archives of particular value shall not be offered for use in the original but only as a copy.
- (2) Damaged archives shall be conserved in the shortest possible period.
- (3) Damaged archives shall be restored unless the intrinsic value of the materials is affected.

Article 52
(Exhibiting archives)

- (1) Archives can be exhibited only in premises protected from fire, flood and theft.
- (2) The exhibition place should have verified appropriate atmosphere, light and equipment.
- (3) The way, duration and time of archives exhibition should respect the mode and form of the materials.

Article 53
(Security microfilming and conversion into digital form)

- (1) Archives shall be microfilmed for security purposes or converted into the digital form in an archival institution or at any entity under public law pursuant to the selection and professional instructions of the competent archival institution.
- (2) Security recordings shall be kept separately from the original.

Article 54
(Professional instructions for preservation)

With professional instructions competent archival institutions can specify the methods of preservation implementation for entities under public law and holders of private archives, respecting the provisions of this Regulation.

9. SELECTION AND TRANSFER OF ARCHIVES

9.1 Appraisal and selection of archives

Article 55
(Appraisal of documents)

- (1) Archives shall be selected from documents on the basis of the documents appraisal.
- (2) The principles and criteria for appraisal of documents are as follows:
 - needs of history, other sciences and culture, whereby the most frequently used archives for the purposes shall be considered,
 - needs of persons for permanent legal certainty,
 - significance of the contents of materials, which shall be determined with a direct analysis or anticipation,
 - specific nature of events and phenomena, in relation to which more materials or complete materials should be preserved,
 - specific nature of place or area, to which the materials refer and/or where they were created,
 - significance of entity under public law generating the materials,
 - importance of the materials' author,
 - originality of documents and their duplication; in a considerable quantity of multiplied materials the materials thoroughly reflecting the contents shall be determined,
 - originality of data and information and their duplication, in order to provide optimum preservation of originally recorded data and information on nature, objects, places, events, phenomena and persons,
 - representative selection – satisfactory representation of multiple equivalent materials on the basis of representative selection, considering the sort of material, chronologic section or statistic methods,
 - status of preservation and quantity of created materials,
 - internal and external features of materials such as language, artistic value or format.
- (3) Documents, which are generally considered as archives due to their significance, are defined in Annex 1 to this Regulation and in the "Instructions for Determination of Documents Preservation Periods in Public Administration Bodies (Official Journal of RS, No. 81/05).
- (4) An entity under public law shall select archives pursuant to the provisions of the Act, this Regulation, in the digital form also in accordance with uniform technological requirements,

and on the basis of written professional instructions of the competent archival institution in relation to the selection of archives from documents, and additional written professional instructions of the competent archival institution's representatives during the selection process.

Article 56

(Written professional instructions of an archival institution)

(1) In written professional instructions an archival institution shall define for the entity under public law, which falls under its competence, a list of the entity's documents having the nature of archives, and shall specify the implementation of the principles and criteria from the second paragraph of the previous article.

(2) In written professional instructions from the previous paragraph the organizational structure of the entity under public law and the method of documents arrangement the entity has applied should be considered.

(3) In relation to state authorities of the same category, acting on the entire national territory, or in cases when the same national body falls under the competence of several archival institutions, written professional instructions should be reconciled among all authorities concerned. Such reconciliation shall be performed by the Archives of the Republic of Slovenia. In case of an eventual dispute the Minister shall make a decision.

(4) With reference to state authorities, authorities of local communities, judicial authorities and other legal and natural persons, when performing administrative duties on the basis of public authority, written professional instructions should be founded on the method of materials arrangement, prescribed for administrative operations and/or records management.

Article 57

(Sending data to an archival institution)

(1) An entity under public law should notify the archival institution on its organizational structure, competence and/or duties, object of commerce, functions and activities, mode of administrative operations and kept registers of documents.

(2) An entity under public law should also provide the archival institution with other data necessary for appraisal of its documents.

(3) The entity under public law should notify the competent archival institution on a change of competence, operations or organization within 30 days at the latest, in order to supplement and/or prepare new written instructions.

Article 58

(Selection of archives)

(1) In general archives shall be selected from integral wholes and completely every five years, and no later than before the transfer of the materials to an archival institution.

(2) Before selection of the archives the entity under public law should inform the archival institution thereof.

(3) During the selection process the entity under public law should also respect written professional instructions, which may be given by the archival institution before or during the selection of archives.

(4) The entity under public law should describe the selected archives immediately after selection, the selected archives should be kept arranged and technically equipped until the transfer to the archival institution.

Article 59

(Documents with defined preservation period)

(1) An entity under public law should assure preservation of documents, which have not been defined as archives, also after selection, in compliance with the defined preservation periods.

(2) The entity under public law shall define preservation periods for documents in accordance with the regulations and operating needs.

(3) Documents, which were established to have the nature of archives, shall be selected and transferred to the archival institution irrespective of the preservation periods under the previous paragraph.

9.2. Transfer of archives

Article 60

(Transfer of archives)

Entities under public law shall transfer archives in original, without any technological restrictions concerning access, arranged, described, in integral wholes and technically equipped.

Article 61

(Original)

(1) An original refers to any primary and/or original record irrespective of the written base, type of recording and legal validity of the document.

(2) In uniform technological requirements the Archives of the Republic of Slovenia shall prescribe the format and method of transfer of archives in the digital form.

Article 62

(Arrangement of archives)

Archives are considered arranged if individual documents or basic units of associated documents created during the operations (files, dossiers) are part of the archives at a place defined by the method of administrative operations or records management of the entity under public law.

Article 63
(Elements of a description list of archives)

Archives are considered described if after selection of archives from documents the entity under public law has prepared a description list of archives containing the following elements:

- title of entity under public law, from whom the archives originate,
- period (initial and final year), from which the archives originate,
- total quantity of transferred archives expressed in current meters or with the number of technical units (envelopes, folders, boxes, fascicles, books, discs and similar) and with the number of logical units when digital media and/or data in the digital form are being acquired,
- running numbers of technical units,
- contents description of archives according to technical units and/or codes of basic documents units associated by contents or types of materials,
- name of employee, who compiled the description list of archives,
- date when the description list of archives was prepared.

Article 64
(Archives as an integral whole)

Archives are considered as an integral whole when comprising archives created in the period of at least five years.

Article 65
(Archives as a complete whole)

(1) Archives are considered to be a complete whole when containing complete archives created at the entity under public law during the period, for which archives should be transferred to the archival institution.

(2) Archives from the previous paragraph also include:

- administrative and other registers on documents and archives irrespective of their format or type,
- confidential archives irrespective of the confidentiality level or period,
- personal data base when having the nature of archives,
- archives containing data on private matters of individuals,
- printed, published on the web or in any other way duplicated or copied archives created for information purposes, such as internal, official and business publications, printed plans and business reports, publications on the web, printed minutes of meetings and small prints (posters, leaflets, advertisements, prospectuses, instructions, programmes, invitations, and similar).

Article 66
(Technical equipment of archives)

- (1) Archives transferred in the physical form are considered technically equipped if:
1. Basic units of associated documents have been put in envelopes, folders and other protective equipment, and the latter has been placed in technical units (archival boxes, discs and other adequate equipment),
 2. Film and microfilm tapes have been equipped with metal or plastic discs,
 3. Electronic media in non-transparent plastic boxes.
- (2) Archives transferred in the physical form should not be tied with metal paper clips and other metal objects and should not be plastified.
- (3) Technical units should be equipped with labels including:
- title of entity under public law, title of the organizational unit, from which the archives originate, if needed,
 - sequential number of technical unit.
- (4) If needed labels on technical units should also contain the following items:
- designation (or code) of archives contents in the technical unit,
 - periods in which materials were created (dates and years).
- (5) In uniform technological requirements the Archives of the Republic of Slovenia shall define detailed rules for technical equipment of archives in the digital form.

Article 67
(Minutes on transfer and acquisition of archives)

- (1) The entity under public law and the archival institution shall write the minutes on transfer and acquisition of archives by the archival institution.
- (2) The minutes from the previous article shall include in particular:
- title and address of the entity under public law transferring the archives, and name of responsible person,
 - title and address of the archival institution acquiring the archives, and name of responsible person,
 - names of employees, who transferred and accepted the archives,
 - date and place of transfer,
 - title of the entity under public law, from which the archives originate,
 - reference number of collection or archives when individual documents are being transferred,
 - initial and final year of the period, from which the transferred archives originate,
 - quantity of the archives transferred in the physical form, presented in current meters and number of technical units or number of documents when individual documents are being transferred,
 - quantity of the archives transferred in the digital form, presented with the number of logical units and other data, in compliance with uniform technological requirements,

- indication of archives, which exceptionally remained with the transferor, and deadline for their transfer,
- conclusions on state of archives preservation and the related transferor's explanation,
- conclusions concerning access to archives,
- indication on existence of copyrights or related rights and/or industrial property rights on the archives,
- statement of the rights holder from the previous indent with reference to possibilities and conditions for publication of archives on the web.

(3) The description list of archives from Article 63 of this Regulation shall be attached to the minutes under the first paragraph of this Article.

Article 68

(Costs of selection, transfer, technical equipment, transport and delivery)

(1) The entity under public law shall cover the costs related to selection, technical equipment and transfer of archives to the archival institution, including transport and/or delivery to the archival institution.

(2) In case the activities from the previous paragraph have been performed by competent archival institutions, except for the Archives of the Republic of Slovenia, instead of the entity under public law, archival institutions can claim financial reimbursement from the entity under public law concerned, as defined by the Minister. Performance of such activities is possible if the following conditions have been fulfilled:

- severe threat to the archives of the entity under public law and the consequent urgent transfer,
- sufficient depot capacities of the competent archival institution,
- free capacities concerning personnel of the competent archival institution,
- work shall not interfere with regular activities of the archival institution within the framework of public service protection of archives.

Article 69

(Status modifications, termination and reorganization of entities under public law)

(1) The authority conducting the procedure of termination and/or of modification of the status of an entity under public law without a known legal successor shall inform thereof the competent archival institution before termination of the entity under public law and assure selection and transfer of archives to the archival institution, in compliance with the Act and this Regulation.

(2) Upon reorganization of an entity under public law into an entity under private law, a public archival institution can request transfer of entire public archives of such entity to the competent archival institution, however, selection of entire public archives of such entity should be required.

(3) The organizational unit of the entity under public law, which is in the termination and/or status modification procedure, should inform thereof the organizational unit, which is competent for management of documents within the authority, and before termination it shall

provide for processing of archives and documents.

9.3. Documentation on entities under public law transferring archives to an archival institution

Article 70

(Documentation on entities under public law)

(1) In the Public Sector Authorities and Organizations Register archival institutions shall register data on entities under public law, which fall under their competence, and/or on entities under public law, who transfer archives to the archival institutions.

(2) The following data shall be registered in the Register from the previous paragraph:

- competent archival institution,
- data on title, organization, competences and activities of the entity under public law,
- data on records management, in particular data on administrative registers types and documents classification methods,
- data on conservation, preservation and arrangement of documents,
- data on the entity under public law's employee, who is responsible for fulfilment of obligations under Article 39 of the Act, and on other entity under public law's employees dealing with documents.

(3) Archival institutions shall keep documentation on entities under public law, which fall under their competence, and/or on entities under public law, who transfer archives to the archival institutions.

(4) Documentation shall be kept by entities under public law and includes the following:

- copies of issued written professional instructions and guidelines for selection of archives,
- data on selected archives, which have not yet been transferred to the archival institution,
- minutes on transfer and acquisition of archives,
- minutes and notes on explanations and expert supervision,
- data on the holder of materials, if the holder is not the same person as the entity under public law, from which the archives originate.

Article 71

(Documentation on entities under public law's archives)

(1) Documentation on archives of entities under public law, which themselves provide protection of their own archives pursuant to the Minister's approval, shall be kept by the competent archival institution.

(2) The documentation from the previous paragraph shall include:

- data on fonds, as they are registered in the Fonds and Collections Register,
- annual plans and reports on activities concerning archives,
- notes on professional contacts.

9.4. Destruction of documents

Article 72

(Destruction of documents)

(1) The retention period having expired, an entity under public law is permitted to destroy the documents and/or send them into industrial processing, which refers only to those materials not defined as archives.

(2) If not prescribed otherwise with regulations, an entity under public law may, irrespective of the retention period, destroy documents, which do not have the nature of archives in case such documents were previously micro-filmed or captured and converted into the digital form for long-term preservation for the purpose of operating or archiving needs.

(3) In case an entity under public law, for its operating or archiving needs, micro-filmed, converted into the digital form or in any other way reproduced documents having the nature of archives, original materials should not be destroyed without a written approval of the competent archival institution.

Article 73

(Activities of Commission concerning destruction of documents)

(1) The Commission consisting of at least three members, one of whom should be a representative of the competent archival institution, shall participate in destruction of materials from the third paragraph of the previous Article. The Commission shall be appointed by the Head of the entity under public law.

(2) Prior to destruction of materials, the Commission shall prepare the minutes, which shall include at least the following items:

- title of entity under public law,
- address of entity under public law,
- name of the entity under public law's employee, who is responsible for fulfilment of obligations under Article 39 of the Act,
- names of Commission members,
- date of destruction of materials.

(3) To the minutes from the previous paragraph the Commission shall attach the list of materials to be destroyed, which includes at least the following items:

- title of entity under public law,
- address of entity under public law,
- time when materials were created,
- data on contents of materials,
- data from the documents register of the entity under public law.

10. PROCESSING AND REGISTERS IN ARCHIVAL INSTITUTIONS

Article 74

(Processing)

Processing of archives includes arrangement, description, compilation of finding aids and provision of archives accessibility.

10.1. Arrangement of archives

Article 75

(Two principles of archives arrangement)

(1) Archives shall be arranged according to professional principles of provenience and original arrangement.

(2) According to the provenience principle (principle of origin), archives generated in the course of activities of one legal person, natural person and/or family, shall be treated as a whole.

(3) According to the original arrangement principle, it is required that archives shall be preserved following the arrangement system used by a legal person, natural person and/or family where the archives were created.

(4) In case the original arrangement has not been preserved or it is impossible to restore it in a reasonable time period, archives shall be divided by functions and/or duties of the creator, by contents, types of materials or by periods and/or using a combination of the above stated methods.

Article 76

(Archival fonds and collections)

(1) An archival fonds represents archives created during activities of one legal person, natural person and/or family (hereinafter referred to as: creator of archives).

(2) An archival collection includes archives of different origin and/or of different creators of archives, which have been collected by contents, types of archives and according to other criteria.

(3) As a rule, archival fonds and collections shall be physically divided into archival units. Archival units are basic arrangement units (documents, files, cases, dossiers, series), which were created at the creator of archives or later in an archival institution.

(4) An arrangement system of archives shall comprise structure, divide and classification system of archival units.

(5) Archival units shall be classified by contents, geographically, numerically, chronologically or alphabetically and/or using a combination of the above stated methods.

Article 77

(Appraisal, elimination, duplication and destruction of archives)

(1) A binding opinion on appraisal of documents in archival institutions, disposal of unnecessary documents and selection of archives in archival institutions during processing shall be given by the Commission appointed by Director of the competent archival institution.

(2) In case it has been stated during the arrangement procedure that archives are being duplicated, the latter can be destroyed by the Commission. If it has been determined during processing or arrangement that archives also include documents, which shall be later found not to have the nature of archives, such materials can be destroyed by the Commission.

(3) The Commission from the first paragraph of this Article shall approve destruction of archives from the previous paragraph and shall confirm with the minutes that such archives were destroyed.

10.2. Registering archives

Article 78 (Registering archives)

(1) Archives are described by the following levels: fonds or collection, subfonds, series, subseries, basic documents aggregation unit (file, case, dossier) and/or document.

(2) The levels from the previous paragraph represent description units.

Article 79 (Description elements)

(1) The archives description elements are data, which identify a description unit, define its origin, contents and arrangement of the description unit, conditions of access and use and description unit links.

(2) The identification elements are as follows:

- reference number of description unit,
- former reference numbers of description unit,
- classification code of description unit,
- reference number of technical unit,
- title of description unit,
- time of creation of description unit archives,
- size of description unit,
- external characteristics of archives,
- level of description.

(3) The origin elements include the following items:

- name of legal person, natural person and/or family, from which the archives originate,
- time of creator's existence,
- creator's history,
- name of archives transferor,
- date of archives transfer,

- person responsible for creation of archives (author).
- (4) The contents and arrangement elements are as follows:
- contents of archives stated in the descriptive way or with descriptors of persons, places and objects,
 - system of arrangement of archives,
 - appraisal, selection and disposal criteria.
- (5) The elements of access and use include the following:
- legal status of archives,
 - conditions and periods of accessibility,
 - copyrights,
 - language and script of archives,
 - status of preservation and
 - finding aids.
- (6) The linking elements are as follows:
- other holders of parts of archives description unit,
 - copies of archives irrespective of copying technology,
 - contents related materials,
 - publications of archives.

Article 80 (Description units)

(1) The reference number of a description unit consists of the code of the country, archival institution, reference number of the fonds or collection and description unit code. Technical unit numbering can also be used as reference numbers of description unit, considering the type or archives.

(2) The code for Slovenia is SI, the codes of archival institutions are: AS (Arhiv Republike Slovenije – Archives of the Republic of Slovenia), ZAC (Zgodovinski arhiv Celje – Celje Historical Archives), PAK (Pokrajinski arhiv Koper – Koper Regional Archives), ZAL (Zgodovinski arhiv Ljubljana – Ljubljana Historical Archives), PAM (Pokrajinski arhiv Maribor – Maribor Regional Archives), PANG (Pokrajinski arhiv Nova Gorica – Nova Gorica Regional Archives) and ZAP (Zgodovinski arhiv Ptuj – Ptuj Historical Archives).

Article 81 (Use of international professional rules)

With reference to the description process internationally recognized professional rules for archives description, which have been adopted by the International Council on Archives and published by the Archives of the Republic of Slovenia, shall also be implemented.

10.3. Finding aids for use of archives

Article 82

(Archival finding aids)

- (1) Finding aids include guides, description lists, inventories, indexes and other finding aids for use of archives.
- (2) The decision which type of a finding aid shall be used in a concrete case depends on the type of archives, level and intensity of archives description.
- (3) Archival finding aids shall include all or certain elements from Article 79 of this Regulation.

Article 83

(Archival list, inventory and guides through fonds)

- (1) Irrespective of the descriptive level, an archival description shall contain at least a reference number, title and/or contents, time of creation, generally also extent of a description unit and code of descriptive level.
- (2) An archival inventory represents a systematic description of archival units with an index of subjects, persons and places contained in the inventory, while the introductory part contains the elements of origin. An archival inventory shall be created for significant fonds and/or collections or their parts, certain themes, periods or types of material.
- (3) An archival guide through fonds and collections represents a description on the level of fonds and/or collections. It shall contain at least a reference number, title, time of creation and size of the fonds and/or collection. Fonds and/or collections are classified in the guide on the basis of the archives tectonics. An archival guide also includes data on the structure, elements of origin and contents of fonds and/or collections when needed for the purpose of users' general information; the introductory part contains the history of the archival institution and their archives and statement of conditions for access and use.
- (4) An archival guide for a specific fonds, theme, period or type of material contains data from the previous paragraph concerning the fonds and/or collection and/or parts of fonds and/or collections, which include the archives concerned.

Article 84

(Technical units for equipment of archival units)

- (1) Envelopes, files, boxes, fascicles, books, discs and other technical units used as equipment of archival units, shall be numbered consecutively within the fonds and/or collection.
- (2) In case there is more than one numbering in the fonds or collection, such parallel numbering systems must be distinguished using special codes.
- (3) A technical unit shall have the following data indicated on a visible place:
 1. Code of archival institution keeping archives,
 2. Reference number of an archival fonds and/or collection, and name if appropriate,
 3. Consecutive number of a technical unit within the fonds and/or collection,

4. Initial and final reference number of archival units within the technical unit,
5. Exceptionally also a code of the contents.

10.4. Information system

Article 85 (Archival information system)

(1) When describing by elements from Article 79 of this Regulation, data base of archival information system is being generated in archival institutions, and shall be managed in compliance with the standards and regulations assuring quality information.

(2) Data base from the previous paragraph shall be linked into a co-operative information system.

10.5. Types and forms of archives registers

Article 86 (Registers)

(1) Archival institutions shall keep the following registers:

1. Register of fonds and collections,
2. Register of archives transfer.

(2) In relation to registers prescribed by this Regulation the required documentation support (hereinafter referred to as: documentation) shall be established.

(3) Registers and documentation shall be kept permanently.

Article 87 (Expert examination of all archives)

(1) Every 10 years an archival institution shall organize an expert examination of all archives kept by the institution.

(2) An expert examination shall be performed by the Commission appointed for that purpose by Director of the archival institution among the employees of the institution.

(3) In case an archival institution maintains archives in the digital form, a certified auditor of information systems shall participate in the expert examination.

(4) Minutes shall be prepared in relation to the course of the expert examination and the related conclusions.

Article 88 (Register of fonds and collections)

(1) A register of fonds and collections is classified by reference numbers of fonds and collections and contains the following data:

- reference number of fonds and/or collection,
- name of fonds and/or collection,
- classification code of fonds and/or collection,
- name and/or names and period of archives creator's existence,
- initial and final year of period, in which archives were created,
- quantity of archives in current meters and number of technical units,
- date and/or dates of archives transfer into the archival institution,
- name of transferor and/or transferors.

(2) Data shall be entered in the register of fonds and collections within fifteen days after the transfer of the archives into the archival institution, after concluded archival work or after any change of data in relation to the archives.

(3) Dossiers of fonds and collections constitute documentation to the register of fonds and collections and shall include at least the following items:

- data on foundation, status changes, termination, internal organization and activities of archives creator,
- documentation on archives transfer to the archival institution, including the list of transferred materials,
- minutes and notes on facts, which affected preservation of archives,
- minutes and notes on arrangement state of archives before the beginning of archival processing,
- data on structure of the fonds,
- minutes on methods used for appraisal, arrangement and materials description,
- list of categories of unneeded parts of archives, which were disposed of in archival institutions, including justification,
- documentation on required and performed conservation and/or restoration work on archives,
- documentation on required and performed microfilming, scanning or any other copying of archives,
- finding aids elaborated in the archival institution.

(4) The Archives of the Republic of Slovenia shall keep the following registers:

1. Central register of fonds and collections,
2. Register of archives being abroad and related to Slovenia and the Slovenians,
3. Register of public symbols, coats-of-arms, flags, seals, stamps and rubber stamps at the state level.

(5) The registers from the previous paragraph and the related documentation shall be kept permanently.

Article 89 (Register on archives transfer)

(1) The register on archives transfer (hereinafter referred to as: Acquisition Book) includes the following items:

- consecutive number,
- date of transfer,
- name of transferor,
- name of fonds and/or collection,
- initial and final year of the period, in which the archives were created,
- quantity of archives,
- links (other entries of fonds and/or collection in the Acquisition Book),
- notes.

(2) In case of a computerized register of fonds and collections the Acquisition Book represents its constituent part and shall not be kept as a separate register.

Article 90

(Register of archives being abroad and related to Slovenia and the Slovenians)

(1) The Register of archives being abroad and related to Slovenia and the Slovenians includes the following items:

- consecutive number,
- date of entry,
- title of archival institution keeping the archives concerned,
- reference number of fonds and/or collection, from which the archives were registered,
- classification code of fonds and/or collection, from which the archives were registered,
- name of fonds and/or collection,
- creation period of described archives,
- extent of described archives,
- name of person (persons), who registered archives,
- description date of archives.

(2) The documentation on archives being abroad and related to Slovenia and the Slovenians includes the following items:

- description lists, inventories, guides and other aids elaborated by foreign archival institutions,
- description lists, inventories, guides and other finding aids compiled as the result of registration of such materials,
- lists of reproductions or copies (irrespective of the way of creation) of such archives, which were acquired for the purpose of completing materials in archival institutions or for research needs.

(3) Archival institutions and other entities under public law, which have registered archives being abroad and related to Slovenia and the Slovenians, or have acquired reproductions or copies of such archives, should deliver finding aids from the second indent of the previous Article to the Archives of the Republic of Slovenia after the end of registration process and/or acquisition of reproductions or copies of archives. The description list should be based on the fonds, from which the archives were registered.

(4) Every year the Archives of the Republic of Slovenia shall publish a list of documentation on archives under the second indent of the second paragraph of this Article, which was received in the past year.

Article 91

(Register of public symbols, coats-of-arms, flags, seals, stamps and rubber stamps at the state level)

(1) The Register of public symbols, coats-of-arms, flags, seals, stamps and rubber stamps shall be kept by the Archives of the Republic of Slovenia. The Register represents publicly accessible kept records, which are also available at the National Archives' web pages.

(2) The register shall be kept by subjects prescribing public symbols, coats-of-arms, flags, seals, stamps and rubber stamps.

(3) The Register shall include the following data:

- current number,
- title and address of the subject,
- date of entry in the register,
- date and code number of the regulations concerning the coat-of-arms and/or flag.

(4) The documentation containing documents from the fifth, sixth and seventh paragraph of this Article shall be found attached to the register.

(5) State authorities and authorities of local communities, who are responsible for adoption of regulations on public symbols, coat-of-arms and seals, should send an application for registration to the Archives of the Republic of Slovenia within 15 days after regulations on public symbols, coat-of-arms and seals were adopted, amended or supplemented; they should attach a depiction of the coat-of-arms and flag, the regulations defining geometric, artistic and colour rules for creation of a coat-of-arms and flag (including an indication of the colour code), and prints of seals, stamps and rubber stamps being used.

(6) The depiction should be accompanied with a justification explaining historical, heraldic, vexilologic and sigilographic grounds and symbolism of the coat-of-arms, flag, seal, stamp or rubber stamp.

(7) Before registration the registration application shall be reviewed by a special commission of the Archives of the Republic of Slovenia, which shall verify conformity of public symbols, considering professional rules and the standards of the heraldic, vexilologic and sigilographic profession, and with reference to well-known historical facts. The Archives of the Republic of Slovenia shall issue a decision and confirm registration, registration can also be refused or the Archives can require correction of deficiencies and irregularities.

(8) The Commission from the previous paragraph shall be appointed by Director of the Archives of the Republic of Slovenia. The five-member Commission is composed of representatives of the Archives of the Republic of Slovenia, Government Office for Local Self-Government and Regional Policy, Ministry of the Interior and two representatives of the heraldic, vexilologic and sigilographic profession.

(9) The Ministry responsible for archival institutions shall decide on appeals in relation to decisions from the seventh paragraph of this Article.

Article 92
(Register of use of archives)

- (1) An archival institution shall keep a register of use of archives in the institution.
- (2) The Register from the previous paragraph shall include the following: registration forms of archives' user, requests for use of archives, order forms for use of archives, order forms for copying of archives, contracts on archives lending and request for use of archives presented orally and recorded in the minutes.

11. FILM ARCHIVAL MATERIAL

Article 93
(Transfer method)

- (1) Film archival material on a 35-mm film tape shall be transferred as an original picture and sound negative plus one film projection copy (print).
- (2) If a picture and sound negative has been blown up from an 8-mm, super 16-mm and 16-mm to a 35-mm film tape, film archival material shall be transferred as a negative, intermediate and a film projection copy (print).

Article 94
(Analogue carriers)

- (1) For film archival material on an analogue carrier, the materials shall be transferred as a final edited product and a viewing copy in the format and on the carrier as defined by the uniform technological requirements.
- (2) In case of other audiovisual works on an analogue carrier, which were made during activities of entities under public law and other legal or natural persons, and were supported with public funds, materials shall be transferred in the same way as described in the previous paragraph of this Article.

Article 95
(Digital carriers)

- (1) Film archival material on a digital carrier shall be transferred as a digital master or a new film negative on a 35-mm film tape and a film projection copy (print). Unless a copy on a film tape has been made, film archival material shall be transferred as a digital master and a digital projection format.
- (2) For audiovisual works on a digital carrier, which were made during activities of entities under public law and other legal or natural persons, and were supported with public funds, materials shall be delivered in the same way as described in the previous paragraph of this Article.

Article 96
(Transfer of film tape materials)

(1) In cases when an intermediate needs to be made, film archival material made on a 35-mm film tape shall be transferred to the archival institution after the intermediate and the projection copy (print) were made. Unless an intermediate is needed, film archival material shall be transferred to the National Archives after no more than five prints were made.

(2) Film archival material on digital or analogue carriers shall be transferred to the archival institution immediately after the final edited film has been made. In case of an eventual transfer to a 16- or 35-mm film tape, materials shall be transferred to the archival institution after a print has been made.

Article 97
(Slovenian film)

As a Slovenian film from the first paragraph of Article 43 of the Act and/or as a Slovenian audiovisual work from the fifth paragraph of Article 43 of the Act we shall consider a Slovenian film and/or audiovisual work produced by a Slovenian producer and in which more than 50 percent of Slovenian co-authors or other persons working in production of the film have participated. A film and/or audiovisual work made in co-production can be treated as Slovenian when at least 10 percent of the production costs have been financed by the Slovenian capital or if adequate percentage of Slovenian co-authors or other persons participated in production of the film and/or audiovisual work.

12. PRIVATE ARCHIVES

Article 98
(Private archives)

(1) The provisions of this Chapter shall regulate the method of registering and export of documents being a private property, for which it is assumed to have the nature of archives, individual fields, on which private archives are being created, and competent archival institutions for those fields.

(2) The provisions of this Chapter apply also to the archives of religious communities, except for the archives of the Roman Catholic Church.

Article 99
(Registering private archives)

Public archival institutions shall register documents, which are assumed to have the nature of archives at:

- natural and legal persons with reference to activities on economic and non-economic field (companies, private entrepreneurs, handicraft business related subjects, economic

- chambers, banks, savings institutions, insurance companies, cooperatives, agricultural societies, institutions, political parties, syndicates, associations and other persons),
- natural persons with reference to their personal activities having public significance, and other activities concerning artistic, scientific, professional or any other creativity, and personal documentation.

Article 100
(Powers of Minister and archival institutions)

- (1) The Archives of the Republic of Slovenia is responsible for registration of documents, which are assumed to have the nature of archives:
- at legal persons, acting or their activities are significant for the entire national territory,
 - at those natural persons, who were active at entities under public law, whose public archives fall under the competence of the Archives of the Republic of Slovenia.
- (2) Regional archival institutions are competent for registration of documents, which are assumed to have the nature of private archives, at all other legal and natural persons, who may be creators of materials.
- (3) Competent archival institutions shall perform consultancy activities for the existing and possible owners of private archives.
- (4) Following the proposal of the Archives of the Republic of Slovenia, the Minister shall issue regulations, which shall be published in the Official Journal of the Republic of Slovenia, in order to define criteria for concluding legal transactions against or without payment in relation to acquisition of private archives in compliance with Article 61 of the Act.

Article 101
(Programme for registration of private archives)

- (1) Based on inquiry and knowledge of individual fields, on which materials are being created, archival institutions shall prepare annual programmes of private archives registration (hereinafter referred to as: programme).
- (2) A programme can also be prepared upon a request by a person, who assumes that his/her documents have the nature of archives.
- (3) The programme should include in particular the following items:
- fields of archives registration,
 - possible legal and natural persons,
 - professional justification of proposed registration.
- (4) Programmes should be delivered to the Ministry together with the programme of archival institution's activities.
- (5) In case of a dispute concerning the competency of an archival institution with reference to registration of private archives of a certain person, the Minister shall make a decision.

(6) Competent archival institutions shall perform registration on the basis of the approved programme.

(7) In the registration procedure the following shall be established:

- legal and/or natural persons, at whom documents assumed to have the nature of archives were created,
- period of creation of materials, quantity, contents and significance of the materials and preservation status and conditions, in which the materials are being kept.

Article 102

(Expert proposal for declaration)

(1) The registration procedure having concluded, competent archival institutions shall prepare an expert proposal to declare documents for private archives, and shall deliver the opinion to the National Archives for declaration.

(2) The proposal from the previous paragraph shall contain in particular:

- data on the owner or holder of private archives,
- data on contents, extent and time of creation of private archives and
- duties of the owner or holder in relation to protection of private archives.

Article 103

(Register of declaration decisions)

(1) A final declaration decision of private archives shall be registered in the Register of Issued Decisions.

(2) The Register of Issued Decisions shall contain:

- current number,
- date of entry,
- number of the Declaration Decision,
- competent archival institution,
- title of a legal person or name of a natural person, at whom the materials were created,
- period of existence and/or activities of a legal or natural person, at whom the materials were created,
- period from which the archives originate,
- title of a legal person or name of a natural person and address of the owner or holder of archives.

Article 104

(Documentation of an archival institution relating to private archives)

(1) A competent archival institution shall keep documentation on materials, which shall represent professional grounds for the Register from the previous Article.

(2) The documentation shall be kept by individual owners or holders of private archives and shall include in particular the following:

- basic data on the owner or holder of private archives, namely for natural persons a name, officially assigned identification code and address of permanent or temporary residence, for a legal person or a person registered for professional activities the title and firm, registered office, business address and officially assigned identification code such as a tax ID number or a registration number,
- data on foundation, status changes, termination, internal organization and activities of a legal person and/or on life and activities of a natural person, from whom private archives originate,
- data on private archives and minutes on facts, which have affected preservation and arrangement of private archives,
- notes on instructions given to the owner or holder of private archives,
- notes on conservation and/or restoration work,
- notes on microfilming or any other sort of copying private archives or on their conversion into the digital form,
- lists of private archives.

Article 105

(Export and transfer abroad of documents)

(1) Private documents, which are assumed to have the nature of private archives, are any private documents, which have been defined by the competent archival institution as documents with the nature of private archives. Such documents include in particular minutes, reports, legal acts, correspondence, letters, manuscripts, maps, photographs and other.

(2) An application for an export or transfer abroad permit relating to private documents from the previous paragraph should include the name of the owner or holder of materials, title of a legal person or name of a natural person, at whom private documents were created, a list of private documents and an indication of time of their creation.

(3) The Minister shall issue a permit and allow export and transfer abroad of private documents from the first paragraph of this Article on the basis of an expert evaluation by the competent archival institution.

13. USE OF ARCHIVES AND PROVISION OF OPENNESS OF ARCHIVAL INSTITUTIONS WORK FOR THE PUBLIC

Article 106

(Accessibility of public archives)

(1) Public archives, which were intended for the public when they were created, shall be generally accessible in archival institutions on equivalent terms.

(2) Public archives from the previous paragraph containing data, for which the law prescribes special inaccessibility periods, shall become accessible for use after the expiration of such periods.

(3) The Minister shall specify detailed conditions with reference to use of public archives and a compensation for the costs of such use.

Article 107
(Use of private archives)

Private archives shall be used in archival institutions in compliance with the provisions of this Chapter unless the latter are incompatible with the provisions of legal acts, which serve as the basis to keep private archives in archival institutions.

Article 108
(Purpose of public archives use)

In archival institutions public archives are used for scientific research, cultural and publicist purposes, presentations of archives, education, needs of judicial, administrative and other official procedures and for other purposes.

13.1. Terms for use of public archives

Article 109
(Registration form)

(1) A natural or legal person, who wants to use archives (hereinafter referred to as archives' user), shall fill in a registration form physically or electronically before the first use or archives.

(2) A registration form for natural persons includes at least the following data:

1. User's identification data: name, date of birth and address of permanent residence;
2. Text of user's statement confirming that he/she has been acquainted with requirements referring to data protection on privacy and copyrights, and that he/she shall protect such data and respect copyrights;
3. Date when the registration form was filled in;
4. Signatures of user and responsible employee of the archival institution working in the reading room.

(3) A registration form for authorized persons or employees of legal persons shall include at least the following data:

1. User's identification data: name, date of birth, relationship with regard to the legal person;
2. Legal person's identification data: name and registered office of the legal person, registration number in the Business or Court Register;
3. Text of user's statement confirming that he/she has been acquainted with requirements referring to data protection on privacy and copyrights, and that he/she shall protect such data and respect copyrights;
4. Date when the registration form was filled in;
5. Signatures of user and responsible employee of the archival institution working in the reading room.

(4) A natural person or an authorized person or employee of a legal person shall obtain a

user's identification code after he/she has filled in the registration form. The user's identification code shall be used when filling in applications for use of archives and order forms for use of archives.

(5) The authorized employee of the archival institution shall inform the user on the terms for use of archives by giving him/her the text of this Regulation or at least the text of those Regulation provisions referring to the rights and duties of a user, to the reading room order in the archival institution, and if necessary, shall provide the user with additional explanations.

(6) Upon any change of the information indicated on the registration form, the provisions of this Regulations referring to the rights and duties of a user, or to the order in the archival institution's reading room, the user should be informed and noted such changes.

(7) Upon the first use of archives in the calendar year, the archival institution shall invite the user to correct the data, which he/she indicated on the registration form. In case of any change of the indicated data, the user should provide for updating of the data from the registration form.

Article 110 (Request for use of archives)

(1) Archives shall be used on the basis of a request for use of archives and confirmation by the archival institution.

(2) In a request for use of archives the following data should be stated:

1. User's identification code;
2. Archives which the user wants to use;
3. Purpose of use of archives (scientific research, cultural-publicist, educational-presentational);
4. Theme or field the user wants to research.

(3) The archives' user can request for use in writing, by telephone, by fax, in the reading room of an archival institution or by e-mail.

(4) The archival institution shall confirm reception of a request for use with a receipt confirmation, in which the user shall be informed on time, place and method of access to the archives indicated in the request for use.

(5) The archival institution may also inform the user on restricted access to the indicated archives.

Article 111 (Special terms for use)

(1) When applying for use of archives, all users of public archives being under 16, should, in addition to the data from the previous Article, also indicate the mentor or another person, who shall be present during the use of archives.

(2) When applying for use of archives, all users of public archives, who are minors but older than 16, should, in addition to the data from the previous Article, also present a certificate by the school or another institution confirming that the users are studying the theme, in relation to which they want to use the archives.

Article 112
(Method of ordering archives)

Any user of public archives shall order archives in the reading room of the archival institution or by e-mail with a filled order form for use of archives, which shall include at least the following:

1. User's identification code;
2. Number of request for use;
3. Reference numbers of archival units or codes of technical units;
4. Date when archives were ordered;
5. Date when archives were handed over and returned;
6. User's signature;
7. Signature of authorized archival institution's employee, who handed over archives for use.

Article 113
(Archival institution's duty and obligations)

(1) An archival institution should provide a user of public archives with all available information sources in relation to archives being kept by the institution and shall inform the user on those fonds or parts of fonds and their extent, in which the user may expect to find the data he/she is searching.

(2) Before any use of archives the archival institution should notify the user on the following:

- in case of any abuse of privacy data on individuals the user shall be held responsible in accordance with the provisions of the Personal Data Protection Act and other regulations;
- the user should respect eventual copyrights when drawing data from archives.

(3) The user of archives should himself/herself settle any relationship with reference to the use of archives, which are protected by the Act regulating copyrights, with the author of archives and/or his/her legal successors.

(4) Search in relation to materials and data for the themes researched by the user of archives shall not be considered as obligations from the first paragraph of this Article.

Article 114
(Reading rooms of archival institutions)

(1) As a rule public archives shall be used in the reading rooms of archival institutions or through the World Wide Web and/or in accordance with a previous agreement.

(2) The reading room of an archival institution shall be generally open for users every archival institution's business day at least six hours per day. A reading room of a dislocated archival institution's unit shall be generally open every business day of such dislocated unit, at least four hours per day.

(3) With a reading room order an archival institution shall define detailed rules for use of archives in the archival institution, in particular working hours of the reading room, conditions for entrance into the archival institution and its reading room and details with reference to archives ordering procedure and treatment of archives.

Article 115 (Method of use)

(1) As a rule public archives shall be used in the original, or in any other adequate way (copy, certified copy, etc.).

(2) In case the required archives have been badly preserved or in the event of damage danger during use, the user shall be offered copies of the archives, which may have been converted into a digital form, microfilmed or stored in any other way.

(3) Film and audio archival materials shall be used in the form of study copies.

(4) Archives in the digital form shall be offered for use with adequate hardware and software.

(5) During the use of archives the user should maintain the arrangement of the archives and avoid any damage on the archives.

(6) The user of archives should cover eventual costs of restoration and conservation work on the archives if such work is a consequence of his improper treatment of the archives.

(7) In relation to the use of archives, a legal or natural person using the archives for business purposes of with reference to official procedures, shall be given priority over persons, who need archives for research and other purposes.

(8) The amount of costs from the previous paragraph shall be stated in the prescribed fees for use of archives.

(9) The quantity of archives, which can be given for use, shall be defined in the reading room order of an archival institution.

Article 116 (Consequences of improper use)

(1) In case a user of archives has used the archives improperly and has violated the reading room order of an archival institution, the authorized employee should give him/her a warning.

(2) Such warning shall be written on the user's registration sheet.

(3) If the user of archives continues to act as described in the first paragraph of this Article despite the warning by the authorized employee of the archival institution, the latter has the right to remove such user from the reading room.

Article 117
(Exceptions relating to use)

(1) A user of archives cannot use archives, which:

- have been processed by archivists,
- have been damaged to such extent that they cannot be used in the original, and have not been copied yet, or the copies are not available,
- represent secret data or data protected in any other way.

(2) The authorized employee of the archival institution should present to the user of archives the reason why ordered archives cannot be used and shall inform him/her when the materials will be available.

Article 118
(Reproduction of archives)

(1) A user of archives can order a reproduction of archives using the order form for reproduction.

(2) The order form from the previous paragraph should contain at least the following data:

1. User's identification code;
2. Indication of method of reproduction, reference number and name of archival unit, in which documents to be reproduced are found;
3. Date of order;
4. User's statement that the copy of the materials will not be used for publication or any other public presentation. Upon eventual publication or public presentation of the archives, the user shall indicate the data needed for concluding a contract on use of archives, as defined by the reading room order of the archival institution;
5. Signature of archives user;
6. Approval for reproduction (authorized employee's signature);
7. Date of reproduction, signature of employee, who made the reproduction and the number of copies.

(3) In order to provide preservation of archives, the archival institution may define the way and method of reproduction.

(4) Details with reference to limitation of reproduction shall be defined in the reading room order of the archival institution.

Article 119
(Lending of public archives)

(1) Public archives can be lent for exhibition and similar purposes on the basis of a written

contract.

(2) The written contract from the previous paragraph should include at least the following:

1. List of archives to be lent;
2. Purpose of archives lending;
3. Method of insurance and lending period for archives;
4. Eventual compensation for use of archives;
5. User's statement that he/she agrees with reimbursement of eventual costs of conservation and restoration of damaged archives and payment of damages in case of eventual destruction of archives.

(3) Before lending archives, the user of archives should provide all archives preservation conditions, in compliance with the provisions of this Regulation referring to preservation of archives and documents.

(4) Before lending and for security purposes, archives should be converted into a digital form or microfilmed and insured with an insurance company. Unless archives have already been microfilmed or converted into the digital form, the lender shall pay the costs of conversion or microfilming by himself/herself.

(5) When presenting lent archives and in accompanying publications with reproduced materials, the organizer of the exhibition should state the title of the archival institution, from which the archives have been lent, and the name and reference number of the fonds, from which the materials were taken.

Article 120

(Permanent use of digital copies)

(1) With a written contract signed with the competent archival institution legal persons and entities under public law can acquire the right to the permanent use of digital copies of public archives.

(2) The written contract from the previous paragraph shall contain at least the following items:

1. List of archives, for which the user has acquired the permanent use right;
2. Purpose of archives use;
3. User's statement that he/she shall use the archives only for the purposes stated in the contract;
4. User's obligation that in case the archives were published in a publication available to the public, he/she should deliver to the archival institution one sample or copy of the publication;
5. Provisions on protection of the user's intellectual property rights with reference to those publications or their parts available to the public, which have been prepared by using public archives.

(3) In case the user with the right to permanent use of public archives digital copies has issued a publication containing public archives he/she used, the archival institution has the right to require one sample or copy of the publication from the user, in order to control the use and significance of archives.

(4) The archival institution should protect the user's intellectual property rights on delivered publications. The archival institution shall allow other archives users an insight into such publications only in the reading room of the archival institution.

Article 121

(Legal interest and conditions for use of archives)

(1) Any person who wants to use the archives from Article 65 of the Act, should state his/her legal interest in the request for use of archives.

(2) The request for use of archives from the previous paragraph can also be presented orally to be written in the minutes in the archival institution.

(3) In case a legal representative or authorized person has requested for use of archives from the first paragraph of this Article, he/she should present and/or produce a power of attorney in relation to representation.

(4) If the request for use of archives refers to the archives containing data on privacy of an individual and such data do not refer to the requester, the request should precisely state the relation with the person, to whom the data refer, and the request should be attached a written power of attorney or consent by that person. If the request for use of archives refers to the archives containing data on privacy of a deceased individual, the time of death of such person should be stated in addition to the request.

Article 122

(Documents issued by archival institutions)

(1) Archival institutions shall issue:

- certificates and/or other documents on facts, which were subject to official registers and now represent archives;
- certified extracts, transcriptions and copies of documents in physical and electronic form, confirming identity with the original document kept by the archival institution.

(2) When an extract, transcription or copy of a document has been certified, it should be evident which parts of the document have been omitted in the extract, transcription or copy.

(3) The form with the certification text on the extract, transcription or copy in the physical form and/or the text included in the electronic certification, is found in Annex 3 to this Regulation.

13.2. Tariffs for use of archives

Article 123

(Fees for use of archives)

(1) Material and other costs related with the use of archives shall be covered by the user of

archives.

(2) The amount of costs from the previous paragraph shall be prescribed with the tariffs for use of archives, and shall not exceed the amount of actual costs of the service; the tariffs should also be in compliance with the fees prescribed in the regulations on access to public information with reference to provision of information.

(3) The Minister shall prescribe the tariffs for use of archives with the Rules.

(4) In the tariffs for use of archives the following tariffs shall be stated:

- copying of archives on copying machines,
- microfilming, scanning, photographing or another sort of reproduction of archives;
- use and copying of film archival material and archives on magnetic, optical and other media;
- conservation and restoration of archives.

13.3. Publication and information on World Wide Web

Article 124

(Information on World Wide Web)

For the past calendar year archival institutions should publish the following information on the Web:

- list of fonds, parts of fonds or collections acquired in the past year, including basic data on the period of creation and quantity of archives,
- list of in the past year elaborated finding aids for the use of fonds, collections or their parts.

Article 125

(Accessibility of archives published on the Web)

(1) On the World Wide Web archival institutions should provide for free access to:

1. Finding aids elaborated in electronic form or accessible in digital form;
2. Registers of fonds and collections of archives;
3. Guidebooks of archival fonds and collections;
4. Public archives accessible in digital form, in accordance with the technical capabilities of archival institutions.

(2) Free access on the Web from the fourth item of the previous paragraph in relation to the archives, which are not suitable for publication on the Web in the original form due to technical limitations, can be provided by archival institutions through the use of sight versions of materials, which have been specified in uniform technological requirements. Upon a user's request archival institutions should provide for electronic access to the original format of such archives.

(3) Archival institutions shall provide free access to archives on the Web if such archives have the status of author's work or industrial property provided that all the conditions prescribed by the regulations on copyrights and related rights and industrial property rights have been

fulfilled.

(4) When assuring free access to archives from the previous paragraph, archival institutions may use sight versions of materials and technical and other means as specified in the uniform technological requirements, in order to guarantee protection of copyrights and related rights or industrial property rights in relation to materials published in the original or sight version.

(5) On the World Wide Web the Archives of the Republic of Slovenia should also provide free access to:

1. Central register of fonds and collections,
2. Register of confirmed internal rules and confirmed model rules;
3. Register of equipment and services providers;
4. Register of accredited equipment and services.

Article 126

(Access to public archives on World Wide Web)

(1) On the World Wide Web users shall be provided access to the data from the first paragraph of the previous Article on the basis of a user's web registration. In relation to the web registration the user shall send his/her e-mail address and his/her user name.

(2) Competent archival institutions shall keep statistics on use and access to the data from the first paragraph of the previous Article.

(3) With the Rules the Minister may prescribe detailed rules for access to public archives through the Web.

14. ARCHIVAL COMMISSION

Article 127

(Archival Commission)

The Archival Commission shall operate within the Archives of the Republic of Slovenia as an expert and consulting body.

Article 128

(Duties and powers of Archival Commission)

The Archival Commission shall perform the following duties:

- provide opinion on exceptional shortening of inaccessibility period in relation to public archives when required by the user, and opinion on exceptional extension of inaccessibility period of public archives when requested by an entity under public law,
- provide binding opinion in disputable cases concerning the definition of inaccessibility period for public archives containing data, which refer to defence and international issues, issues from the field of national security, including maintenance of order and peace, and to the national economic interests, the disclosure of which could cause damage, and in case of public archives containing data on privacy of an individual,

- decide in case of eventual doubt concerning access from the third paragraph of Article 65 of the Act,
- decide on shortening of the inaccessibility period concerning materials from the third paragraph of Article 65 of the Act.

Article 129
(Members of Commission)

The Archival Commission has five members and is composed of two experts from the field of archival science, two experts from the field of state administration and one expert from the field of history.

Article 130
(Activities, appointment, termination and recall of Commission members)

- (1) The Commission members perform their activities for the Archival Commission on a non-professional basis.
- (2) The Government of the Republic of Slovenia shall appoint the members, Chairman and Deputy Chairman of the Archival Commission upon the Minister's proposal for a five-year period.
- (3) Membership of an Archival Commission member shall be terminated if the latter has resigned or has been recalled.
- (4) Recall of an Archival Commission member is possible only in case of justified reasons.

Article 131
(Expert, technical and administrative duties)

The Archives of the Republic of Slovenia shall perform expert, technical and administrative duties for the Archival Commission.

Article 132
(Meetings and decisions of Archival Commission)

- (1) The Archival Commission shall meet on sessions convened by its Chairman or Deputy Chairman.
- (2) The Archival Commission shall decide with a majority of votes of all its members.

Article 133
(Archival Commission's Rules of Procedure)

The Archival Commission shall adopt the Rules of Procedure specifying its methods of work, which shall be approved by the Government of the Republic of Slovenia.

Article 134
(Financing)

The activities and duties of the Archival Commission shall be financed out of the budget funds granted to the Archives of the Republic of Slovenia.

15. TRANSITIONAL AND FINAL PROVISIONS

Article 135
(Expiration of regulations)

On the enforcement day of this Regulation the following Rules shall expire:

1. Rules on the Preservation of Archives and Documents (Official Journal of RS, No. 59/99),
2. Rules on Processing and Keeping of Archives Registers (Official Journal of RS, No. 59/99),
3. Rules on Selection and Transfer of Public Archives to Archival Institutions (Official Journal of RS, No. 59/99),
4. Rules on Use of Public Archives in Archival Institutions (Official Journal of RS, No. 59/99),
5. Rules on Private Archives Treatment (Official Journal of RS, No. 59/99).

Article 136
(Expiration of other provisions)

On the enforcement day of this Regulation Article 33 of the Regulation on Conditions for Electronic Commerce and Electronic Signing (Official Journal of RS, No. 77/00 and 2/01) shall expire.

Article 137
(Transitional period)

(1) Within eight days after issuing the uniform technological requirements, the Archives of the Republic of Slovenia shall establish registers in relation to electronic preservation, issue general conditions for implementation of accreditation and shall start confirming internal rules and performing registration and accreditation.

(2) Public archival institutions and entities under public law keeping archives and other documents in digital form, shall send their internal rules for confirmation to the Archives of the Republic of Slovenia by 30th September 2007 at the latest, and shall assure implementation of confirmed internal rules and conversion of archives and other documents, as required by the Act and which are in any digital form, into a digital form for long-term preservation no later than within one year after the enforcement of this Regulation.

(3) Other persons keeping documents in digital form should harmonize their activities with the provisions of this Regulation and should provide for conversion of archives and other documents, as required by the Act and which are in any digital form, into a digital form for long-term preservation no later than within one year after the enforcement of this Regulation.

(4) Providers of hardware and software, storage and accompanying services, who performed their activities before the enforcement of this Regulation, should harmonize their activities with the provisions of this Regulation and should register within one year after the enforcement of this Regulation.

Article 138
(Entry into force)

This Regulation shall come into force on the day following its publication in the Official Journal of the Republic of Slovenia.

No. 00716-6/2006/10
Ljubljana, on 27th July 2006.
EVA 2004-3511-0026

Government of the Republic of Slovenia

Janez Janša
PRESIDENT