

LAW OF THE REPUBLIC OF ARMENIA ON ARCHIVE KEEPING

LAW

OF THE REPUBLIC OF ARMENIA

Adopted on 8 June 2004

ON ARCHIVE KEEPING

CHAPTER 1.

GENERAL PROVISIONS

ARTICLE 1. SUBJECT MATTER OF THE LAW

This Law shall regulate the accessioning, stocktaking, custody, use of the archival holdings and other archival records of the Republic of Armenia (regardless of the right of ownership over them), as well as the legal relations pertaining to archive keeping.

ARTICLE 2. LEGISLATION OF THE REPUBLIC OF ARMENIA ON ARCHIVE KEEPING

1. The legislation of the Republic of Armenia on archive keeping consists of the Constitution of the Republic of Armenia, the Law of the Republic of Armenia “On the fundamentals of cultural legislation”, this Law, other laws and legal acts of the Republic of Armenia and international treaties of the Republic of Armenia.
2. Where the international treaties of the Republic of Armenia establish norms other than those provided for by this Law, the norms of the international treaties shall apply.

ARTICLE 3. MAIN CONCEPTS USED IN THE LAW

The main concepts used in this Law are as follows:

- (1) archive keeping — shall mean the activities of state and local self-government bodies, legal and natural persons in the field of accessioning, stocktaking, custody and use of the archival holdings and other archival records of the Republic of Armenia;
- (1.1) records — shall mean information recorded on a material carrier with requisites that allow to identify the information;
- (2) archival records - information recorded on a material carrier with requisites that allow to identify the information, subject to storage due to the historical, cultural and documental significance for the State and society;
- (3) other archival records - archival records that are not included in the archival holdings of the Republic of Armenia and are deposited for custody within the time limits established by the legislation of the Republic of Armenia;
- (4) records related to the personnel — shall mean archival records containing information about the work record, the amount of wages and employment activities during the employment relations between citizens and the employer;
- (5) archival records containing information about personal and family secrets of a person — shall mean archival records containing information about the health condition, family and intimate relationships, the circumstances of birth, adoption, marriage and divorce, personal data, personal correspondence, notarial transactions, property right, sources of income of a natural person;

- (6) particularly valuable record - an archival record of historical-cultural or scientific value, or of particular importance for the State and society, for which the Government of the Republic of Armenia establishes special conditions for stocktaking, custody and use;
- (7) rare record - a particularly valuable record, which is exceptional in terms of its content or external features;
- (8) archival holdings of the Republic of Armenia — shall mean historically established and constantly accessioned set of archival records (including electronic archival records) located in the territory of the Republic of Armenia, which is an integral component part of the cultural heritage and information resources of the Republic of Armenia and is subject to permanent custody;
- (9) a record of the archival holdings of the Republic of Armenia — shall mean an archival record (including electronic) reflecting the material and spiritual life of the Armenian people, with scientific, historical, social, economic, political and cultural significance, appraised by experts, record-registered by the State and subject to permanent custody;
- (10) archive — shall mean a legal person, or structural subdivision or unit acting under a structural subdivision of the personnel of state and local self-government bodies, a state institution or organisation, a notary public or an individual entrepreneur, which conducts accessioning, stocktaking, custody, use of archival records (including electronic archival records) before depositing them in the state or community archive for permanent custody or destruction as prescribed by the legislation;
- (11) (point repealed by HO-174-N of 19 October 2016);
- (12) state archive - a state non-commercial organisation which is established by the State for the purpose of accessioning, stocktaking, custody and use of

- the archival holdings and other archival records of the Republic of Armenia, as well as for the purpose of carrying out scientific, cultural and other activities prescribed by the legislation of the Republic of Armenia;
- (13) community archive — a community non-commercial organisation which is established by the community for the purpose of accessioning, stocktaking, custody and use of the archival holdings and other archival records of the Republic of Armenia;
 - (14) permanent custody of archival records - custody of archival records without setting a custody period;
 - (15) temporary — short-term and long-term — custody of archival records — shall mean custody of archival records within the time limits established by the legislation of the Republic of Armenia;
 - (16) depositary custody of records of the archival holdings of the Republic of Armenia — shall mean custody of records of the archival holdings of the Republic of Armenia by state bodies, state institutions and organisations through the procedure established by the Government of the Republic of Armenia;
 - (17) bailment custody of archival records - custody of archival records in state or community archives for a certain period and under certain conditions and established under the relevant contract with the owners of those records;
 - (18) owner of archival records - the Republic of Armenia, a community of the Republic of Armenia, a legal or natural person who has the right to possess, use and dispose of archival records;
 - (19) user of archival records — shall mean a state or local self-government body, a legal or natural person who, in accordance with the established procedure, use archival records in order to obtain and use the information they need;

- (20) archive accessioning source — shall mean a state or local self-government body, legal or natural person delivering archival records and other information on a material carrier to state or community archives;
- (21) directory-search resources — shall mean a set of records compiled with the aim of providing information about the content of archival records and ensuring search for those archival records;
- (22) register — shall mean the main document for state record-registration, which ensures stocktaking of a rare record with a brief description of its specific features and contains search data.

(Article 3 supplemented, edited and amended by HO-174-N of 19 October 2016)

CHAPTER 2.

THE COMPETENCES OF PUBLIC ADMINISTRATION BODIES AND LOCAL SELF-GOVERNMENT BODIES IN THE FIELD OF ARCHIVE KEEPING

ARTICLE 4. THE COMPETENCE OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA IN THE FIELD OF ARCHIVE KEEPING

The Government of the Republic of Armenia shall:

- (1) ensure implementation of the state policy in the field of archive keeping;
- (2) establish unified rules and norms for the accessioning, stocktaking, custody and use of archival holdings and other archival records by state bodies, local self-government bodies, state institutions and organisations, state and municipal archives, including:

- the procedure for accessioning, stocktaking, custody and use of the archival holdings of the Republic of Armenia;
- (paragraph repealed by HO-174-N of 19 October 2016)
- (paragraph repealed by HO-174-N of 19 October 2016)
- the procedure for financing of the archival holdings of the Republic of Armenia;
- the exemplary list of archival records with indication of custody periods;
- the procedure for depositary custody of the archival holdings of the Republic of Armenia and the list of state bodies, state institutions and organisations carrying out the depositary custody.

(Article 4 amended, and edited by HO-174-N of 19 October 2016)

ARTICLE 5. COMPETENCE OF THE AUTHORISED STATE BODY OF THE GOVERNMENT OF THE REPUBLIC OF ARMENIA IN THE FIELD OF ARCHIVE KEEPING

The authorised state body of the Government of the Republic of Armenia in the field of archive keeping (hereinafter referred to as “the authorised body”) shall:

- (1) establish the exemplary regulations of the expert committees and archives of state bodies, state institutions and organisations;
- (2) organise the custody, accessioning, stocktaking, and use of the archival holdings of the Republic of Armenia;
- (3) ensure the temporary export and import of records from the archival holdings of the Republic of Armenia as prescribed by law.

(Article 5 edited by HO-174-N of 19 October 2016)

ARTICLE 6. COMPETENCE OF LOCAL SELF-GOVERNMENT BODIES IN THE FIELD OF ARCHIVE KEEPING

1. The council of elders of a community shall:
 - (1) make decisions on the creation, reorganisation or liquidation of the community archive;
 - (2) make decisions on the transfer of the right of ownership of archival records considered as community property to state property;
2. The head of the community shall:
 - (1) submit a draft decision on the creation, reorganisation or liquidation of the community archive to the council of elders for approval;
 - (2) ensure the accessioning, stocktaking, custody and use of the archival records of the community archive and the archival records of other community organisations.
3. The financial and logistical support for community archives shall be carried out at the expense of the funds of community budgets.

CHAPTER 3.

CREATION OF ARCHIVES

ARTICLE 7. CREATION OF ARCHIVES

1. State and community archives shall be created as prescribed by the legislation of the Republic of Armenia;
2. State and local self-government bodies, state institutions and organisations must create an archive for the purpose of accessioning, stocktaking, custody and use of the archival records generated in the course of their activities, before depositing them in the state or community archive for permanent custody or destroying as prescribed by the legislation, other legal persons, notaries or individual entrepreneurs shall be the ones to select the method of custody of the archival records generated in the course of their activities, before depositing them in the state or community archive for permanent custody or destroying them as prescribed by the legislation.
3. *(part repealed by HO-174-N of 19 October 2016)*

(Article 7 edited and amended by HO-174-N of 19 October 2016)

CHAPTER 4.

THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

ARTICLE 8. COMPOSITION OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

The composition of the archival holdings of the Republic of Armenia includes archival records permanently located in the territory of the Republic of Armenia and appraised through expert examination, regardless of their source of origin, time and method of creation, type of material carrier, place of storage and the right of ownership, including:

- records of historical-cultural significance;
- legal acts;
- office documents;
- records containing results of science research, design and experimental, as well as technological works;
- urban development documents;
- film-photo-phono materials;
- electronic and telemetric materials;
- manuscripts, paintings, drawings, correspondence, diaries, memoirs;
- copies of archival records as originals.

(Article 8 edited by HO-174-N of 19 October 2016)

ARTICLE 9. INCLUSION OF ARCHIVAL RECORDS IN THE COMPOSITION OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

1. Records shall be included in the composition of the archival holdings of the Republic of Armenia on the basis of an expert examination, with indication of custody period established by the Government of the Republic of Armenia, in accordance with the exemplary list of archival records;
2. All records on any material carrier that are considered as state and community property shall be appraised through expert examination.
3. The records considered as the property of legal and natural persons shall, upon consent of the owner of those records, be included in the composition of the archival holdings of the Republic of Armenia after being appraised through an expert examination and shall be formulated through a contract concluded by the owner with state and community archives, which provides for the obligations of the parties for accessioning, stocktaking, custody and use of the archival records included in the composition of the archival holdings of the Republic of Armenia.
4. Appraisal of the records that are considered as the property of legal and natural persons through expert examination upon the consent of the owners, shall be carried out by state or community archives with the owners of the records.
5. Destruction of records shall be prohibited, unless the records have been appraised through expert examination.

ARTICLE 10. ARCHIVAL RECORDS CONSIDERED AS THE PROPERTY OF THE STATE

State property shall be:

- (1) records of historical-cultural significance;
- (2) the archival records of state bodies, state institutions and organisations;

- (3) archival records kept in state archives;
- (4) ***(point repealed by HO-174-N of 19 October 2016)***
- (5) the archival records transferred to the State as property by local self-government bodies, non-governmental organisations and unions, trade unions, notaries, legal and natural persons, in conformity with the legislation of the Republic of Armenia.

(Article 10 amended by HO-174-N of 19 October 2016, supplemented by HO-185-N of 19 October 2016)

ARTICLE 11. ARCHIVAL RECORDS CONSIDERED AS THE PROPERTY OF THE COMMUNITY

Community property shall be:

- 1. the archival records of local self-government bodies and community organisations;
- 2. the archival records of legal and natural persons transferred to the community as property, in conformity with the legislation of the Republic of Armenia.

ARTICLE 12. ARCHIVAL RECORDS CONSIDERED AS THE PROPERTY OF LEGAL AND NATURAL PERSONS

Archival records created or legally acquired by legal and natural persons shall be the property of legal and natural persons.

(Article 12 amended by HO-174-N of 19 October 2016)

ARTICLE 13. TRANSFER OF THE RIGHT OF OWNERSHIP OF ARCHIVAL RECORDS

1. Records considered as state or community property shall not be subject to privatisation, cannot be subject to sale, barter, donation or any other transaction which could lead to their alienation, unless otherwise provided for by the law.
2. In case of privatisation of state or community organisations, the records generated during the activities of those organisations, including the records related to personnel, shall remain the property of the Republic of Armenia or the community.
3. Records considered as the property of legal and natural persons may be alienated or transferred from one person to another through the procedure of universal succession.
4. Records deposited for custody of state and community archives (if the owner has not withdrawn them) shall, pursuant to the deposit contract, be disposed of following the expiry of the contract term of deposit and after informing the depositary, in writing, about the expiry of the contract term and withdrawal of the record by the depositor.

ARTICLE 14. PECULARITIES OF THE CIVIL CIRCULATION OF RECORDS CONSIDERED AS THE PROPERTY OF LEGAL AND NATURAL PERSONS INCLUDED IN THE COMPOSITION OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

1. In case of transfer to another person of the right of ownership over the records included in the composition of the archival holdings of the Republic of Armenia and considered as the property of legal and natural persons, the contractual obligations provided for by part 3 of Article 9 of this Law shall be transferred to the new owner.

2. If, pursuant to the Law, the owner of the particularly valuable records included in the composition of the archival holdings of the Republic of Armenia fails to keep them economically, which poses a threat of loss of their significance, based on the action of an authorised body and by court ruling, the records may be taken from the owner as prescribed by the Civil Code of the Republic of Armenia.

CHAPTER 5.

CUSTODY AND STOCKTAKING OF ARCHIVAL RECORDS

ARTICLE 15. CUSTODY OF THE RECORDS OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

1. Custody of the records of the archival holdings of the Republic of Armenia considered as state property shall be implemented as follows:
 - (1) permanent custody in State archives;
 - (2) temporary custody in the archives of the personnel of state bodies, state institutions and organisations within the periods prescribed by this Law until deposited for permanent custody.
2. Custody of the records of the archival holdings of the Republic of Armenia considered as community property shall be implemented as follows:
 - (1) permanent custody in community archives;
 - (2) temporary custody in local self-government bodies and community organisations within the periods prescribed by this Law.

3. Records of the archival holdings of the Republic of Armenia considered as the property of legal and natural persons shall be kept by their owners as prescribed by this Law or may be deposited to archives for custody on a contractual basis.

ARTICLE 16. STATE STOCKTAKING OF THE RECORDS OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

1. Records included in the archival holdings of the Republic of Armenia shall be subject to state custody, irrespective of the right of ownership and place of custody.
2. Stocktaking of the rare records of the archival holdings of the Republic of Armenia shall also be carried out in the special register for stocktaking of rare records of the archival holdings of the Republic of Armenia.
3. The records of the archival holdings of the Republic of Armenia deposited in state and community archives shall be attached with the right to termless and gratuitous use thereof.

CHAPTER 6.

ACCESSIONING OF ARCHIVAL RECORDS

ARTICLE 17. SOURCES FOR ACCESSIONING OF THE STATE AND COMMUNITY ARCHIVES OF ARMENIA

1. The state and local self-government bodies, state institutions and organisations, notaries and the Notary Chamber of the Republic of Armenia during the activities whereof records of the archival holdings and other archival records of the Republic of Armenia subject to custody in the state and community archives are generated, shall be sources for accessioning of state and community archives.

2. State and community archives shall draw up their lists of sources of accessioning.
3. Legal and natural persons shall be considered as sources for accessioning of state and community archives on a contractual basis.

(Article 17 supplemented by HO-185-N of 19 October 2016)

ARTICLE 18. DEPOSITING RECORDS OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA FOR PERMANENT CUSTODY

1. Upon expiry of the periods of temporary custody of the records of the archival holdings of the Republic of Armenia considered as state and community property, they shall be deposited in state and community archives for permanent custody together with regulated information and search resources.
2. The records of the archival holdings of the Republic of Armenia considered as the property of legal and natural persons shall be deposited to state and community archives for the purpose of accessioning on a contractual basis.

ARTICLE 19. TERM FOR TEMPORARY CUSTODY (BEFORE DEPOSITING FOR PERMANENT CUSTODY) OF THE RECORDS OF THE ARCHIVAL HOLDINGS OF THE REPUBLIC OF ARMENIA

The maximum term for temporary custody (before depositing to the state and community archives for permanent custody) of the records of the archival holdings of the Republic of Armenia shall be:

- (1) for the records of the President of the Republic of Armenia, the bodies of the legislative, executive and judicial powers, as well as other state bodies performing state managerial functions established on the basis of the law and state organisations — 7 years, and for electronic records — 3 years;

- (2) for the records of local self-government bodies and community organisations — 5 years;
- (3) for specific types of archival records included as prescribed in the composition of the archival holdings of the Republic of Armenia —
- for registration of civil status acts — 100 years;
 - for registration of notarial transactions — 10 years;
 - for the cadastre affairs of the bodies running the real estate state cadastre and registration books — 100 years;
 - for books of communities — before new books are compiled as prescribed;
 - for design documents for implemented capital construction — 20 years;
 - for licensed technological, design and experimental documents — 20 years;
 - for scientific research and license documents — 15 years;
 - for films and documental photos created with government support — 5 years;
 - for video and audio documents created with government support — 3 years;
 - for judicial cases — 30 years.

(Article 19 amended and supplemented by HO-174-N of 19 October 2016)

**ARTICLE 20. DUTIES OF THE STATE AND LOCAL SELF-GOVERNMENT BODIES,
LEGAL PERSONS AND NOTARIES OF THE REPUBLIC OF
ARMENIA IN THE FIELD OF ACCESSIONING OF STATE AND
COMMUNITY ARCHIVES**

(title supplemented by HO-185-N of 19 October 2016)

1. The state bodies, state institutions and organisations, notaries and the Notary Chamber of the Republic of Armenia, in agreement with the authorised body, shall elaborate and approve the lists of the records generated during their activities, with indication of the term of custody of the records.
2. The state and local self-government bodies, notaries, the Notary Chamber, state and community organisations of the Republic of Armenia shall ensure regulation, preparation of the records included in the composition of the archival holdings of the Republic of Armenia and deposit of the records to state or community archives for permanent custody.
3. In the event of liquidation of state and local self-government bodies, state and community organisations, the records included in the composition of the archival holdings of the Republic of Armenia (including those related to the personnel prior to 1 January 2013) shall be deposited to state or community archives.
4. In the event of privatisation of state or community organisations, the records included in the composition of the archival holdings of the Republic of Armenia (including those related to personnel prior to 1 January 2013) shall be deposited to state or community archives.
5. In the event of liquidation of other legal persons, the liquidation commission shall organise the detachment of personnel-related records generated through the activities of the organisation prior to 1 January 2013 and deposit the records to state or community archives.

6. In the event of liquidation of individual entrepreneurs, the individual entrepreneur shall organise the detachment of personnel-related records generated through his or her activities prior to 1 January 2013 and deposit the records to state or community archives.
7. In the event of liquidation of an organisation declared as insolvent (bankrupt), the manager for insolvency shall organise the detachment of personnel-related records generated through the activities of the organisation being liquidated and deposit the records to state or community archives.

(Article 20 supplemented by HO-174-N of 19 October 2016, HO-185-N of 19 October 2016)

CHAPTER 7.

ACCESSIBILITY AND USE OF ARCHIVAL RECORDS

ARTICLE 21. ACCESSIBILITY OF ARCHIVAL RECORDS

1. The user of archival records shall have the right to search and, for the purpose of study, obtain freely archival records from state and community archives, except for the cases prescribed by the legislation of the Republic of Armenia.
2. Accessibility of archival records for the users of archival records in state and community archives shall be ensured through information and search resources and information thereon, as well as by providing the originals or copies of required records.

ARTICLE 22. RESTRICTION ON THE ACCESSIBILITY OF ARCHIVAL RECORDS

1. The accessibility of archival records for users of archival records may be restricted in conformity with this Law, the legislation of the Republic of Armenia, the international commitments of the Republic of Armenia, as well as in conformity with the decisions of the owners of archival records considered as the property of legal and natural persons.
2. The accessibility of archival records, irrespective of right of ownership over them, shall be restricted for information containing state, official and other secrets protected by law, as well as for the originals of rare and particularly valuable records of the archival holdings of the Republic of Armenia and archival records with insufficient custody (safety). The restrictions on accessibility of the archival records containing state, official and other secret, protected by law, shall be eliminated as prescribed by law.
3. Accessibility for the use of archival records containing secret personal and family information of a person shall be restricted for a period of 100 years starting from their creation, unless otherwise provided for by law. Based on the written permission of a person and, following his or her death, of his or her heirs or upon court ruling, archival records containing personal and family secrets of a person may be available earlier than the period of 100 years starting from their creation.

ARTICLE 23. USE OF ARCHIVAL RECORDS

1. The user of archival records shall have the right to use, transfer and disseminate the information contained in the archival records provided thereto for any legal purpose and by any legal means, except for cases prescribed by the legislation of the Republic of Armenia.

2. State and community archives shall ensure for the user of archival records conditions required for search and study of archival records free-of-charge.
3. State and local self-government bodies, state institutions and organisations, legal and natural persons shall, in case they have relevant archival records, provide, free-of-charge, to the user of archival records archival statements of information or the copies of archival records related to the social security of citizens and formulated as prescribed.
4. State and community archives, as well as state or community organisations may provide the user of archival records with paid information services, conclude contracts with him or her on the commercial use of archival records and their information and search resources.
5. State and community archives shall provide state and local self-government bodies with the archival information and copies of archival records required for exercise of the powers reserved thereto.

(Article 23 amended by HO-174-N of 19 October 2016)

CHAPTER 8.

LIABILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF ARMENIA ON ARCHIVE KEEPING

ARTICLE 24. LIABILITY FOR VIOLATION OF THE LEGISLATION OF THE REPUBLIC OF ARMENIA ON ARCHIVE KEEPING

Legal and natural persons shall bear liability prescribed by law for violation of the legislation of the Republic of Armenia on archive keeping.

CHAPTER 9.

INTERNATIONAL CO-OPERATION

ARTICLE 25. INTERNATIONAL CO-OPERATION IN THE FIELD OF ARCHIVE KEEPING

State and local self-government bodies, state and community archives, as well as legal and natural persons considered as owners of archival records may, within the scope of their competences, participate in international co-operation in the field of archive keeping and in the activities of international organisations, attend consultations and conferences devoted to archive keeping, as well as participate in international exchange of information.

ARTICLE 26. EXPORT AND IMPORT OF ARCHIVAL RECORDS

1. The records of the archival holdings of the Republic of Armenia shall not be subject to export from the territory of the Republic of Armenia.
2. Temporary export of the records of the archival holdings of the Republic of Armenia considered as the property of the State and community, legal and natural persons, from the territory of the Republic of Armenia and import into the territory of the Republic of Armenia shall be regulated by law.
3. Only legally obtained or received archival records shall be permitted for import into the territory of the Republic of Armenia.

ARTICLE 27. EXPORT AND IMPORT OF COPIES OF ARCHIVAL RECORDS

Export of the copies of archival records — legally obtained or received on any material carrier — from the territory of the Republic of Armenia and import of the copies of

archival records — legally obtained or received on any material carrier — into the territory of the Republic of Armenia shall be carried out without restrictions, except for copies of records, the accessibility for use whereof is restricted by law.

CHAPTER 10.

FINAL PROVISIONS

ARTICLE 28. FINAL PROVISIONS

1. This Law shall enter into force three months following its official promulgation.
2. Upon entry into force of this Law, the Law of the Republic of Armenia “On the national archives fund of Armenia” (12 December 1997, HO-161) shall be repealed.

**President
of the Republic of Armenia**

R. Kocharyan

1 July 2004

Yerevan

HO-88-N