

**L A W**  
No. 9154, of date 06.11.2003  
ON ARCHIVES

**CHAPTER I**  
**THE OBJECT AND DEFINITION**

**Article 1**

This law defines the basic rules concerning the organization and function of the archival service in Albania, the institutions that perform this service, and also their legal obligations on creation, preservation, and the accessibility of the archival heritage, as part of the national heritage.

**Article 2**

1. In this law, the following terms mean:

“**Archives**”, are specialized governmental or non-governmental institutions, which collect, manage, administer, preserve and serve the archival heritage, that is protected and secured by the government. Archives are also called the structural entities and sub-entities of the institutions of central and local state institutions that register, preserve, manage (treat) and put in service records created by them.

2. “**Archives**” is any documentary heritage which is preserved by institutions defined as in item **1** of this **Article**, and any other documentary heritage created or preserved by non-governmental, private juridical and physical entities.

3. “**Public authority**” are the representative organs of the central and local government, the institutions of the administration, either central or local of the constitutional power, juridical and physical persons, at the degree that they fulfill public functions or if they do exert an administrative duty, according to the law in power.

4. “**Records of national historical records**” are all the documents that are considered as having a permanent value and are declared as such by the General Directorate of Archives because of their juridical – administrative, historic, scientific and cultural importance to the heritage of the Albanian people.

5. “**Documents**” are all the acts which are created by the public authorities while they do exert their administrative function; acts created by non-governmental institutions and also by private juridical and physical entities, if they are considered of national historic importance.

6. “**National archival fond**”, is all the documentary heritage, governmental or non-governmental, which has a permanent or temporary value in the administration of the state or in private archives.

7. “**Applicant**” is the person who has submitted a written request (application) for archival service, which has been approved, with the exception of the interior staff of the archives.

8. “**Communication**” is a legal obligation of the state archives to make available records they do preserve so that they be in service of the institutions and individuals, and also the fulfillment of such a legal responsibility.

9. “**Archival net**” is the wholeness of the institutions in direct dependence and also of those which have methodical-professional dependence from the General Directorate of Archives, as defined in **Article 9** of this law.

10. “**Archival access**” is the possibility to use archival records, in the function to be introduced with the activity of the state administration and the right for service with records for scientific and private experience purposes.

## CHAPTER II NATIONAL ARCHIVAL FOND

### **Article 3**

1. National archival fond is the wholeness of the records created, sent and managed during the activity of the governmental or non-governmental institutions, private juridical and physical persons, despite of time, place, ownership, the way of creation and their type, which have national historic, legal, political, economic, social and cultural value.

2. The nomination of the records, which make the national archival fond, is declared by the General Directorate of Archives and is identified throughout the net of archives of the country.

### **Article 4**

In the national archival fond there are also parts of the records which are created by the institutions of foreign governmental administrations, which have acted at the Albanian historic mark, before the declaration of the Independence, and records of the organizations, associations and by Albanian personalities, that have exerted their activities abroad.

### **Article 5**

1. The national archival fond and archives are protected and secured by the state, according to the requirements of this law.

2. The Albanian government acknowledges the obligations for protection of the documentary heritage, obligations which come from the international juridical acts (provisions), in which Albania is a signatory partner.

### **Article 6**

1. The records of governmental and non-governmental entities, and also of the private juridical and physical persons, which have become part of the national archival fond before the endorsement of the law **No. 7726**, of date 29.06.1993, "On archival fond and archives", are considered irreversible, despite the way of acquisition to the state archives, with the exception of the cases differently foreseen by the agreement of the acquisition

2. The records which make the national archival fond are not allowed to get out of the permanent repository, with the exception of the cases differently foreseen by this law. In cases when the record gets out of the repository, it should be accompanied by an employee authorized by the General Directorate of Archives. After the termination of the necessary procedural actions, the record is turned back to the permanent repository, and if it is needed, it may be accessible in the same procedure.

### **Article 7**

1. The definition of the value and the terms of the preservation of the current archival records of the state institutions is made by the commissions of the expertise (valuation, appraisal), which act in these institutions. Their decisions are approved by the commissions of the expertise which function in the respective institutions of a higher rank, as defined in **Article 9** of this law.

2. The elimination of the records, which have lost their preservation value, is made by the institutions which administer them, according to the rules as defined by the General Directorate of Archives.

## **Article 8**

The governmental or non-governmental institutions, and private juridical and physical persons that have records as declared of national historic importance, are obliged to submit informative data in effect of registration in the respective state archives, as defined by the **Article 9**, letters “b”, “c”, “ç”, and “d” of this law.

## **CHAPTER III THE ORGANIZATION OF THE ARCHIVAL NET**

### **Article 9**

1. The national archival fond is preserved, managed, administered and served by the archival net of Republic of Albania.

2. The archival net of the Republic of Albania is composed of:

a) The General Directorate of Archives,

b) The State Central Archives,

c) The State archives which preserve records of the same typology (Film Central Archives, Technical Central Archives).

ç) The state archives of the system which act in a permanently in the central fond -maker institutions,

d) The local state archives,

dh) The current archives of the state institutions, central and local ones.

e) The private archives

3. The creation of the new state archives, according to the **item 2**, letters “c” and “ç” of this **Article**, is made by the decision of the Council of Ministers.

### **Article 10**

1. The General Directorate of Archives is the highest organ of the national net of archives. It is a central institution and is subject to the Prime-Minister.

2. The General Directorate of Archives is a juridical person. It has its own seal and its emblem. Its residency is in Tirana.

3. The General Directorate of Archives is represented by the General Director, who is appointed and dismissed from the duty by the Prime-Minister.

### **Article 11**

1. The General Director is the highest official of the institution. He performs these duties:

a) He is accountable to the Council of Ministers for the activity of the institution.

b) He approves rules, orders, and directives which are compulsory to apply, based on archival legislation,

c) He approves the annual plans of the departments that function in the General Directorate of Archives, and those of local state archives,

ç) He represents the state archives of the country at the international organisms and institutions in which they are members, and exerts the right of the vote on their behalf.

2. The General Director carries on other duties as foreseen by the Regulation of the Organization and Function of the General Directorate of Archives.

## **Article 12**

1. The employees of the General Directorate of Archives, directors, specialists, and archivists, do enjoy the status of the civil employee, as for the other workers, the legislation of the Code of Labor should be applied.

2. The recruiting of the employees, the way of admittance, parallel positions, position raising and the removal from the position, is made according to the rules as defined by the law **No. 8549**, of date 11.11.1999, "The status of the civil employee".

3. The employees of the General Directorate of Archives, who, according to the date of validity of this law, are having job positions which are considered part of the civil service are on trial for 1 year period of time.

## **Article 13**

1. The State Central Archives and state local archives are directly subjects to the General Directorate of Archives.

2. Other archives which are part of the national net of archives, as defined by the **Article 9**, letters "c", "ç", "dh", "e" have direct methodical-professional dependence from the General Directorate of Archives.

## **Article 14**

1. By the General Directorate of Archives do function: The High Commission of Archives, the Commission of the Expertise, the Commission of the Declassification and Devaluation of the Classified Information as "Top Secret" and the Permanent Commission of Experts for Valuation of the Records of national historic importance.

2. The High Commission of Archives compiles and approves the archival policy and the strategy of the development of the archival service.

3. The Central Commission of the Expertise reviews and approves the lists of the records to be eliminated according to the decision proposed by the commissions of expertise which function near of governmental institutions, which deposit their records to the State Central Archives.

4. The Commission of the Declassification of the Classified Information as "Top Secret" makes the declassification of the classified documents which have been deposited in State Central Archives and in state local archives, prior the enforcement of the law **No. 8457**, of date 11.02.1999 "On the classified information "Top Secret".

5. The status, rules, composition and the reward of the members of the High Commission of Archives, Central Commission of Expertise, Commission of Declassification and Devaluation of the Classified Information as "Top Secret", and the Permanent Commission of Experts for Valuation of the Records of National Historic importance are approved by the Council of Ministers.

## **Article 15**

1. The General Directorate of Archives compiles the technical-professional and methodical norm(s) of the archival service, it organizes, directs and controls its identified development through the activity of all archival net of the country.

2. In order to create the technical-professional and methodical norm(s) of service, the General Directorate of Archives is supported by the legislation of the country, by the acts and also by essential international agreements, as admitted in the international level, by this law and by Regulation of the Organization and Function of the General Directorate of Archives approved by the Council of Ministers.

The rules approved by this Directorate, based on and with respect with in implementation

of this law, are obligatory to be applied in all the archival net of the country.

#### **Article 16**

1. The General Directorate of Archives exercises the right of the representation and the vote on behalf of the Albanian government in international organizations in which it adheres.

2. The General Directorate of Archives signs bilateral or multilateral agreements with the respective institutions of other countries for enrichment of the national archival fond, publication, experience exchanges, training and the categorization of the specialists.

#### **Article 17**

The General Directorate of Archives preserves, manages, administers and serves:

a) records which are inherited from the Albanian state starting from pre-governmental period of time,

b) records which are created by the central and local institutions of the state administration until 1944,

c) records of the central institutions of the state administration and leading organs of the parties, created up to 1991,

d) records of the central institutions of the state administrations without any limitation of time, with the exception of those which are preserved in archives of the system or in archives which preserve acts of the same type,

e) records which are created by other non-central state institutions after 1944, but regarding their type are unique,

f) records which are created by entities, private juridical and physical persons, which have been possessed by the government before the enforcement of the law **No. 7726**, of date 29.06.2003 , “On national archival fond and archives”.

#### **Article 18**

The General Directorate of Archives preserves, administers and serves the heritage of non-administrative records, created in Albanian space during the centuries, despite the fond-maker, language, alphabet, contents, or typology of the writing.

#### **Article 19**

1. State archives which preserve records of the same type are the Film Central Archives, and Technical Central Archives.

2. These archives control the implementation of this law, and give methodical and professional support to the local archives, where the records of the same type are preserved.

#### **Article 20**

1. The state archives of the system function near of these institutions: Ministry of Defense, Ministry of Public Order, Ministry of Foreign Affairs, and the State Informative Service.

2. The institution of the Parliament of Albania and that of the President do administer the respective records in archives that function in a permanent way next to them.

3. The state archives of the system function near of the state institutions, which, according to the Constitution of the Republic of Albania, are independent ones.

4. State archives of the justice system (court houses and the prosecutions) are created and function near of the Ministry of Justice.

5. The archives of the system function according to this law.

### **Article 21**

1. The state archives of the system administer and preserve the inherited records and other records created during the activity of the institutions that according to the law, submit the archival possession to them. They do control the implementation of the law and give methodical support to the archives of the state institutions which are their subjects.

2. The state archives of the system are directly administrative subjects to the directors of the institution.

### **Article 22**

1. The local state archives administer and preserve inherited records, and also other records of the archives of the state local institutions, and of the local state organs, which do act within the proper administrative-territorial entity. They do control and give methodical support to the archives of local government and to the state local institutions, which act within the same administrative-territorial entity.

2. The local state archives are obliged to register any non-administrative possession of records, that exists within the territory of their same administrative-territorial entity.

3. These possessions are immediately made known to the General Directorate of Archives and are preserved in the State Central Archives.

### **Article 23**

1. The archives of the state central institutions and local ones are their organic parts and are directly subject to the director of the institution.

2. Based on the volume of the created records, in any state institution do function: a secretary and archives, a secretary-archives, or an employee in charge to serve in secretary-archives.

### **Article 24**

1. The archives of the state central and local institutions, have the following duties:

a) to register the correspondence which is delivered or received from the institutions,

b) to make the archival management, preserve and make the records they administer available for service,

c) to submit the records to the state archives, according to the legal terms, as properly defined by **Article 9**, letters “b”, “c”, “ç”, and “d” of this law.

## **CHAPTER IV PRIVATE ARCHIVES**

### **Article 25**

1. The private archives do exert their activity after they are licensed by the High Commission of Archives in conformity with the proposal of the General Directorate of Archives. The criterion for issuing a license is defined by the Council of Ministers.

2. The properties, which are administered by the private archives, do enjoy the same protection by the state as those public ones.

### **Article 26**

1. Because of the historic reasons or public interests, the property of private archives

may be declared records of national historic importance. The General Directorate of Archives, and also the private archives have the right of the initiative, but the right of the declaration remains to the General Directorate of Archives.

2. The declaration of “important national historic records” of the documentary property, which is preserved by the private archives, does not violate, limits or changes the relationship of the property.

3. The representative of the private archives has the right to require the change of the definition of the records which are in his possession, as declared of national historic importance.

The decision to change the status of the records as declared of national historic importance, is made in the same procedure, and by the same authorities, as in the case of declaring them as such.

### **Article 27**

1. The General Directorate of Archives when initiates the procedure to declare the records in possession of private archives, as records of national historic importance, notifies immediately the owners or the representatives of the latter.

2. The legal effects of the decision are effectuated one day after the declaration of the decision.

### **Article 28**

1. The records of private archives, that are declared as having national historic importance don't have a pre-prescribed retention time. The declaration of these records as such, should not be an obstacle to transfer the right and other rights to these records.

2. The private archives, which have in their ownership records declared as having national historic importance, in case of the change of the ownership, are obliged to notify beforehand the buyers the status of their records.

### **Article 29**

1. The elimination of the records as declared of national historic importance, which are in their possession, is not allowed.

2. The elimination of the records which have met the legal retention time, property of the private archives, is made in same procedures as for the state archives.

The legitimacy of the decision for the elimination is officially approved, in writing, by the authorities of the respective state archives.

### **Article 30**

The records as declared of national historic importance, property of private archives, cannot be sold, or donated in form of a gift out of the country.

### **Article 31**

1. The General Directorate of Archives, by having the quality as the representative of the Albanian state, enjoys the right to be the first one to purchase records as declared of national historic importance, which are property of the private entities.

2. When the private entities want to sell records which are as declared of national historic importance, they should submit to the General Directorate of Archives the description of the records, in conformity with the identified norms in power.

The private entity that owns such records, is obliged to present in **written** form the data required by the General Directorate of Archives.

3. The General Directorate of Archives, after consulting the described data, valued by the Permanent Commission of the Experts, decides to give or not to give the permission for the records to be sold, and also about the conditions of the trade of these records. In any case, the General Directorate of Archives is due to respond to the owner of the records within 30 days, starting from the date of submission of the description of the records. Against the decision made by the General Directorate of Archives, the person has the right to complain to the court, in conformity with the Code of Administrative Procedure.

#### **Article 32**

The owners of the private archives, are excluded from the yearly fiscal duties, who, on the other hand, donate records to the state archives which are declared of national historic importance, in conformity with the law **No. 7892**, of date 12.12. 1994 “ On sponsoring”.

#### **Article 33**

Private archives, that do administer records as declared of national historic importance, are obliged to register them in the registers of the state archives, either central or local ones, and in conformity with the legislation regarding the cultural heritage. The registration of these records is made not later than one year after this law is in effect.

After the termination of this term, any alienation, or purchase of the records as declared of national historic importance in their possession is illegal.

#### **Article 34**

1. The owners of the private archives, that donate or sell records to the state archives which are declared of national historic importance, enjoy the right of the intellectual property (copyright), according to the legislation in power.

2. Any private entity does also enjoy the rights concerning the records created outside of the state functions.

#### **Article 35**

1. If the state entities are privatized, then the records remain property of the state. The institution of state administration, that make the privatization, are due to submit in advance to the respective state archives, either central or local, the archives of the state entities that are to be privatized.

2. The authorities of the state archives decide to give to the new non-governmental owner, a part or all the copies of the records, which relate to the technique or technology of production, according to the request of the latter.

### **CHAPTER V ENUMERATED ARCHIVES**

#### **Article 36**

1. The enumerated records, despite the form of recording and circulation, have administrative and juridical value, only if they are compiled and preserved according to the approved standards.

2. The legal description of the enumerated record is made by the General Directorate of Archives and by the state institutions of automated service.

They do prepare mandatory rules for compilation, registration, circulation, for technical-scientific management, expertise of the archival value, and elimination, and also for preservation, duplication, reproduction, and the legalization of the enumerated records.

### **Article 37**

The enumerated rerecords are valid as archival property, if they are registered in an unchangeable form, since the time of creation.

### **Article 38**

The transformation of the record of matter base (such as paper, parchment), in notarized form, is made by preserving the type with the original record.

### **Article 39**

The enumerated records are preserved in the archives of the central and local state organizations. At the end of the legal preservation terms of the records in their archives, they are submitted to the respective state archives, according to the **Article 9** of this law.

### **Article 40**

The fond-maker institutions of enumerated records, submit their records to the respective archives, in the same matter they have recorded them, and also the informative tools, and archival finding-aids.

### **Article 41**

1. The enumerated archives are part of the national net of archives. The enumerated archives are subject to the same legal discipline for preservation, communication, and service.

2. The General Directorate of Archives has the right to define the programs of enumeration of the records of fond-maker institutions.

## **CHAPTER V**

### **THE DEPOSIT OF THE RECORDS TO THE STATE ARCHIVES**

### **Article 42**

1. The archival records, after the termination of the operative service at the archives of fond-maker institutions, are subject to be deposited by them in state archives for preservation and administration, in conformity with the **Article 9**, letters “b”, ”c”, “d”, and “e” of this law. They should be systemized and inventoried according to the rules defined by the General Directorate of Archives.

2. Along with the records are to be deposited:

- a) two copies of the inventories,
- b) one copy of inventory in enumerated register, which should match with the program of the **automatization** of the archives, where the records are deposited.

### **Article 43**

The deposit of the records of the state archives in respective archives, as defined by the **Article 9**, letters “b”, “c”, “ç”, and “d”, of this law, is made according to these legal norms:

a) the **departmental** records are deposited after 10 years from the date of their creation. This term is also mandatory for video, audio, and motion records, that make the departmental records.

b) the technical-scientific of the needs for operative service, but not later than 25 years after their creation.

c) video, audio, and motion records are deposited after 15 years of their creation.

ç) the registers of the civil status are deposited after 75 years of their creation,

- d) the records classified as “top secret” are deposited after their declassification. The declassification is made by the classifying authority.

#### **Article 44**

The records of the central and local institutions of the state administration are directly deposited in state archival net by the institution that has created them.

#### **Article 45**

1. The archives of central and local institutions of the state administration that close their activity because of any reason, are to be deposited immediately to their respective archives, according to the **Article 9**, letters “b”, ”c”, “ç”, “d” of this law.

2. When the functions or the rights of an institution pass legally to another institution, the latter may administer the records inherited until they meet the terms as foreseen by the **Article 43** of this law.

#### **Article 46**

1. The state archival institutions as described by the **Article 9**, letters “b”, ”c”, “ç”, and “d” of this law, have the right to withdraw the records created of the state central and local administration, before the normative term, in case of evident danger for damage or physical disappearance.

2. In this case, and when the activity of an institution comes to an end, the expenses concerning the archival processing of the records should be afforded by fond-maker institution, when it exists, or by the institution which is subject to it.

#### **Article 47**

The records of non-governmental entities, private juridical and physical persons, and those of the scientific, political, cultural personalities, records that are created out of their state responsibilities, as declared of national historic importance, are willingly deposited by them or by their heirs, through an agreement.

#### **Article 48**

The archives as defined by the **Article 9**, items “a”“b”, ”c”, “ç”, “d”, and “dh” of this law, are the only state organization which have the right to purchase and administer the documentary heritage and manuscripts.

#### **Article 49**

1. The scholars and scientific workers, who make researches for projects of archival institutions, or state researches in archives of other countries, who take records from them, are obliged to deposit them in the archives of the institution they work, and they send a detailed written report to the respective state archives about the quantity and the contents of the records.

2. In these cases, the scholars and the scientific workers have the right to take a copy of the records for free.

#### **Article 50**

1. The non-governmental institutions, private juridical and physical persons, that donate, leave for heritage, or for preservation, or sell records to the state archives, according to the agreement enjoy the right to get reproductions of the records for free.

### **Article 51**

In case of changes of the administrative-territorial area, reorganization of the activities of state organs, the General Directorate of Archives, or state archives should be notified, as described by the **Article 9**, letters “a”, ”b”, “c”, “ç”, and “d” and “dh” of this law, so that to decide about further administration of the records.

### **Article 52**

The records as declared of national historic importance, in ownership or in possession of non-governmental and juridical or physical persons, if they stop their activities, or if they do not have any heirs recognized by law, are deposited in state archives.

## **CHAPTER VII** **COMMUNICATION AND THE ACCESS OF THE RECORDS OF THE** **NATIONAL ARCHIVAL FOND**

### **Article 53**

1. The archival service guarantees the right to know the records that witness the activity of the state administration.
2. The person and institutions have equal right to the archival service.
3. The fond-makers enjoy the right to have access to the records at any time, despite the terms, as defined by the **Article 61** of this law.
4. Non-governmental fond-makers have the right to limit the service regarding their records in different terms from those as defined by the **Article 61** of this law.

### **Article 54**

1. The archival service is offered without any authorization.
2. The access to state and private archives is offered to the applicants, despite their nationality, citizenship, status or function.
3. The state archival authority, if needed, offers self-service.

### **Article 55**

The applicant is not obliged to present reasons to be allowed to have access to a record.

### **Article 56**

The application may not be admitted for access to the records, if the service for these records is limited by law.

### **Article 57**

If any archives has not the required record, when it is possible, the archives explains to the applicant the name of the archives, or the authority where the record is to be found.

### **Article 58**

The workers of the national net of archives serve the records faithfully to the original ones, without any comments or interpretation.

## **Article 59**

The informative tools or archival finding-aids are open. The service for these tools is not limited to anybody.

## **Article 60**

The access to the records of the national archival fond is made according to the requirements of this law through:

- a) service of records or record reproductions (micro-films, photocopies) for study in reading rooms of the archives.
- b) publication of guidebooks, catalogues, inventories, and also through condensed records,
- c) preparation, and documentary exhibitions. The exposure of the original records is allowed only when, according to the rules in power, the physical and technical preservation is secured,
- ç) publications in press organs, as radio, press, multimedia and cinematography,
- d) giving recourses to the governmental and non-governmental institutions about problems they are interested in,
- dh) all forms of promotion of the cultural values which are preserved in the archives,
- e) distant enumerated service.

## **Article 61**

1. Once the records are published, they are freely accessible.
2. The records which are administered by the state archival institutions become accessible after 25 years from the date of their creation.

## **Article 62**

Records that contain important information regarding high interests of state security, which have been admitted in the archives before the enforcement of this law, and are not yet declassified, are accessible according to the law **No. 8457**, of date 11.02.1999 “On classified information”.

## **Article 63**

The archives protect the person’s privacy. Knowing, accessing, and the duplication of the records which contain personal data, and which violate the privacy of a person, is prohibited.

Records which contain personal data and violate the intimacy of private life (privacy) of a person, are accessible only after 50 to 150 years of their creation.

## **Article 64**

The records of property are accessible to the heirs of that property, to their legal representatives, and to the state institutions that have decision-making competences and acknowledged by law for the heritage of these people.

## **Article 65**

1. Current public institutions, which have classifying authority for their archives and archival institutions, that have inherited classified information, may partly limit the accessibility of the archival records, as defined by the law **No. 8457**, of date 11.02.1999 “On classified information “Top Secret””.

2. The limitation may be applied even in respect with:
  - a) defense of the security of the country and normality in relations with foreign countries,
  - b) interests of the public security,
  - c) secrecy for investigation and controlling of the criminal activity,
  - ç) respect of the commerce interests and equality of the competition,
  - d) safeguarding the equality of the parties in conflicts,
  - dh) protection of the natural eco-system,
  - e) security of the overseeing missions and the conditions for inspection and control by the administration,
  - ë) protection of the financial, monetary, and the taxation policy of the government,
  - f) respect with good-faith regarding decision-making in and through the public authorities, as far as preparing a file,
  - g) other interests of the individual, which are considered legal by specialized institutions.

### **Article 66**

The accessibility of the archival records may be allowed even for the occasions as foreseen by the **Article 65**, if one higher public interest legitimates that access.

### **Article 67**

1. Permissions to gain earlier access for the records, for which the service is limited according to the **Article 61, 62, and 63** of this law, are respectively given by:

- a) the fond-maker,
- b) the classifying authority, for the records classified as “Top Secret”,
- c) the person himself, for the records that contain intimate information and have to do with his personal dignity,

2. The right to exclude goes also to:

- a) the general Director of the Archives, for the records which are in the State Central Archives, and in the state archives of regions, after gaining written consent from the fond-maker, if he exists,
- b) the director of the institution, for the records which are preserved in the archives of the system, or in the archives that administer records of the same type,
- c) any entity legally authorized.

### **Article 68**

1. The General Directorate of Archives, and any archival net subject to it, and every archival service entity in the institution of state administration, central and local ones, have not classifying authority for the records they preserve and administer.

2. The General Directorate of Archives, declassifies the records that have inherited classified as “Top Secret”, according to the responsibility recognized by the law No. 8457, of date 11.02.1999 “On the classified information “Top Secret””, and by other legal sub-acts in respect with this law.

### **Article 69**

The information and archival finding-aid tools, make public the wholeness of the collection of the archival records. They also do notify for the existence of the classified records “Top Secret”, but without making public the content of the data protected by law.

## **Article 70**

1. When the access of an archival record is approved, the archival service authorizes the suggestion of one of formats (micro-film, reproduction, or the original), or certified copies of the record. The archival service considers, within the possibilities available, the selection of the applicant for the service.

2. Photocopies, or reproductions in other forms are given so that to illustrate publications, to prepare archival exhibitions, and for other legal services.

## **Article 71**

1. The applicant has the right to know the legal reason for rejecting the service toward him, including the case of records classified as “Top Secret”.

2. The applicant has the right to require an authorization from the classifying authority in order to gain access to the information classified as “Top Secret”.

3. The classifying authority may allow a part of the information, as a result, to keep as secret parts of the classified information “Top Secret”. The applicant has to be notified about this.

## **Article 72**

The applicant, to whom the archival service concerning the classified records as “Top Secret” has been rejected, has the right to complain to the court or before any unbiased organ, as defined by the law.

## **Article 73**

The archival service is not obliged to make accessible a published record or that is easily accessible from other sources.

## **Article 74**

1. The archival service and public authorities, makers of the records are obliged to:

- a) make known to the public the rights for having access to archival records and about the way how to realize this right,

- b) ensure the practice of this right for the benefit of the citizens,
- c) train their workers, so that they may perform their duties in respect with the implementation of this law.

2. The archival service and other public authorities have to:

- a) make the technical-scientific management (treatment) of their records, by making them quite easily accessible,

- c) apply clear procedures for the elimination of the records that do not have any value.

## **Article 75**

The public authorities, by their initiatives, make public the sources they have available, in the function of the transparency of the activity of state administration, in the service of promoting of the participation of the public in cases of interest to the public, and in function to strengthen the rule of law and prosperity.

## **Article 76**

The institution of central and local government make co-coordinating efforts, *mutatis-mutandis*, to facilitate the conditions of the communication of the private and public archives.

### **Article 77**

1. The application of the governmental and non-governmental institutions, and of the private juridical and physical person which make non-scientific studies, archival data, copies or record exempts, that are preserved in the state archives, are filled in toward a payment, according to the fee approved by the General Directorate of Archives.

2. The service with photocopies, for records in service to university-academic researches, is made by having different favored fees.

### **Article 78**

1. The quantity of the reproduced records, which are serviceable to the applicant, according to his order-application, is defined by the serving archival authority, in conformity with the object of the application.

2. To the applicant that falsifies (deforms) the source during using the record in public, is not served with reproductions.

### **Article 79**

1. When non-governmental entities, private juridical and physical person, owners or possessors or keepers of the records do not respect the obligations as defined by this law, then the General Directorate of Archives defines a conditional term, so that to verify the application of the legal dispositions. If the obligations are not met within the conditional terms, the records are taken by the state archives for preserving them.

2. In case when the national archival service validates the existence of the danger of immediate damage, that may cause loss of records, they are taken in administration without any conditional terms.

3. In two cases, the right of the ownership and turning back of the records is secured.

## **CHAPTER IX THE ARCHIVIST**

### **Article 89**

The worker of the national net of archives of Republic of Albania respects the International **De-onthologic** Code of the Archivists.

### **Article 90**

The archivists of the national net of archives cannot be members of the political parties. Their responsibility as custodians of the heritage of the information derives from the Constitution of Republic of Albania, and is defined by the laws in power.

### **Article 91**

The archivists are impartial in offering service and in accessing records; they respect legal limitation for protecting data of privacy of the individual, and special interests of the state, despite they have access to them because of their duty.

## **CHAPTER X ADMINISTRATIVE INFRACTION AND THE PENALTIES**

### **Article 92**

1. The authorities and the workers of the state archives have legal responsibility for

violating the requirements of this law. In the concept of this law, if there is not a penal act, those who commit an administrative violation, are fined from 1 – 5 monthly payments for the following violations:

a) For the lack of needed work conditions as defined by the General Directorate of Archives about physical and technical preservation of the records,

b) For not fulfilling the requirements of this law and the rules as defined by the General Directorate of Archives about registering, systemizing, and the access of the records,

c) For not depositing the records on terms and according to the requirements of this law in the state archives,

d) For not giving the necessary data for registration, evidencing of the archival and documentary state activity, as defined by law,

e) For not allowing the authorized workers by the General Directorate of Archives to perform their responsibilities according to this law,

2. The violations that have to do with alienation of the records and loss of the records of archives by people that administer them, in the case when they are not unique copies, is penalized from 2 to 10 monthly payments.

3. Private juridical and physical persons are subject to penalties from 100.000 to 300.000 lekë when they have committed the violation as defined by the letters “a”, “ç”, and “d” of the item 1 and 2 of this article.

4. The penalty is made by the authorized worker of the General Directorate of Archives.

5. For publication of the archival sources against the disposition of this law, are responsible the supervisor and the applicant. The applicant that violates the rules of accessing archival records from time to time, or if he damages himself records, may be excluded for 1 year period of time from the archival service.

6. Against the penalizing decision, or exclusion, the people who have made the violations, have the right to file a complaint to the court within 30 days from the date of the declaration of the decision.

7. The elimination of the records, against the requirements of this law, theft, and also loss of the records as declared of special importance, when this violation is a penal act, is penalized according to the Penal Code.