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THE INFLUENCE OF SPECIAL LEGAL REGULATIONS ON THE DEGREE OF PROTECTION AND USE OF ARCHIVAL MATERIAL OF PERSONAL AND SECRET PROVENIENCE - THE BOSNIAN-HERZEGOVINIAN EXPERIENCE

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Abstract:

The author deals with the influence of some special regulations such as the Law on Freedom of Access to Information, the Law on Personal Information and the Law on Classified Information on the Protection and Use of Information. These are regulations that conflict with provisions of archival legislation, which in turn creates a problem and raises new issues. The general characteristic of these regulations relate to the treatment of only the operational function of archival information in terms of its protection and use. The other function relates to information of provenance which relates to the cultural and historical significance of the same and is not adequately treated in the said regulations. All this has a major impact on the reduction of historical and cultural memory, and is detrimental to science and society as a whole.

Key words:

Law on Freedom of Access to Information, Law on Personal Information, Law on Classified Information, archival legislation, archive activity, protection and use of archival material

Izvleček:

Vpliv posebnih zakonodajnih aktov na stanje varstva in uporabe arhivskega gradiva zasebne provenience - izkušnje Bosne in Hercegovine

Avtor se ukvarja z vplivom nekaterih posebnih zakonskih aktov, kot so Zakon o prostem dostopu do informacij, Zakon o osebnih podatkih in Zakon o tajnih podatkih ter varstvu in uporabi informacij. Ti zakonski akti so v nasprotju z določbami arhivske zakonodaje, kar povzroča težave in odpira pereča vprašanja. Splošna značilnost omenjenih aktov je, da obravnajo zgolj operativne funkcije arhivskih informacij, v smislu njihove zaščite in uporabe. Druga funkcija, ki se nanaša na informacije o provenienci in se povezuje s kulturnim in zgodovinskim vidikom, v zakonodaji ni enakopravno obravnavana. To ima precejšen vpliv na slabitev zgodovinskega in kulturnega spomina ter je škodljivo ne le za znanost, temveč družbo kot celoto.

Ključne besede:

Zakon o prostem dostopu do informacij, Zakon o osebnih podatkih, Zakon o tajnih podatkih, arhivska zakonodaja, dejavnost arhivov, zaščita in uporaba arhivskega gradiva

1. INTRODUCTION

The establishment of a system of protection and use of archival material is one of the most important issues of the archival profession. The protection and use of public archives is determined by archival legislation, which in Bosnia and Herzegovina is mainly implemented in practice. However, certain types of archives have their own specificities in the system of protection and use. In Bosnia and Herzegovina, specificities are especially expressed in the protection and use of personal and classified information. Namely, this area is legally determined by a wide range of regulations related to the freedom of access to information, and on the protection and use of personal and secret information in addition to the Law on Archives of Bosnia and Herzegovina and the institutions of Bosnia and Herzegovina archival activity (2001), as well as other archival laws at all levels.[1]

Accordingly, the aforementioned regulations include various areas relating to freedom and transparency in access to information, personal and classified information, such as: what makes all the personal data?, Who is entitled to their processing?, What is their safety?, How specific categories are handled?, How records of personal data are kept?, Under what conditions are personal data given to third parties?, the right to access personal data, classification, secrecy of information, etc. All this in practice by performing archival activities creates a certain problem in the sense that from the position of specialist regulations this problem is viewed unilaterally only through its operative function, while it is another cultural-historical or weak, or not at all representative. This greatly reduces the overall cultural and historical value of archival material.

2. SPECIAL LEGISLATION AND ITS APPLICATION IN PRACTICE IN THE FIELD OF PROTECTION AND USE OF INFORMATION

The question of protection and use of archival material was first of all determined by a wide range of regulations in the field of archival activity. Archival legislation in Bosnia and Herzegovina is regulated in accordance with the constitutional order of the country. Laws were passed at the state, entity and cantonal level. In all basic laws, special chapters determine the issues of protection and use of archival material. It is generally stipulated that all holders and creators of the registry are obliged to keep the registry material from destruction and damage, and that they are obliged to provide conditional space and adequate archival equipment, as well as to keep records in the field of archival and office operations. In addition, the creators and holders are obliged to appoint an expert to perform the above tasks. Basically, in all Bosnian archives, the protection of the registry is respected and implemented. This is especially evident during the post-Dayton Bosnia and Herzegovina. The system thus established contributed to the fact that the status of the registry structure in the possession of creators was raised to a higher level. This contributed to the fact that archives in Bosnia and Herzegovina took over significant archival material over the last ten years. In this way, the assumptions for a more efficient and more complete use of archival material are being created. This is definitely related to the staffing capacity and the capacity of the archives, to pay more attention to the arrangement and processing of archival fonds and collections and their placement in the user function. Namely, archival legislation precisely determined the conditions and circumstances of using archival material. It can be used freely for scientific and cultural purposes, as well as for the needs of fulfilling civil and human rights of users on various bases, in the case of arranged and processed fonds, and if there are

[1] *In Bosnia and Herzegovina, the archival activity is regulated in accordance with the Dayton Agreement, which means that the archival legislation was passed at the level of the state, entities and cantons.*

no other restrictions, if it is about fonds and collections of personal (family) or secret provenance.

In the archival profession in Bosnia and Herzegovina, it is evident that from year to year the number of users of archival fonds and collections increases, both for scientific and cultural purposes, as well as for other needs, especially those related to the realization of civil and human rights.

However, what constitutes a particular problem in the segment of protection and use of archival material are certain limitations outside the archival legislation. Namely, these limitations arise from the obligation to comply with provisions of several other legal regulations: the Law on Freedom of Information, the Law on the Protection of Classified Information, the Law on Personal Data Protection, and the Rulebook on Data Security.

The provisions of the above mentioned legislation are contrary to the provisions of archival legislation, in terms of user function, which opens up a number of dilemmas and problems to both archives and users. The provisions of the so-specialized regulations related to the user function are contradictory, go in two extremes, one is that access to archival material is provided without restriction, and the other, which restricts access for many years (100 years since birth) or unlimited.

By individual analysis of these regulations, we come to interesting conclusions, which precisely characterize the peculiarity of each regulation separately. Thus, the Law on Freedom of Access to Information (paragraph 3, Article 20) provides for the creation of preconditions for the undisturbed use of archival material (information), which implies the ordering of information. Namely, in the above paragraph it is emphasized that "*the public authority is obliged to publish quarterly data, which it should in particular include: the number of requests received, the type of information requested, the established exceptions, the decisions taken during the procedure and the final decision ..."* In addition, the unification of all mentioned data into a separate cumulative report is envisaged. This report should include data on submitted and resolved requests, those that have not been resolved, and the reasons why they have not been resolved. The established process of information preparation, established through the internal control system, while the archival material is being created, provides good preconditions for the exercise of citizens' rights. It is precisely the provisions of this regulation that place the basic emphasis on the necessary transparency and freedom of access to information. What, in this sense, presents certain problems and difficulties, are certain imprecisions given in the provisions of this regulation. Thus, among other things, in article 11 the Freedom of Access to Information Act states that "*a party must provide sufficient information on the nature and / or content of information in order to enable the competent public authority to find the requested information in a timely manner*". The attitude is not ambiguous, but we think it could have been more decisive and precise in terms of establishing a clearer procedure, which would guarantee a more specific finding of information and putting it in function.

What creates certain concerns with the Freedom of Access to Information Act is the issue of protecting the information itself, and therefore, the question arises as to how much this transparency and freedom of access to information can cause harm to an individual or a collective. Namely, in paragraph 2 of art. 20 of this Law, it is established that the public body or service is obliged to publish an "*index register containing the types of information generated by public activities and entrusted with the protection and safeguarding of the public authority. The same is the form in which the information is available, in order to prevent the loss of information*." Precisely, this article directly affects, or regulates the issue of protection of information under the control of a public authority. It is a pragmatic aspect that the problem is transparency and wide freedom of

access to information, including those that contain personal characteristics, as well as those with a confidential content basis. This in practice carries with it a great possibility of abuse and wide exchange of data. This is more because no measures are foreseen, that is, mechanisms for the protection of particularly sensitive data.

That, in that sense, gives some hope that this type of information will not be abused, it is the obligation to respect other specialist regulations that rigorously treat this programme. Public authorities and public services are required to comply with such regulations. What is causing a dilemma to a certain extent is to ask, or, on the contrary, to ask which of the regulations, which are in mutual conflict, on one and the same issue is a regulation with greater legal force. Very often, this is in practice a matter of free assessment, or decision of the one who manages information. However, prevailing attitude is that it will always accept that solution which is less "harmful" to the user. This is mainly about documents of a working, operational nature, intended for individuals and individuals in pursue of their civil rights. Practice clearly states that the process of user function is in other specialist regulations more acceptable than in the Freedom of Access to Information Act.

However, in the application of these regulations, there are other open questions, which are present in practice in the process of protection, and especially use. By analyzing the Law on Protection of Personal Data, there are interesting characteristics, on many issues: from the domain of protection, ordering and in particular the use of information. What is to be concluded is that, when adopting this regulation, it was not taken into account that the provisions of the same in the domain of the registry material were harmonized with the archival legislation. The general provisions of the Law indicate the aim of the same, which is "*the protection of human rights and fundamental freedoms, and in particular the rights to data protection with regard to the processing of personal data relating to them*" (Article 1). It was found that the Law applies to personal data processed by all public authorities, natural persons and legal entities, unless otherwise stipulated by another law. The law does not apply to data processed by natural persons solely for the purpose of personal activities or household activities (Art. 2). The basic terms used in this Act are: personal data, data carrier and special categories, personal data collection, personal data processing, anonymous data, controller, processor, third party, etc. (Article 3). The Law establishes the basic principles for the processing of personal data, where the obligations of the information controller are clearly defined, the right to process personal data without the consent of the data bearer, the processing of special categories of personal data, the maintenance or establishment of the Master Registry, and the obligation to keep the confidentiality of the data. (Articles 4-16). In a separate article, 17, the issue of using personal data (giving personal data to a third party) has been addressed, while it has been established that the data controller can not give personal data to a third party, before the data carrier informs it. If the data holder does not approve to provide personal information, they can not be disclosed to a third party. It has been determined that data can be used only in accordance with a procedure that implies a request from a third party, which must contain the purpose and legal basis for the use of personal data. It has been clearly established that it is forbidden to provide personal data to be used by third parties for which the processing or use is not authorized pursuant to provisions 5 and 6 of this Law, and if the purpose of use is contrary to the provision of Art. 4 of this Law. In the same article records of personal data are provided for use to a third party.

It should be pointed out that the Law on this basis is set up in general and refers to the public sector, to which the archives belong, and therefore the said law also applies to the archives. However, the very procedure and technique of using personal data is not best adapted to the archives, or their need. It is common knowledge that archival

fonds and collections contain many personal data. Archival legislation has determined that it can be used for 100 years since the birth of the person, or 70 years after the creation of the document. Therefore, the aforementioned provisions of the Law on Personal Data are significantly different from archival regulations, and in practice, a certain disagreement can be created in practice. Paragraph 6 in Art. 17 is related to the destruction of personal data, which reads: "*The data holder can not exercise the right to block or destroy personal data if the controller is obliged to process the data in accordance with a special law or if that would violate the rights of third parties*." Article 18 defines the procedure for transferring materials. Protection measures for data being transferred abroad have been established, as well as other conditions, especially when there are no adequate safeguards measures. This is contradicted by archival legislation, which by its provisions for export prescribes only security measures for archival material. Paragraph 4 of Article 18, regarding the issue of personal data, reads as follows: "*Exceptionally, the Agency will authorize the transfer of data from Bosnia and Herzegovina to another country, which does not provide the appropriate level of protection under paragraph 1 of this Article, when there is sufficient guarantee in respect of the protection of privacy and fundamental rights and the freedom of individuals or the provision of similar rights arising from the provisions of the special contract*." We believe that this provision from a professional aspect can not meet the norm and standard applicable to archival activities on this issue. What is obvious is that there is no determined (directed) responsibility in case of possible non-return of documentation, either operational or stored in the archives. From that aspect, the above paragraph of the Law is considered to be harmful and contrary to archival positive practice and norms.

Article 20 of the Law deals with issues related to the processing of data for statistical, historical and scientific purposes, where, in paragraph 1 of the above article, the following is emphasized: "*After a period of time, which is necessary to fulfill the purpose in which the data were collected, these data can be processed only for statistical, historical and scientific purposes and will not be used for other purposes*." In paragraph 2 of Article 20, it is stated that personal data may be used for statistical, historical and scientific purposes without the consent of the data bearer, as soon as data processing is completed. When using personal data for the stated purposes, it is necessary to respect the right to privacy and privacy of the data subject (paragraph 3). The said provisions do not limit the time of data usage, which is contrary to the provisions of the archival legislation, where it has been established that personal and family data can be used 100 years after birth, or 10 years after the death of the person to whom the personal data relate, or 70 years since the creation of the document. Therefore, these provisions create a certain distortion in practice when it comes to the use of personal data.

In Article 21 rules concerning the publication of personal data in research institutes are defined, stating: "*An organization or person who processes personal data for the purpose of scientific research may publish information obtained from personal data if it receives the written consent of the information carrier."* We are not sure if the legislator was in passing this article thought that this applies to the archives or it is just assumed. The article is vague and procedurally complicated for the scientific process, because the practice has shown that the waiting period for the consent is long for the researcher. From the archival point of view, the question of data processing through video surveillance, which is treated in this way, is also interesting.

In addition to this, other issues related to personal data of former institutions, conditions for processing of these data, as well as the right to object to the processing of personal data were dealt with. Likewise, in a separate chapter, the issue of Data Protection Authorities was handled, the Agency being an administrative organization. It

is not clear from the provisions of the Law whether the Agency is responsible for the entire issue of personal data in Bosnia and Herzegovina, nor has the scope of its work been determined. So we do not know if the supervision of the aforementioned Agency relates to the archive material stored in the archives of Bosnia and Herzegovina. There are also criminal issues, where exceptionally high fines of 50-100,000 KM are foreseen for controllers, if they do not comply with the provisions of the Law on Personal Data Protection. In any case, it is a good thing for the community have such a law, but it is not good that theis law is not harmonized with laws in the field of archival activity from the aspect of protection and use of personal data. This contributes to the creation of certain difficulties in the concrete application of the said legislation. We think that the archival legislation should be used for a certain segment of the said Law.

When it comes to the Law on Protection of Classified Information, it has several characteristics from the aspect of protection and use of classified information. On this occasion we will show some of them. In Article 2, the Law states that "*it will apply to all institutions, bodies, legal persons and citizens of Bosnia and Herzegovina, international and regional organizations, if that is prescribed by an agreement between Bosnia and Herzegovina on the one hand and international or regional organizations on the other*." This article provides a broad list of all entities that are bound to comply with the above regulation, from state authorities to local government. In a general statement, also "*institutions that produce, have access to and use these data, as well as employees in those bodies, organizations and institutions in the exercise of their legal powers*" are obliged to this law. Therefore, it can be concluded that all those who in any way have contact with this data are obliged to keep "*secret information”*. In a special way, explanations of the most significant terms related to this issue are provided, such as: classified information, classified information of another state, international or regional organizations, document, medium, determination of data confidentiality, access, use of classified information, storage of classified information, endangering the integrity of B&H, etc. Thus, this Law establishes that "*classified information*" is a "*fact or a means that relates to the public security, defense, foreign affairs or intelligence or security activity of Bosnia and Herzegovina*". While the "*document*" is defined as "*any written, printed, drawn, multiplied, photographed, recorded, on the carrier information or background, visible or some other classified information record*". It can be said that the definitions coincide with the definitions of "*registry material*" and "*archival material*" in the Law on Archival Activities.

In this article, it is indicated that the determination of the confidentiality of data is a procedure by which this information, in accordance with the Law, is classified as secret. When it comes to the "*use of classified information*", it is considered that this is a procedure for the use of such data by an authorized person in the performance of his duties, with the protection of the source and the way of approaching them. Also, it was pointed out that the procedure for keeping secret information was established in terms of maintaining the authenticity of the data and preventing their detection, destruction and misuse of an unauthorized person. The very provisions are quite vague, in terms of whether this is about "*secret data*" of an operational nature, or about all the secret data, including those kept in the archives.

In the Special Chapter of the Act, the procedure "*Access to classified information of degree INTERNAL and CONFIDENTIAL*" is defined, where it is determined who has the right to access to "secret documents" from the level of the state executive and legislative authority to the level of the local community. Thus, in Article 7, it is stated that "*All persons who perform duties or work in the authority have access to classified information classified as INTERNAL.*" And here it is clear that these are "*secret data*" of operational nature. However, the question regarding access to "*secret information*" that

is not operational, still remains. In the current Law, this is not significantly defined. On the other hand, in Article 10 of the Law, it has been established that access to classified information is possible only under conditions determined by the Law and other by-laws issued pursuant to the Law. This clearly indicates, that other legal regulations, including archival, were removed from any influence on the mentioned issue. So the question arises what is the access to "secret information" in the archives. For, whatever the "*secret*" information, it can not remain as such forever. We believe that this should be specified in the Law by a certain provision.

The second question, which in some way indirectly touches archival issues, is to determine the confidentiality of the degree data INTERNAL, CONFIDENTIAL and SECRET. In fact, this procedure determines the further fate of a document. The good thing about the above procedure is that the domestic terms for the degree of secrecy are consistent with the international ones. Confidentiality is established by authorized persons in certain institutions. Their competence, from the aspect of confidentiality, is unquestionable, but from the aspect of other things, even those related to the permanent sealing of these documents, it may be questionable. This is shown in practice, as it happens that very often these types of documents are destroyed by a special procedure, not by the one that is prescribed by the archival profession, regardless of whether these documents contain information relevant to culture, science or history. In this way, science and culture remain deprived of important information which could be used for the objective reconstruction of the past. In Bosnia and Herzegovina, one particular feature is present on this issue, and it is related to the fact that for 70 years or more "*secret documents*" cannot be put in function for the needs of science and culture, until the confidentiality is removed from them. The sign of confidentiality can be removed by the authority that issued it, and there are many cases where the authority that issued the confidentiality code does not exist anymore and there is no one who will lift it. So science and culture in this sense are significantly affected and this is a frequent phenomenon that researchers encounter in practice. Archives, on the other hand, even though they hold a small amount of such documents, are still cautious about its use because of legal uncertainties.

The Law also contains other provisions which touch the so called archival issues. There is the issue of permiting access to classified documents (Article 43). In that sense, it is necessary to establish security checks to grant licenses for access to confidential data of the degree CONFIDENTIAL. Expanded security checks are provided for the issuance of a SECRET classified information access license, while special security checks are required to access classified information classified TOP SECRET. All of the above refers to operational secret information, while in the Law there are no definitions for materials that are not operational and which one day should be archival material.

The Law determines the issue of temporary access to classified information (Article 63). This is provided for in exceptional situations and provides access to secret information to a licensed person for documents marked a degree of secrecy beyond that to which that person is entitled. A procedure is prescribed, which implies access to classified information on the basis of a request in written form explaining the necessity and limitation to data only necessary for the implementation of a particular activity.

A whole chapter is dedicated to access to information, whereby issues such as disposing of classified information and conditions of exchange of classified information are addressed. (Article 66). The procedure for keeping secret data has been determined, whereby it has been established that "*in every state, entity and body, organization or institution at other levels of the state organization of Bosnia and Herzegovina, which is the user of classified information, a system of procedures and decisions important for keeping secret data that is consistent with the degree of secrecy and guarantees the*

disabling of unauthorized disclosure of such data must be established." This implies the following: general security decisions, protection of persons who have access to classified information, protection of premises, protection of documents and media, manner of marking the level of secrecy, protection of equipment dealing with classified information, way of informing users of decisions and procedures of protection, monitoring and recording of access to secret information, surveillance and disclosure of the transmission and distribution of classified information. As you can see, the provisions of the Act have done everything to ensure that the procedure for access to information is controlled and the secret of information is protected, which is the purpose of the adoption of this law. What we consider to be a disadvantage is that in this Act nothing is foreseen as far as archival issues are concerned, so it is not clear to us what kind of fate awaits this material when it becomes historical material. Not treating this issue from the aspect of its archival and historical function creates a problem in the long run, that is, the uncertainty of the same. So that society, communities and science can only be deprived of the right to inspect the information that would help to highlight certain processes, events from the past, because of their importance, nature and content. So we can say that this law regulated and determined only one segment related to the user function of classified documents, the one that was operative, the one that was related after the operation was brought to the secret document, was not treated by the Law at all. This is certainly not in line with positive archival legislation, and leads to collision of regulations, which also complicates archival operations. With this approach, society and science are deprived of the right to consume important information (archival material), which ultimately has an impact on the overall result of our historical memory.

3. INSTEAD OF THE CONCLUSION

In practice, several specialist laws have been passed in Bosnia and Herzegovina, which treat certain narrow areas. These laws directly or indirectly impact archival activity, because they most directly engage in the basic areas of protection and use of archival material. Of the above regulations, the most important are the Law on Freedom of Access to Information, the Law on Personal Data Protection and the Classified Information Act. The basic characteristic of these regulations is to treat information while it is in the making, or while it has an operational function. In the mentioned regulations, there is a lot positive from the aspect of protection, handling and use of archival material. However, there is also a lot of collision and inconsistency, including some articles which are contrary to archival legislation. The Freedom of Access to Information Act, in addition to transparency and compliance with the general norms related to the right to access information, has deficiencies in terms of protecting information, endangering the interests and rights of others, and the like. The Law on Personal Data, although it deals in detail with this area, also has its inconsistencies, which are mainly related to limited access to information, and the non-compliance with archival legislation related to their use. The Law on Protection of Classified Information only deals with the area of operational protection and use of this information. It absolutely does not touch the issue of classified information as archival and historical information. This greatly affects the reduction of our overall memory, regarding the use of this type of information. There are other open questions. The aforementioned regulations do not specify the use of secret and personal data for scientific and historical purposes. Archival legislation treats these issues differently. Archival material relating to personal data is available for use 70 years after creation or 100 years since the birth of a person. This disparity of regulations creates difficulties in the system of protection and use of archival material of this provenance. There are other open questions that affect this kind of material. Among other things, politicizing the issue of lustration, which is most directly related to personal and archival

material of secret provenance. Personal data in practice for the needs of science and history has not found its application, and are very poorly used, while classified information is almost non-existent. This creates certain difficulties and problems for archival profession and historical science. Therefore, from the archive, legal, and especially from the scientific point of view, we believe that this area should be regulated differently, e. g. specialized laws should include more archival provisions. Personal and secret information represent a significant archival and historiographic basis for studying numerous issues from the past and they should be the subject of treatment of archival science and historical science.

POVZETEK

VPLIV POSEBNIH ZAKONODAJNIH AKTOV NA STANJE VARSTVA IN UPORABE ARHIVSKEGA GRADIVA ZASEBNE PROVENIENCE - IZKUŠNJE BOSNE IN HERCEGOVINE

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V Bosni in Hercegovini so bili sprejeti mnogi specialni zakoni, ki se ukvarjajo z ozkimi področji. Ker se ukvarjajo tudi z zaščito in uporabo arhivskega gradiva, posredno ali neposredno vplivajo tudi na arhivsko dejavnost. Od teh so najpomembnejši Zakon o dostopu do informacij, Zakon o varstvu osebnih podatkov in Zakon o tajnih podatkih. Glavna značilnost teh zakonov je urejanje rokovanja in dostopa do informacij ob njihovem nastanku in v fazi njihove uporabnosti. V omenjenih zakonih je z vidika zaščite, rokovanja in uporabe arhivskega gradiva veliko pozitivnega. Po drugi strani pa so na nekaterih mestih ti zakoni v nasprotju z arhivsko zakonodajo ali od nje odstopajo. Zakon o dostopu do informacij je npr. transparenten in v skladu s splošnimi normami glede pravice do dostopa do informacij, ima pa pomanjkljivosti na področju varovanja informacij, ogrožanja interesov in pravic drugih ter podobno. Zakon o osebnih podatkih prav tako ni skladen z arhivsko zakonodajo na področju uporabe osebnih podatkov. Zakon o varovanju tajnih podatkov pa se ukvarja le s področjem operativne zaščite in uporabe informacij. Vse to močno vpliva na slabitev kolektivnega spomina. Obstajajo pa še druga odprta vprašanja. Omenjeni zakonski akti ne določajo uporabe tajnih in osebnih podatkov za znanstvene namene. Arhivska zakonodaja le-te obravnava drugače. Arhivsko gradivo z osebnimi podatki je dostopno za uporabo 70 let po nastanku ali 100 let od rojstva osebe. Razkorak med zakoni ustvarja težave pri sistemu varovanja in uporabe takšnega arhivskega gradiva. Obstaja tudi problem lustracije, ki je neposredno povezan z arhivskim gradivom tajne provenience, katerega uporaba je skoraj nična. To predstavlja težave za arhivsko strokovno in zgodovinsko znanost. Z arhivskega, pravnega in še posebej znanstvenega stališča zatorej menimo, da bi moralo biti to področje regulirano drugače, s posebnimi zakoni, ki bi vsebovali tudi določbe glede gradiva v arhivu. Osebni in tajni podatki predstavljajo pomemben temelj za arhivsko zgodovinopisno raziskovanje številnih tem in bi morali biti arhivski in zgodovinski znanosti na razpolago.