

# **REGULATION ON THE PROCEDURE FOR THE USE OF THE RECORDS FROM THE NATIONAL ARCHIVAL FONDS**

*Effective from 06.03.2009*

*Adopted by Decree № 41 of 18.02.2009*

*Prom. SG. No. 17 of 6 March 2009., amended. SG. No. 8 of 27 January 2012.*

## **Section I.**

### **General Provisions**

Article.1. This Regulation shall stipulate the procedures for the use of the documents from the National Archival Fonds (NAF), their copies and the finding aids to them.

Article. 2. (Repealed - SG. 8 of 2012, effective 27.01.2012)

Article. 3. (1) (amended. - SG. 8 of 2012, effective Jan. 27, 2012) The archives shall keep records of NAF according to Art. 6, para. 1 of the Law on the National Archival Fonds (LNAF) and shall provide access to the records and their use in accordance with the requirements of LNAF and the Regulation.

(2) NAF documents containing classified information shall be provided for use in the terms and conditions of the Protection of Classified Information Act (CIPA).

Article. 4. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) (1) In accordance with the Regulation the Archives under art. 3, para 1 shall develop rules for the order and organization of the use, considering the specificity of the archival fonds and their activity.

(2) The Rules of procedure and organization of the use of archival documents of the Archives State Agency (ASA) shall be approved by the Chairperson of ASA.

(3) The Rules of procedure and organization of use of documents from NAF, the Archives under art. 6, para. 1, p 2-5 LNAF shall be approved by the respective director after consultation with the Chairperson of ASA.

Article. 5. The Archives shall not be responsible for the manner of interpretation and use by the users of the information contained in the archival documents.

Article. 6. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Users shall be responsible under the Law on NAF in case of proved administrative violations in procedure for use of documents specified by the Regulation and the rules.

## **Section II.**

### **Access to records**

Article. 7. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The Access to archives documents may be restricted when they were published, designed for public information or provided for use prior to their accession into the Archives.

Article. 8. (1) Political parties, non-profit companies and individuals who deliver documents in the archives by way of donation, bequest or contract may temporarily reduce their use.

(2) A temporary restriction shall be reflected in the finding aids to archival documents.

(3) (suppl. - SG. 8 of 2012, effective Jan. 27, 2012) The archival documents may be made available for use as an exception during the period of limitation after written consent of the persons who had submitted the documents or of their successors / heirs.

Article. 9. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Permit for use of archival documents, which is temporary restricted under Art. 86, item 1 - 4 of LNAF, shall be given by the head of the Archives in assessing the significance and the purpose of use.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Request for authorization shall be submitted in writing, where stating the reasons and purpose of use.

Article 10. (Suppl. - SG. 8 of 2012, effective Jan. 27, 2012) Permit to use records with restricted access under Art. 86, item 6 and 8 of LNAF shall be given by the Head of the relevant Archives after they provided certificate of heirs or a warrant of attorney and with written request by competent state authorities.

Article. 11. Permit or motivated refusal under Art. 9 and 10 to provide archival documents with limited access shall be granted in writing.

### **Section III.**

#### **Use of Archival Documents in Reading Rooms**

Article. 12. Use of archival documents shall be done in the Archives' reading rooms.

Article.13. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Access to the reading rooms and the internal order to work there shall be determined by the Rules under art. 4.

Article.14. (1) (amended. - SG. 8 of 2012, effective Jan. 27, 2012) Request for use of archival documents shall be made by submitting an application form or in free form, as well as by correspondence (mail, fax, e-mail).

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The application shall contain the names, PIN or other personal identification number, identity document, address of correspondence, telephone, e-mail (if available) and signature of the user, subject and historical period, purpose of use, data service of documents, date of filing. When submitted by mail, fax or electronically, state and the period of intended visit.

(3) For each theme and purpose of use a separate request shall be submitted for each calendar year.

Article.15. (1) (amended. - SG. 8 of 2012, effective Jan. 27, 2012) Upon issuance of document for access to the Archives' reading room or in the application for use the users of archival information shall present a valid identity document.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Users of archival information accessing documents for official purposes, shall submit a letter by the organization assigning them.

Article.16. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) (1) Users of archival information shall be entitled:

1. To be informed about the order and organization of work in the reading room, the provided services and their price list;

2. To receive expert advice on the composition and content of the archival fonds, the finding aids to them and the use of the existing equipment;

3. To use the finding aids created in the Archives;

4. To obtain information about the reasons for refusal or deferral to obtain access to the documents or to make copies, as well as the periods of the restrictions;

5. To appeal in writing the refusal or restrictions of access to documents and copies in accordance with the established administrative procedures;

6. To use personal references and technical resources in the order determined by the rules under art. 4;

7. To use the available technology and equipment in the reading rooms;

8. To go with an interpreter and/or an accompanying person if necessary.

(2) For disadvantaged users of archival information specialized readers places shall be set apart.

Article.17. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Users of archival information are required:

1. To present an identity document or reader's card;

2. To know and comply with the regulations for use under art. 4 in the reading room;

3. Correctly to fill in the accounting forms' entries;

4. To safeguard from damage the archival documents and their copies;

5. Not to make comments and corrections on the documents and the finding aids;

6. Not to change the internal order of the documents in the archival units when not stitched;

7. To notify the employee in the reading room when finding out shortages, damage, poor physical condition, reordering or other irregularities in the documents provided to them;

8. Not to export the provided records and finding aids outside the reading rooms;

9. Not to provide the records for use by other users without authorization of the employee in the reading room;

10. To follow the technical instructions when working with the provided equipment;

11. Keep quiet; do not use mobile phones, not to bring food and drinks and not to disturb the other users;

12. To use the cloakroom or the designated places for coats and personal luggage.

Article.18. (1) (suppl. - SG. 8 of 2012, effective Jan. 27, 2012) Original documents shall not be available for use if the purpose of use can be achieved through review of their publications or their printed copies, when documents have been published in full, without abbreviations.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Originals of valuable papers and documents at risk shall not be provided.

(3) (Amended - SG. 8 of 2012, effective 1/27/20 '12) Documents under para 1 and 2 shall be provided for use as exception with the permission of the Head of the Archives after motivated written application.

Article. 19. (1) Archives documents shall be made available to users after filling in an Order.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The amount of archival documents to be in one order, the deadline for its implementation and the duration of use of the documents shall be determined by the Rules under art. 4.

#### **Section IV.**

##### **Use of archival documents by providing information and certificates**

Article 20. On request by physical or juridical persons the Archives shall make written inquiries and shall issue certificates as provided by law.

Article. 21. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Consultation sought by topic shall be implemented after submitting a written application to the relevant Archives.

(2) (Repealed - SG. 8 of 2012, effective Jan. 27, 2012)

(3) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) where it is found that sought documents or parts thereof are stored in another Archives, the file shall be forwarded by competence and the applicant shall be informed.

Article. 22. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The application shall state:

1. Full name, address, phone, fax, e-mail of physical or juridical person;

2. Description of the requested information;

3. Filing date and signature.

(2) He shall, at its discretion, provide additional data, facts and circumstances which would facilitate the search for archival documents and are significant for the completeness of the requested inquiry.

(3) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The application shall be submitted in place records or by correspondence (mail, fax, e-mail).

Article. 23. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The information and certificates shall be provided against payment for the expenses incurred pursuant to state taxes and prices of services statutory foreseen.

Article. 24. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The information shall be prepared for those archival documents, which access is not restricted.

Article. 25. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Upon refusal to prepare information, if this is related to unreasonable costs, labor and time, the Archives shall notify the applicant in writing.

## **Section V.**

### **Use of archival documents by providing copies (Title amend. - SG. 8 2012, in force from Jan. 27, 2012)**

Article. 26. Any juridical or physical person may obtain copies of archival documents in paper, microfilm or digital format (photocopies, photographs, negatives, positives, digital copies, etc.).

Article. 27. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The copy shall be done by the Archives or by authorized by them office / company.

Article. 28. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The making of copies shall be made after filing a written order for copies of documents upon payment according to the approved prices of services.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The order shall be submitted by filling in a form on the spot in the Archives or in free form by correspondence (mail, fax, e-mail). It must contain:

1. Applicant's names;
2. Purpose of copying;
3. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The type of reproduction, and technical parameters;
4. Full references of the document / documents, including the back of the sheet (if text);
5. Request for exemplification.

(3) When ordering a large quantity of documents' copies a list of them should be submitted.

Article. 29. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The order of the organization to copy papers of various types of media (order form, place of submission and order of its movement, the allowable amount for one order, period of implementation, payment etc.) shall be determined by the rules under art. 4.

Article. 30. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The copying shall be possible where:

1. There is no restriction on access to archival documents and there are appropriate authorizations under Section III;
2. It relates to records whose physical condition allows reproduction;
3. The technical capabilities of the Archives, storing the documents allows it.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Digital copies of documents shall be provided with the technical parameters specified in the Regulations under Art. 4.

(3) (New - SG. 8 of 2012, effective Jan. 27, 2012) Digital copies beyond these parameters are prepared in the presence of technical possibilities.

Article. 31. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Copying of entire Fonds of particularly valuable records, of records that need to unstitch the archival unit or need restoration and conservation shall be carried out with the written permission of the Head of the Archives.

Article. 32. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) (1) The proper type of copying of damaged and / or endangered during the copying documents shall be determined by the Archives.

(2) Where a copy of documents under para. 1 is available, whereby the purpose of use could be achieved, to produce copy on another carrier may be denied.

Article. 33. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Copying documents by the users through cameras and scanners shall be subject to conditions and procedures specified by the Rules under Art. 4.

Article. 34. (Repealed - SG. 8 of 2012, effective 27.01.2012)

Article. 35. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The Archives timely inform the consumers about the amount to be paid, the period for implementing the order, the presence of circumstances under Art. 30, 31 and 32 or about other temporary circumstances.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The prices of the types of copying services shall be placed on notice boards and published on the Archives' websites.

(3) The Archives shall inform the users in writing about the conditions under para 1, when the application has been submitted by correspondence.

(4) The user shall confirm acceptance of the terms under para.1 by written notice where the application was made by correspondence or through a signature on the order.

Article. 36. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The period for making copies shall run from the date of payment of the order.

Article. 37. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The certified copies on paper shall be available upon written request by the user specified in the order for copying.

(2) (suppl. - SG. 8 of 2012, effective Jan. 27, 2012) The certification shall be made against payment of specified state fees.

(3) (amended. - SG. 8 of 2012, effective on Jan. 27, 2012) The certification shall certify the exactness of archival document, stating its full references.

(4) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The certification shall be made by a stamp, which except the data under para 3 shall contain the date, signature of the employee, signature of the head and the seal of the Archives.

The certification shall be put on the back of each sheet, if the document has more than one page.

Article. 38. (1) The acquired copies shall be used only for the stated purpose.

(2) Providing for use copies under para. 1 to third-party for public spread shall be done only with the permission of the Archives.

## **Section VI.**

### **Use of Archival Documents through Publication and Other Forms of promotion**

Article. 39. (1) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) For the publication of NAF documents, their display in exhibitions, creation of films, radio and television programs etc. User shall inform the Archives.

(2) (Amended - SG. 8 of 2012, effective Jan. 27, 2012) To publish images in paper or electronic carrier (facsimiles, digital images, etc.) including on the web shall require a permission by the head of the Archives.

(3) (suppl. - SG. 8 of 2012, effective Jan. 27, 2012) The form and purpose of use under para. 1 and 2 shall be stated in the application under art. 14.

Article. 40. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Upon publication and promotion of NAF documents under Art. 39 the user shall be obliged to:

1. Indicate the full references of the documents used in publications and exhibitions, but in movies, radio and television broadcasts etc. - only the name of the relevant Archives keeping documents;

2. To provide to the Archives:

a) A copy of any publication of NAF documents after its release under Art. 9, p. 6 of the Law on the Compulsory deposit of copies of printed and other works;

b) A copy of each new edition - whatever type of media;

c) The Internet address of the publication.

Article. 41. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) The use of documents under Article 39 shall be paid depending on the form and the purpose of use, type of publication, duration of publications on the Internet according to the current prices of services.

Article. 42. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) (1) When using NAF documents establishing the postings on the Internet the user shall be obliged to require protection from unauthorized copying, spread and abuse.

(2) For web posting the Archives shall provide digital copies of documents having technical parameters according to the rules under art. 4 and to the approved prices of services.

(3) After the deadline for publication of documents on the Internet the right to this shall be renewed pursuant to the procedure stipulated in Art. 39 and 41.

Article. 43. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) When using documents under Art. 39 the individual rights shall be respected, the copyright,

the interests of third persons and the protection of personal data under Bulgarian law.

### **Additional provisions**

§ 1. (Amended - SG. 8 of 2012, effective Jan. 27, 2012) Within the meaning of the Regulation "full references" shall mean the abbreviation of data about the appurtenance to a particular archival complex (Archives, fonds, inventory, archival unit, sheet or other registration forms).

### **FINAL PROVISIONS**

§ 2. This Regulation is adopted pursuant to Art. 91 of the Law on the National Archival Fonds.

§ 3. Within three months from the enactment of the Regulation the archives director shall approve rules under art. 4.

§ 4. Guidance on the application of this Regulation shall be given by the Chairperson of the Archives State Agency.

### **Final Provisions**

#### **TO DECREE № 7 OF 18 JANUARY 2012 for AMENDMENT AND ADDITION TO THE REGULATIONS OF THE COUNCIL OF MINISTERS**

(Promulgated - SG. 8 OF 2012, in force from 01/27/2012)

§ 5. Within three months of entry into force of the Decree the heads of the relevant Archives shall approve the rules under art. 4 of the Regulation on the procedure for use the documents from the National Archival Fonds.

§ 6. This Decree shall enter into force on the day of its publication in the State Gazette.