Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

11 April 2013 [shall come into force on 16 May 2013];

23 October 2014 [shall come into force on 19 November 2014];

10 March 2016 [shall come into force on 5 April 2016];

9 November 2017 [shall come into force on 6 December 2017];

3 October 2019 [shall come into force on 1 November 2019];

25 March 2021 [shall come into force on 1 May 2021].

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

The *Saeima*1 has adopted

the President has proclaimed the following law:

**Archives Law**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **description**– content exposition of description units (or components thereof) when analysing or comparing archival documents in order to record the information necessary for the identification and context explanation thereof;

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

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

4) **archives:**

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

b) a legal person governed by public or private law or its unit thereof which performs the acquisition and preservation of archival records and ensures their accessibility in accordance with the procedures specified in the Law;

5) **depository storage**– fixed-term storage of records with archival value of private individuals or authorities in the National Archives of Latvia;

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

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

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

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

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

11) **records accessibility**– rights specified in the legal acts, as well as possibilities provided by the inquiry system and means for searching, extraction and use of information;

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

13) [25 March 2021];

14) **records accumulation**– purposeful supplementation of a set of archival records;

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

16) **authority**– any authority or a private individual to which the State powers have been granted by an external legal act or a contracts governed by public law (including the President, the *Saeima*, the Cabinet, the State Audit Office, Ombudsman, Latvijas Banka, local government and other derived legal person governed by public law, institution of direct or indirect administration, the Central Land Commission, the Central Election Commission, the Prosecutor’s Office, the court, notary, bailiff), a capital company in which a public entity owns capital shares or stocks, a capital company which is under the decisive influence of a capital company of one or more public entities and also an association or foundation the member or founder of which is a public entity;

17) **access copy**– record’s copy which is created to allow the users of archives to use it, and thus the physical state of the original of a document would be protected;

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

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

20) **private record**– a record created or received as a result of activity of a private individual;

21) **public record**– a record created or received as a result of activity of an authority;

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

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

[*10 March 2016; 25 March 2021*]

**Section 2. Purpose of the Law**

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

**Section 3. Scope of Application of the Law**

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

**Section 4. Authority’s Records and Archives Management**

(1) An authority has the obligation to manage records by ensuring:

1) the documentation of its activities, i.e. creation of genuine, plausible and integrated evidence of activities according to the functions and tasks specified for the relevant authority;

2) classification and systematisation of records;

3) internal control and supervision of record management;

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

(2) An authority has the obligation to manage the archives of the authority by ensuring:

1) record appraisal according to function of the authority in order to determine:

a) records of permanent and temporary retention;

b) the storage period for temporary records;

2) description of records of permanent and long-term retention and establishment of a reference system for the records accumulated in the archives of the authority;

3) storage of records in the archives of an authority or in accredited private archives, ensuring the preservation and protection of such records or depository storage in the National Archives of Latvia:

a) for records of permanent retention – until their transfer for permanent State retention in the National Archives of Latvia;

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

4) the accessibility and use of records, including issuing of statements, copies of records, extracts, duplicates to persons on the basis of all records at the disposal of the authority in accordance with the procedures specified in laws and regulations. The records at the disposal of the authority shall also be those records which the authority has transferred for storage to accredited private archives. The preservation, protection, accessibility, and use of the records transferred for depository storage to the National Archives of Latvia shall be ensured by the National Archives of Latvia.

(3) An authority has an obligation to agree upon records classification schemes, the types of records with archival value and their storage time periods for their storage, the reference systems, and also the deeds on the destruction of records prior to destruction of records with the National Archives of Latvia.

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

(5) The head of an authority shall be responsible for complying with the procedures for public records and archives management.

(6) An authority has the right to receive consultations from the National Archives of Latvia regarding the issues related to records and archives management.

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

[*9 November 2017; 25 March 2021*]

**Section 5. Obligations of Private Individuals in Private Records Management**

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

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

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

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

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

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

[*9 November 2017*]

**Section 6. Transfer of Records for Permanent State Retention**

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

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

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

(4) The storage period for records in the case referred to in Paragraph three of this Section may be extended, if the relevant conditions are ensured for records storage and a permit from the National Archives of Latvia has been received in accordance with the procedures specified by the Cabinet. This time period may be extended for up to five years not more than twice but, if it is justified by special circumstances, the time period may be extended for up to additional 10 years.

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

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

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

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

[*10 March 2016; 25 March 2021*]

**Section 7. Preservation of Records of Authorities to be Liquidated and Reorganised**

(1) Records of permanent retention of authorities to be liquidated and reorganised shall be transferred for permanent State retention to the National Archives of Latvia in organised form according to the regulations regarding records and archives management.

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

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

(3) A place for further storage of temporary records shall be specified in the decision to reorganise an authority upon a proposal of the National Archives of Latvia.

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

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

[*9 November 2017*]

**Section 8. Determination of the Archival Value of a Record**

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

1) a record shall reflect activities of public administration, creation and implementation of the State policy;

2) the record is to be used protractedly for the implementation and protection of the obligations and rights of the authority or private individual;

3) the record shall have historical, social, cultural or scientific significance;

4) the origin and external peculiarities of a record;

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

6) the significance of the author of the record.

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

[*9 November 2017*]

**Section 9. Conversion of Public Records**

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

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

2) obtained record shall ensure

the integrity of a public record – it shall be full and unaltered;

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

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

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

6) the conversion process shall be documented.

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

**Section 10. Legal Force of the Obtained Record**

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

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

[*23 October 2014*]

**Section 11. Destruction of Public Records**

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

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

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

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

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

[*23 October 2014*]

**Section 12. Accessibility and Use of Archival Records**

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

(2) A person has the right to request and obtain the information on himself or herself and his or her dead relative or spouse in the National Archives of Latvia, the archives of an authority and accredited private archives, upon presentation of personal identification document and documents certifying the kinship or marriage. Another private individual or public entity has the right to request and obtain information on a person’s data subject, if a written permit has been received from him or her, as well as in the cases specified by the Law. A person who requests the information shall present a written permit from the data subject and shall be responsible for its veracity and use of the received information.

(21) The following information shall be indicated by the person in the request for the use of records of the National Archives of Latvia or accredited private archives:

1) his or her given name, surname, and personal identity number or for a foreigner – birth date, identification code that is recorded in the personal identification document of the foreigner and the state which issued this document;

2) the topic and justification for the request (his or her request is justified and the purpose is indicated for which the records will be used), and also the information at the disposal of the person that assists with the execution of the request;

3) an address for receiving the reply and means of communication for the execution of the request to obtain, receive, and transmit the necessary information.

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

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

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

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

(7) The procedures for the use of records stored in the National Archives of Latvia, in the archives of an authority shall be determined by the director of the National Archives of Latvia, the head of the authority or the founder of the accredited private archives. A person shall be responsible for compliance with these procedures. A person who uses archival records in the premises (search room) of the National Archives of Latvia, the archives of an authority and the accredited private archives shall be prohibited from performing such activities which damage or can damage the physical state of the record or causes losses of elements of the reference systems of the archives, and shall also be prohibited from taking the archival records or elements of the reference systems of the archives outside the premises (search room) of the archives.

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

[*9 November 2017; 3 October 2019; 25 March 2021*]

**Section 13. Restrictions for Accessibility and Use of Archival Records**

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

(2) Accessibility shall be restricted for:

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

2) records the restrictions for the accessibility of which are determined by other laws. Unless otherwise provided in other laws, the restrictions for the accessibility of records referred to in this Clause shall apply for 30 years after creation of records;

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

4) records containing personal data of special categories or other information on the private life of a person (including information on the adoption of a person and information attesting notarial activities), if the use of the personal data or information contained therein can significantly affect the private life of the person. If the restrictions are not provided for in other laws, the record accessibility shall be restricted for 30 years from the death of the person to which the record applies. If the date of a person’s death cannot be determined, the record accessibility shall be restricted for 110 years after the birth of the person to which the record applies. If he date of a person’s death and birth cannot be determined, the record accessibility shall be restricted for 75 years after creation of the record;

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

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

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

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

21) upon request of a student, if the student is developing a scientific or research work and the request is approved by the dean of the faculty of the university, except for the records specified in Paragraph two, Clause 5 of this Section;

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

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

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

4) in the cases specified in Paragraph two, Clause 4 of this Section – by a written permission of the person to whom the record applies or after the death of such person – by a written permission of his or her spouse or the closest relative.

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

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

(6) The decision to issue records for use or the decision on refusal to issue them shall be taken, within one month at the latest, by an official authorised by the director of the National Archives of Latvia or the head of its unit, or the authority where records are stored. The decision may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law.

[*11 April 2013; 25 March 2021*]

**Section 13.1 Rights of a Person in Relation to the Rectification or Completion of Personal Data in Archival Records**

A person shall exercise his or her rights of the data subject specified in Article 16 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) to obtain the rectification and completion of personal data concerning him or her if they are processed for archiving purposes in the public interest by submitting a notification of completion of incomplete or inaccurate personal data to the National Archives of Latvia or the authority where records are stored. The Cabinet shall determine the procedures by which the notifications of inaccurate or incomplete personal data submitted by persons are registered and stored, and also by which the links of the notifications with archival records are ensured.

[*25 March 2021*]

**Section 14. National Documentary Heritage**

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

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

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

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

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

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

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

1) the record has perished or lost;

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

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

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

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

6) it is found that the record has been obtained illegally.

[*25 March 2021*]

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

(1) Records included in the national documentary heritage, except for the records specified in Section 14, Paragraph one, Clause 3 of this Law, shall be State property, they shall not be alienated and divided.

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

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

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

2) when transferring records to other authorities, the head of an authority shall agree in writing with the National Archives of Latvia on the place of further storage of these records;

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

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

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

6) it is prohibited to rectify personal data in archival records.

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

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

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

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

[*25 March 2021*]

**Section 15.1 Prohibition to Include Records Obtained Illegally in the National Documentary Heritage**

It is prohibited to include those records with archival value in the national documentary heritage which have been obtained illegally, including stolen in another country or brought out in violation of the legal acts of the country which has classified, defined, or specifically recognised them as a cultural value in accordance with the international commitments of the Republic of Latvia. Before including the record in the national documentary heritage, the National Archives of Latvia or an authority shall check the publicly available registries of stolen cultural objects whether the record to be included in the national documentary heritage has not been obtained illegally.

[*25 March 2021*]

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

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

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

**Section 17. Register of the National Documentary Heritage**

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

(2) The manager and keeper of the Register shall be the National Archives of Latvia. The Cabinet shall determine the procedures for the establishment, supplement, maintaining and accessibility of the Register.

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

[*10 March 2016*]

**Section 17.1 Unified State Archives Information System**

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

1) Register of the National Documentary Heritage;

2) data on the records included in the national documentary heritage;

3) data on the supervision and control of archives of authorities and accredited private archives;

4) e-services of the National Archives of Latvia;

5) other data necessary for the enforcement of this Law.

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

1) by storing the entered data until the end of the specified storage period;

2) by determining the storage period for data after the appraisal of the archival value in accordance with the procedures specified in laws and regulations;

3) by destroying the out-of-date data after the end of the specified storage period.

(3) The data to be entered in the Unified State Archives Information System shall be acquired electronically in the online data transmission mode or in accordance with the procedures specified in the laws and regulations governing the circulation of records. The Cabinet shall determine the procedures for the entry and updating of data of the Unified State Archives Information System, and also for the availability and use of the system for the authorities.

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

5) [10 March 2016 / See Paragraph 11 of Transitional Provisions.]

[*10 March 2016; 25 March 2021*]

**Section 18. Competence of the Ministry of Culture**

The Ministry of Culture shall:

1) develop State policy in the field of records and archives management;

2) organise and co-ordinate the implementation of this Law and other laws and regulations in the field of records and archives management;

3) develop draft laws and regulations in the field of records and archives management;

4) [10 March 2016];

5) examine submissions of persons for the operation of the National Archives of Latvia and accredited private archives.

[*10 March 2016*]

**Section 19. Archives Council**

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

(2) Five representatives from the National Archives of Latvia, two representatives from the Archivists Association of Latvia, one representative from the State Chancellery, the Ministry of Justice and the Ministry of Culture, and also from the Institute of Latvian History at the University of Latvia and the Latvian Association of Local and Regional Governments shall be included in the composition of the Archives Council.

(3) The Archives Council shall:

1) participate in the elaboration of development strategy and policy of the archives sector;

2) provide opinions on issues of creation, preservation, accessibility and use of the national documentary heritage;

3) provide opinions on draft laws and regulations governing records and archives management.

**Section 20. The National Archives of Latvia**

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

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

1) acquire records with archival value created in Latvia and outside Latvia;

2) provide accessibility of the records stored in the National Archives of Latvia performing the appraisal, description thereof and establishing of reference systems;

3) accept for storage and store the records with archival value acquired in the National Archives of Latvia, create the fond of security copies and copies for use;

4) ensure the accessibility and use of archival records, popularisation and informing of society, issues archival statements, certified records copies, extracts and duplicates;

5) appraises records in accordance with the procedures specified in this Law;

6) provide consultations in the field of records and archives management, and also monitor conformity with the procedures of records and archives management in authorities and – in the cases specified in this Law – in accredited private archives;

7) carry out inspections in authorities in the field of records and archives management and – in the cases specified in this Law – in the accredited private archives on issues regarding records management and preservation, accessibility and use of the national documentary heritage, examine the administrative offence cases and impose administrative penalties;

8) accredit private archives;

9) perform researches and methodological work in the field of records and archives management;

10) issue written licences for use of those records acquired in the National Archives of Latvia the copyright and related rights of which are owned by the State;

11) establish and maintain the necessary information system for the performance of the functions specified in this Law;

111) provide opinions on draft laws and regulations governing public records and archives management;

12) perform the other functions specified in this Law.

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

[*10 March 2016; 9 November 2017; 25 March 2021*]

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

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

(2) A socially legal statement of the National Archives of Latvia shall be prepared on the basis of all records stored in the National Archives of Latvia and issued not later than within a month after the day of receipt of the request from a relevant private individual. If due to objective reasons it is not possible to comply with the specified time period, it may be extended for a period not longer than four months from the day of receipt of the submission by a decision of the director of the National Archives of Latvia notifying a submitter of the request thereof.

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

**Section 22. Rights of the National Archives of Latvia**

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

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

11) in exercising the pre-emptive right, to acquire records with archival value of a private individual if a private individual alienates such. If the pre-emptive right is not exercised, the National Archives of Latvia has the right to make copies of the records to be alienated free of charge;

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

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

4) to accept in depository storage records with archival value;

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

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

7) to perform publishing for popularisation of archival records;

8) to provide paid services specified by the Cabinet;

9) other rights provided for in the Law.

[*25 March 2021*]

**Section 23. Financing of the National Archives of Latvia**

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

**Section 24. Private Archives and Accredited Private Archives**

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

(2) A private archive shall ensure:

1) storage and protection of private records;

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

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

(3) In addition to the provisions of Paragraph two of this Section an accredited private archive has the following rights:

1) by concluding a written agreement, to store records of the relevant authority or records of a private individual with archival value according to the procedures for records and archives management;

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

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

(5) An accredited private archive shall, when ceasing activity or losing the status of accredited private archives (the decision to refuse or revoke accreditation is taken), ensure the preservation of the records of the national documentary heritage transferred for storage thereto, transferring them to the owner (relevant authorty or private individual) within one month. Upon agreement with the relevant authority or private individual, the abovementioned records of the national documentary heritage may be transferred to another accredited private archive.

[*25 March 2021*]

**Section 25. Accreditation of Private Archives**

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

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

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

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

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

5) [10 March 2016].

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

(21) The National Archives of Latvia shall revoke accreditation of private archives before expiry of of the term of accreditation if the private archives does not conform to the accreditation conditions specified in this Law.

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

[*10 March 2016; 25 March 2021*]

**Section 26. Certification of Archives Specialists**

[10 March 2016]

**Section 27. Liability for Violations of this Law**

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

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

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

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

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

**Section 29. Competence in the Administrative Offence Proceedings**

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

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

**Transitional Provisions**

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

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

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

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

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

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

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

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

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

10. [10 March 2016]

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

[*10 March 2016*]

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

[*9 November 2017*]

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

[*3 October 2019*]

14. The Cabinet shall, by 30 September 2021, issue the regulations referred to in Section 13.1 and Section 17.1, Paragraph three of this Law.

[*25 March 2021*]

15. The Cabinet shall, by 30 September 2021, make amendments to Cabinet regulations in accordance with amendments to this Law which come into force on 1 June 2021.

[*25 March 2021*]

This Law shall come into force on 1 January 2011.

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

President V. Zatlers

Riga, 3 March 2010