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## Regulations on the Use of the Parliamentary Archives of the German Bundestag

Annex to the Archive Regulations of the German Bundestag

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### Section 1 – Users

- (1) The following persons are entitled to use the Parliamentary Archives for official purposes:
  - Members of the German Bundestag and their employees,
  - parliamentary group staff,
  - employees of the Bundestag Administration.
- (2) In addition, the Parliamentary Archives may be used by any person demonstrating a legitimate interest.

### Section 2 – Applying to use the Parliamentary Archives, granting of permission

- (1) Before viewing archived material or documents, persons wishing to use the **Parliamentary Archives must apply for access by completing the** relevant form supplied by the Parliamentary Archives. By submitting the application, the user undertakes, when utilising the information obtained from the archived material, to respect the relevant personal rights and copyright as well as legitimate third party interests, and to release the Parliamentary Archives from liability in the event of any breach of these rights.
- (2) The permission to use the Parliamentary Archives in any given calendar year applies only for the purpose stated. At the end of the calendar year, or in the event that the purpose changes, a new application to use the Parliamentary Archives must be submitted.
- (3) Permission to use the archived material will be denied to the extent that
  - the embargo periods have not yet expired and cannot be reduced,
  - 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,
  - the archived material is subject to legal provisions on secrecy,
  - the legitimate interests of affected persons or third parties conflict with such use,
  - such use would entail unwarranted administrative effort,
  - the good order and conservation of the archived material would be put at risk,
  - the archived material has not yet been processed, or documents are still being processed.

Access to documents relating to proceedings pursuant to Article 46 of the Basic Law and Section 44c of the Act on the Legal Status of Members of the German Bundestag may be granted only with the consent of the Committee for the Scrutiny of Elections, Immunity

and the Rules of Procedure; this applies to all users defined in Section 1, paragraphs 1 and 2 above.

- (4) Specific conditions may be imposed on the use of the Parliamentary Archives.

### **Section 3 – Types of Access**

- (1) In using the Archives for official purposes, the parliamentary bodies of the German Bundestag and the organisational units of the Bundestag Administration may have access at any time to the archived material that they or their legal predecessors have produced and may take it out on loan. The loaned documents must be returned to the Parliamentary Archives.
- (2) For all users not specified in paragraph 1, the archived material, documents and collections may only be used in the reading room of the Parliamentary Archives during opening hours. Archived material may not be taken out on loan.
- (3) There is no right of access to original documents if copies, microfilms and other reproductions are available.
- (4) The Parliamentary Archives reserve the right to demand the return of archival finding aids and archived material at any time during use.

### **Section 4 – Use of Archived Material**

- (1) The depiction of archived material in publications requires written permission from the Parliamentary Archives. Section 2, paragraph 1, second sentence shall remain unaffected.
- (2) The use of archived material and documents must be acknowledged in publications in the citation format specified by the Parliamentary Archives.
- (3) In the event of archived material being used for scholarly and journalistic purposes, a specimen copy of each publication resulting from the use of archived material held by the Parliamentary Archives and produced in print or reproduced in any other form should be supplied to the Parliamentary Archives unsolicited and without charge to the extent that this is reasonable.

### **Section 5 – Responsibility and Liability**

- (1) The documents supplied must be treated with the greatest care. No action may be taken which alters the condition of the documents, such as the insertion of margin notes, folding, underlining, or changes to the internal or external order. The user is liable for any damage caused.
- (2) Users who violate the provisions of the Archive Regulations, including the Regulations on the Use of the Parliamentary Archives and their implementing provisions, may be excluded from use of the Parliamentary Archives.
- (3) The media are, in particular, obliged to comply with the journalistic principles of the German Press Council (Press Code). Permission to use the documents does not imply that the persons pictured, the holders of the rights to works pictured or of trademarks or other property rights have given their consent to public reproduction. The user is responsible for

obtaining the consent of third parties necessary in individual cases. The user must respect the personal rights, copyright, trademarks and other property rights of the persons, works, objects or signs pictured. If such rights are not respected, the user alone is liable to third parties.

## **Section 6 – Reproductions**

- (1) Copies may only be made with permission. There is no automatic right to reproduce documents. Copies may be made solely for personal use; users may not make copies with the intention of supplying them to third parties. No copies may be made of entire volumes and files. Further restrictions may apply due to the provisions of copyright law. The Parliamentary Archives decide on the manner of reproduction, and whether copies are to be made by the user or by a member of the Archives' staff.
- (2) Copies of documents are made available free of charge to Members of the German Bundestag for the purpose of exercising their mandate, and to employees of the Members, the parliamentary groups and the Administration of the German Bundestag for official purposes. The same applies to copies made within the framework of rendering administrative assistance to other authorities.
- (3) The costs of reproducing documents which are subject to the provisions of the Federal Act Governing Access to Information held by the Federal Government (Freedom of Information Act – IFG) are regulated by the Ordinance on Fees Payable under the Freedom of Information Act (Informationsgebührenverordnung – IFGGebV).
- (4) The costs of copying documents which do not fall within the scope of paragraphs 2 and 3 are charged to the user. Reimbursement of expenses is based on the overview of costs drawn up by the Parliamentary Archives for the reproduction of archived material held in the Parliamentary Archives of the German Bundestag.
- (5) Copies may only be sent out by post in exceptional cases.

## **Section 7 – Use of the Digital Image Service/Photographic Archives**

- (1) The German Bundestag makes images of the parliamentary proceedings available to everyone online via the Digital Image Service/Photographic Archives. Access to the system is granted subject to agreement to the conditions of use.
- (2) The German Bundestag has acquired all the usage rights from the originators of the digital images available from the Digital Image Service/Photographic Archives unless otherwise stated in the information accompanying the images.
- (3) The images may be downloaded and are made available free of charge to Members of the German Bundestag for the purpose of exercising their mandate, and to employees of the Members, the parliamentary groups and the Administration of the German Bundestag for official purposes.
- (4) In addition, the images may be downloaded by any other person for the purpose of political reporting and used free of charge for
  - publication in the press
  - publication in print media

- use in film and on television, and
- online and multimedia publications.

They may also be used for private, non-commercial purposes and for non-commercial purposes relating to civic education. Any other use for commercial purposes, in particular for advertising purposes, is prohibited.

- (5) The information accompanying the images and the restrictions on use contained therein must be complied with. The user is liable for any damages resulting from non-compliance. The user must, to that extent, release the German Bundestag from third party claims.
- (6) The user must delete the digital images downloaded from the Digital Image Service/Photographic Archives immediately after use. Electronic storage of image data for personal archiving purposes or transfer of the images to third parties is prohibited.
- (7) Any editing, alteration or manipulation of the digital images supplied by the Digital Image Service/Photographic Archives other than colour correction, cropping and resizing is permissible only with the prior written consent of the German Bundestag. Equally, a digital image downloaded from the Digital Image Service/Photographic Archives may not be reproduced out of context.
- (8) Any distortion of the copyright-protected work, in image, text or any other form, e.g. using re-photographing, graphic falsification, photo-composing or electronic tools, is prohibited. The user is responsible for the caption.
- (9) The media are, in particular, obliged to comply with the journalistic principles of the German Press Council (Press Code). Permission to use the image material does not imply that the persons pictured, the holders of the rights to works pictured or of trademarks or other property rights have given their consent to public reproduction. The user is responsible for obtaining the consent of third parties necessary in individual cases. The user must respect the personal rights, copyright, trademarks and other property rights of the persons, works, objects or signs pictured. If such rights are not respected, the user alone is liable to third parties.
- (10) When using a digital image downloaded from the Digital Image Service/Photographic Archives, the source “German Bundestag/name of photographer or agency” must be cited. This also applies in the case of electronic publications such as websites, for example. The German Bundestag reserves the right to require that more extensive information be given.

### **Section 8 – Use of Sound and Video Recordings**

- (1) The German Bundestag records plenary sittings, public meetings of parliamentary bodies and special events held by the German Bundestag, and makes copies of these recordings available upon request.
- (2) The German Bundestag owns the usage rights to the recordings, held in the Parliamentary Archives, of plenary debates, committee meetings and special events.
- (3) Copies of recordings are made available free of charge to Members of the German Bundestag for the purpose of exercising their mandate, and to employees of the Members, the parliamentary groups and the Administration of the German Bundestag for official purposes.

The same applies to copies made within the framework of rendering administrative assistance to other authorities.

- (4) In the case of copies for other purposes not specified in sentence 3 above, or for external use, a user charge must be paid. This is based on an overview of costs drawn up by the Parliamentary Archives. The copies may be used for the purpose of political reporting in the following contexts:

- publication in the press
- publication in print media
- use in film and on television, and
- online and multimedia publications.

They may also be used for private, non-commercial purposes and for non-commercial purposes relating to civic education. Any other use for commercial purposes, in particular for advertising purposes, is prohibited.

- (5) Any editing, alteration or manipulation of the images and/or sound other than colour correction, cropping and resizing is permissible only with the prior written consent of the German Bundestag. Equally, the image/sound may not be reproduced out of context.
- (6) Any distortion of the recordings, in image, text or any other form, using conventional or electronic tools, is prohibited. The user is responsible for the caption.
- (7) The media are, in particular, obliged to comply with the journalistic principles of the German Press Council (Press Code). Permission to use the image and sound material does not imply that the persons pictured, the holders of the rights to works pictured or of trademarks or other property rights have given their consent to public reproduction. The user is responsible for obtaining the consent of third parties necessary in individual cases. The user must respect the personal rights, copyright, trademarks and other property rights of the persons, works, objects or signs pictured. If such rights are not respected, the user alone is liable to third parties.
- (8) When using the image or sound material, the source “German Bundestag” must be cited. This also applies in the case of electronic publications such as Internet sites, for example. The German Bundestag reserves the right to require that more extensive information be given.
- (9) The copying of recordings may be restricted or denied if this is necessary on conservational, legal or capacity grounds.

Berlin, 27. June 2008

The President  
of the German Bundestag