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## Archive Regulations of the German Bundestag

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The Council of Elders of the German Bundestag, upon the recommendation of the Commission of the Council of Elders on Internal Affairs, adopted the following Archive Regulations of the German Bundestag on 26 June 2008:

### Section 1 – Purpose and Scope of Application

- (1) The German Bundestag shall maintain a Parliamentary Archive.
- (2) The primary purpose of the Parliamentary Archives shall be to serve Parliament, its bodies and Administration. As a public archive, it shall preserve archived sources for research and safeguard the legitimate interests of the State and its citizens.
- (3) The Parliamentary Archives shall be responsible for the archiving of the documents of the German Bundestag, its bodies and Administration.
- (4) Archiving encompasses the collection, preservation, evaluation and cataloguing of such documents, drawn up in the course of parliamentary and administrative work, as are deemed worthy of assignment to the archives, and making these documents available for use, with the exception of Members' and parliamentary groups' documents. The Parliamentary Archives shall decide, based on evaluation by professional archivists, whether documents may be considered to have lasting value.
- (5) Material falling within the scope of these Archive Regulations shall include all sources specified in Section 42 of the General Service Regulations for the Administration of the German Bundestag as well as network-based resources such as the Intranet, Internet and other web projects. In addition, auxiliary tools necessary for the cataloguing and use of archive material, such as directories, card indexes and registers, as well as documentation relating to digital systems, shall be deemed worthy of assignment to the archives.

### Section 2 – Offering of Material

- (1) All documents and media no longer required for current official business shall be offered to the Parliamentary Archives for acquisition. In the case of digital material, archiving may take place even if this material is still required for the discharge of duties and is being updated.
- (2) Documents which contain personal data shall also be offered and transferred to the Parliamentary Archives. From the moment of transfer, the Parliamentary Archives, to the same extent as the transferring agency, shall respect those interests of affected persons which merit protection.

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- (3) The procedure for the offering and transfer of documents shall be governed by a separate directive annexed to the General Service Regulations for the Administration of the German Bundestag.

### **Section 3 – Legal Entitlements of Affected Persons**

- (1) Affected persons' legal entitlements to the destruction of personal data concerning themselves shall remain unaffected.
- (2) Upon request, the affected person shall be furnished with information about the data relating to him- or herself contained in the archived documents to the extent that these documents are indexed by names. Instead of furnishing information, the Parliamentary Archives may grant access to the documents in question.
- (3) If it is established that the information relating to a person is inaccurate, this fact shall be noted in the documents or shall otherwise be recorded. If an affected person contests the accuracy of personal data, he or she shall be given the opportunity to make a counter-statement. The Archives shall be obliged to add the counter-statement to the documents. Such a counter-statement may also be demanded by the affected person's heirs if they assert a legitimate interest.
- (4) The question whether and to what extent an applicant may be considered to have the status of an "affected person" shall be ascertained on a case-by-case basis by the Parliamentary Archives.

### **Section 4 – Use**

The use of the Parliamentary Archives shall be governed by the Regulations on the Use of the Parliamentary Archives, annexed to these Archive Regulations. The provisions of Section 5, paragraph 1 shall remain unaffected.

### **Section 5 – Embargo Periods for Access to Archived Material and Documents**

- (1) The transferring body may have access to the transferred documents at any time.
- (2) No embargo periods shall apply to documents which, at the time of their production, were intended for publication, such as the minutes of plenary **proceeding** of the German Bundestag and relevant printed papers or the minutes of public hearings.
- (3) The provisions of the Guidelines for the Treatment of the Minutes of Committee Meetings pursuant to Rule 73, paragraph 3 of the Rules of Procedure of the German Bundestag shall apply to the use of the minutes and printed papers of the Bundestag committees and committees of inquiry.
- (4) If less than 30 years old and transferred to the Parliamentary Archives after 1 January 2006, documents produced by the Administration of the German Bundestag shall be subject to the provisions of the Federal Act Governing Access to Information held by the Federal Government (Freedom of Information Act – IFG) in the version currently applicable. The costs of reproduction of these documents shall be regulated by the Ordinance on Fees Payable under the Freedom of Information Act (*Informationsgebührenverordnung – IFGGebV*).

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- (5) For other documents not specified in paragraphs 3 and 4 and 6-8, an embargo period of 30 years from the time of their production shall apply. For classified documents, the Bundestag Rules on Document Security shall apply. The Council of Elders and its commissions may adopt decisions of their own concerning access to files.
  - (6) The Guidelines for the Treatment of the Minutes of Committee Meetings pursuant to Rule 73, paragraph 3 of the Rules of Procedure of the German Bundestag shall apply to the use of legal documentation drafted in the Parliamentary Archives. By way of derogation, the embargo periods specified in paragraph 7 shall apply to appended documents containing personal information.
  - (7) Unless it falls within the scope of paragraph 4, archived material relating to natural persons may be made available to third parties only after 30 years have elapsed since the death of the person concerned. If the year of death cannot be ascertained or can only be ascertained with unwarranted effort, the embargo period shall expire 110 years after the birth of the person concerned.
  - (8) Archived material which is subject to tax secrecy (Section 30 of the German Fiscal Code), social privacy (Section 35, First Book of the Social Code) and other provisions on the confidentiality of personal data shall be made accessible for use 60 years after its production, unless provisions are in place specifying longer embargo periods.
  - (9) Embargo periods may be reduced on request.
  - (10) Embargo periods may not be reduced if:
    - there is reason to assume that the welfare of the Federal Republic of Germany or one of its federal states would be put at risk, or
    - there is reason to assume that third persons' interests meriting protection conflict with such a reduction, or
    - the requirement for secrecy pursuant to Section 203, paragraphs 1-3 of the Criminal Code or other federal legal provisions on secrecy would be infringed.
  - (11) The embargo periods for the documents specified in paragraph 7 may be reduced if the affected person gives his/her consent. If no such consent is given, the embargo periods for these documents may be reduced if their use is indispensable to carry out a specified scholarly research project or pursue legitimate concerns which are in the overriding interest of another person or body and infringement of interests meriting protection can be ruled out through the adoption of appropriate measures, particularly by providing anonymized reproductions of documents. In the case of persons of public interest and office-holders in performance of their duties, the embargo periods for these documents may be reduced provided that due consideration is given to the affected persons' legitimate interests.

## **Section 6 – Implementing Provisions**

These Archive Regulations, including the Regulations on the Use of the Parliamentary Archives, may be elaborated by means of appropriate implementing provisions which shall be binding on the relevant institutions and groups of persons. The implementing provisions shall be adopted by the Secretary-General of the German Bundestag.

**Section 7 – Entry into Force**

The Archive Regulations of the German Bundestag shall enter into force upon signature by the President of the German Bundestag. They shall replace the Regulations on the Use of the Parliamentary Archives (Archive Regulations) of 27 August 1976 and shall also apply to existing stocks.

Berlin, 27 June 2008

The President  
of the German Bundestag