

Anna KRZEMIŃSKA\*

**ACQUIRING PRIVATE ARCHIVES - LEGAL CONSTRUCTION OF AGREEMENTS INCLUDING ISSUES: COPYRIGHT, PROTECTION OF PERSONAL DATA, PROTECTION OF CORRESPONDENCE, PROTECTION OF IMAGE, ETC.**

**Abstract:**

*Legal status of private archives is set forth in archival legal orders of individual states. Polish legal regulations, in matters of collecting archival materials, distinguish two kinds of property: state and private. Many private archives, especially archives of great families and houses, were deposited at the state archives after War World II. Today historical archives receive more and more private archives, especially from natural persons. Therefore, it is necessary to prepare a special agreement, which must take into account all aspects, which could influence availability and access to this materials in the future. The agreement of materials transfer should include provisions resulting from legal regulations in force: copyright, protection of personal data, protection of correspondence, protection of image, etc.*

**Key words:**

*private archives, ownership right, agreement, copyright*

**Izvleček:**

**Prevzemanje zasebnega arhivskega gradiva - pravna sestava pogodb: avtorske pravice, zaščita osebnih podatkov, korespondence, slik in drugega**

*Pravni status zasebnega arhivskega gradiva urejajo arhivske zakonodaje posameznih držav. Poljska zakonodaja razlikuje v zvezi s pridobivanjem arhivskega gradiva med dvema vrstama lastnine: državno in zasebno. Veliko zasebnega arhivskega gradiva velikih rodbin in hiš je bilo v državne arhive predano po drugi svetovni vojni. Danes prevzemajo zgodovinski arhivi vedno več zasebnega arhivskega gradiva od fizičnih oseb. Zatorej je nujno, da se v ta namen pripravi poseben dogovor, ki mora zajeti vse vidike, ki bi lahko vplivali na dostopnost tega gradiva v prihodnosti. Tak dogovor mora vsebovati določbe, ki izhajajo iz veljavne zakonodaje o avtorskih pravicah, zaščiti osebnih podatkov, korespondence, slik in drugega.*

**Ključne besede:**

*zasebno arhivsko gradivo, lastniška pravica, dogovor, avtorske pravice*

## 1 TERMINOLOGY

The term „private archives” seems to be superior - referring to any records created by a private institution, natural person or families understood as multigenerational and extensive family structures. The private nature of archives is determined by their creator, and not by place of the preservation of records (Biernat, 1999, p. 41; Polish Archival Dictionary, 1974, p. 20). In the Polish archival theory in the past, different terms for defining archival materials created as a result of an activity of natural person have been used: private papers, archival legacy (as the

\* Anna Krzemińska, Ph. D., Center of Scientific Information, Library and Archives, Institute of Pharmacology, Polish Academy of Sciences, Smętna Street 12, 31-343 Cracow, Poland, contact: [krzemin@if-pan.krakow.pl](mailto:krzemin@if-pan.krakow.pl).

translation of the German word „Nachlass,” which meant, first of all, a legacy, cultural or intellectual achievements including those related to individual persons), personal archives, private archives (in the meaning of archival fonds) (Kulecka, 1999, p. 132-138). Polish terminology has a separate term for defining archival materials remaining after families and houses that played a significant historical role in the past - manor-houses archives (in German “Gutsarchiv”).

## 2 THE STATE OF RESEARCH

Literature on private archives is rather extensive and takes different aspects, also aspects referring to the status of private materials in the state archives. In 1998, there was a conference in Poland, dedicated to these issues, and a publication was published with valuable sources of information about the legal status of private materials at that time in European countries, which are often present today too (The Private Archives and Archival Materials, 1999). A lot of articles and thesis were written on the historical value and methods of classification (e.g. Chodkowska, 2009; Górski 2009-2010 - there further literature; Wells, 2012), guidelines on how to create an to preserve private archives were published (e.g. What will be remembered about us?, 2013; Ashmore, Craggs, Neate, 2012; web site NDAP [www.archiva.gov.pl](http://www.archiva.gov.pl)). Doyens Polish archivists K. Kaczmarczyk, P. Bańkowski, A. Stebelski, Z. Kolankowski and contemporary researchers B. Ryszewski, A. Kulecka, T. Zielińska were writing on archival theory and methodology of private archives and private papers many times, especially in the journal „Archeion” (full text of a lot of issues accessible on-line [www.archiwa.gov.pl](http://www.archiwa.gov.pl)).

Unfortunately, there is still a deficiency in studies or papers including the analysis of laws, not only the archival law, but all acts, which impact gathering and disposing of private materials. Also lacking is a discussion about the possible introduction of general rules or guidelines on the subject of formal and legal and physical issues of handing over private materials to historical archives, as well as rules on making them available in correlation with limitations following from laws.

## 3 THE OBJECTIVE

This article focuses on the problem of natural persons’ archives, families and houses archives, but presents theses which refer to following archival materials from institutions of a private character: social organizations, societies, political parties, religious unions, etc.

The article does not bring a discussion of the status of a very interesting kind of private archives in Poland - the Catholic Church’s archives. This kind of collections are very complicated and different. One part of the church’s collections is included in the holdings of state archives (mainly the convent archives after liquidated monasteries), but a lot of them create independent private archives now, which are subject to the law of the Catholic Church: archdiocesan archives, diocesan archives and parochial archives.

Polish legal regulations, in matters of collecting archival materials, distinguish two kinds of property: state and non-state. Within the framework of the latter, there are two groups: recorded holdings and non-recorded holdings. Archives of natural persons, which are in this article the basic subject of interest, are a part of non-state non-recorded archival holdings. The Act on National Archive Resources and Archives,

1983, article 46, states that non-state non-recorded archival holdings include materials created as a result of activities of natural persons and are the property of these persons or their legal successor.

Although, in case of archives that belong to the non-state recorded holdings, the co-operation of non-state organisational units, that are referred to in Article 42 of the Act, with a state archives network is governed by agreements concluded between their relevant authorities and a minister competent for culture and national heritage protection (The Act on National Archive Resources and Archives, 1983, article 45 point 4). In cases of the non-recorded non-state holdings, there is just a scant reference in the Act to sales agreements for archives, provided in the context of tax issues relating to such agreements. The Act on National Archive Resources and Archives, 1983, article 47, states, that transfer of ownership under a sales and purchase agreement to the benefit on the State or under inheritance or bequest is exempted from tax and notarial fees. However, this provision is of key importance for consideration. It should determine a method in the case of transferring private archival materials to the historical archives - just on the basis of a civil agreement (Biernat, 1999, p. 44). Optimum construction of an agreement will be proposed below. At the beginning a few words on the current situation and problems connected with the determination of rights in property regarding private archival materials, which are solved on the basis of decisions of common courts of law today.

#### 4 PRIVATE ARCHIVAL MATERIALS IN STATE ARCHIVES AND OTHER HISTORICAL ARCHIVES

The Act on National Archive Resources and Archives and other ordinances of the Minister of Culture specify organizational units, which are required to hand over archival materials to archives forming the state archival network. Firstly, these are local self-government units, state organizational units and their bodies. The holdings of state archives are very diverse. Apart from current documentation, which is acquired from above-mentioned units, holdings are composed of historical documents created since the beginning of the Polish state: documentation of king's, prince's, monastery's and town's chancellery; archives of great families and houses; private papers of outstanding representatives of culture, art, science, technology, economy and politics; documentation of social organizations, societies, political parties, etc. Common criteria of gathering, defined in the article 1 of the Act, is the importance of materials as sources of information with a historical value on the following fields: the activity of the Polish State, organs and other state organization units and self-government units; on connections with other countries; on the development of social and economic life; on the activity of political, social, economic and religious organizations and on the development of science, culture and art.

Especially the archives of great Polish families and houses, gathered since the early modern times (16<sup>th</sup>, 17<sup>th</sup> centuries), and sometimes of medieval origin, which were transferred into the state archival holdings after the World War II with the process of nationalization of land estates, are a big challenge for archives today in matters of regulating their ownership status in accordance with applicable rights.

Though subsequent Acts on Archives, starting with the decree of 1951 (The Decree on State Archives, 1951), through the Act of 1983, to its last year amendments,

legitimized the state ownership title to those undoubtedly private materials,<sup>1</sup> today heirs of families seek to claim and recognise their ownership rights. Trials, the parties to which are descendants of original legal holders of archives and the General Head Office of the State Archives (the office superior in relation to states archives) and the State Treasury as a current holder of those archives, are held before Polish common courts. The plaintiffs apply for the establishment of their ownership right to archival materials (casus Tarnowski's family from Dzików, Branicki's from Wilanów), but also, for example, for the return of family souvenirs that were seized together with nationalised estates, and which are currently held by museums (casus Sanguszko's family from Gumniska).

The petition may be heard on the condition that a period of limitation is interrupted. Until today, in currently pending proceedings, courts have explicitly indicated that provisions of the land that constituted the basis for the nationalisation of landed estates, did not provide grounds for the acquisition of the ownership title by the state to documents that belonged to estate owners. A contentious issue that is extremely difficult to solve is still how to determine financial expenditures that the State Treasury has incurred for storing and protecting documentation and the current appraisal of disputed materials. Since these are materials that are of importance for Poland's history and have permanently been a part of research activities and clearly a part of cultural heritage, their legitimate owners do not want to remove their property from state archives, but only to obtain financial compensation for illegal seizure of their ancestors' property. Against this background, it is possible to work out agreements, though those negotiations are very difficult, requiring good will and understanding of the case from both sides.

## 5 ARHIVAL MATERIALS AS A PRIVATE PROPERTY IN THE LEGAL ORDER

It is worth emphasising that, under the Polish legal system, there is no literal notion of a private collection of archives - as already mentioned above, it is referred to as a non-state archival collection (recorded and non-recorded), yet it is of a private character. Similarly, the systems of archival laws existing in other European states, especially in the Central and Eastern Europe, differentiate between the state-owned and private property of archives and archival materials (see a number of articles in the publication *The Private Archives and Archival Materials*, 1999: Tascini, Lozicki, Kološa, Hedbeli, Klavina, Soare, Davydova, Popović, Křestan, Piskova). Thus, in accordance with a doctrine of the Roman law adopted in the world of the Western civilization, non-state archival holdings as private property should not be a subject to state authorities (Stępniaak, 2012, p. 157). Further, an issue appears in the relation between such privileged legal status of private property, and any potential limitations in its use,<sup>2</sup> though the quoted provisions apply to non-state registered archival holdings. The topic of those relations was a subject of the report on archives in the European Union

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<sup>1</sup> *The Act on National Archive Resources and Archives, 1983, article 15, states: „The state archival holdings include archive materials created as a result of activities ... families and houses of a significant historical, influence on the affairs of the State, political, economic, and social relation, as well as records pertaining to their estates, enterprises, and other economic activities, if these materials acquired by the State as a result of purchase, donation, or in any other way”.*

<sup>2</sup> *According to the provision of The Act on National Archive Resources and Archives, 1983, where is written in article 43: „The ownership of archival materials, referred to article 42, can't be the subject of trading”, and in article 44: „Once the organisational units that are referred to in Art. 42 have ceased to operate; their archived materials shall become the property of the State and become part of a state archive collection. They shall be subject to transfer to a relevant state unit of the archive network indicated in a decision of the General Director of State Archives”.*

in 2005, which published the findings which in majority remain still valid despite the years elapsed since its publication. (Report on archives in the enlarged European Union, 2005). The Report stipulates in conclusion: „public authorities should continue to do all in their power to encourage the preservation and safeguarding of private archives by all appropriate legislative and fiscal means and by outreach and encouragement to private owners, both institutions and individuals. The dissemination of information about archives, both within and across national frontiers, has been greatly facilitated by the extension of computer applications and of access to the Internet. All countries with national registers of archives, or equivalent compilations of information about private archives, are encouraged to release as much data as possible about both public and private archives into the public domain (but, naturally, without breach of confidentiality, sensitivity, national security or the legal rights of data subjects).” (Report on archives in the enlarged European Union, 2005, p. 52-53).

It may be said that archival laws, both in Poland and other countries, sanction the existence of state and private ownership with regard to archival materials, in the first and second instance emphasising the need for their proper protection and security as the national heritage. It is hard to argue with such a position or look for any abuses. It is, however, the formal and legal transfer of such archival materials to historical archives that constitutes a problem, i.e., the issue of actual disposal of archival materials by their owners. Not always may it be done under the same, quite general provisions of the Act, and most certainly not with regard to archives of natural persons, but rather on the basis of separate, additional legal documents - that is agreements that have already been mentioned.

## 6 THE RULES OF ACQUIRING PRIVATE ARCHIVAL MATERIALS BY THE STATE ARCHIVES AND OTHER HISTORICAL ARCHIVES

Currently, the state archives acquire private materials, however, despite the bitter experience involving private archives that were transferred to the state archives during the times of the previous political regime, there still are no uniform procedures governing the acceptance of such materials, though it is done under more controlled conditions. The acquisition is based on the transfer and reception lists that are quite detailed summaries of materials acquired and which bear a signature of the transferor and a transferee. Very seldom an agreement is made that would govern a possibility for state archives to use the transferred collections, a possibility of making them available, making copies, etc., especially if a collection contains materials protected by the copyright law (which happens most frequently). It is allegedly assumed that if there is no explicit reservation that concerns availability, then given a role that archives play, making materials available is an obvious matter in accordance with the regulations of the Act.<sup>3</sup> Moreover, it is not verified whether the donor has a legal right to hold the materials. Agreements, if any, rather constitute “good practice” (Archiwistyka Społeczna, 2012, p. 68) and not a “standard” in the way Polish archives operate. Yet, it seems that due to the aforementioned legal status, not negated by the legislator and common courts, the private property (in the Polish legal system issues of ownership are regulated by the Civil Code, article 140, where it is written: “Within the limits set forth by acts of law and the rules of social co-existence the owner may, with the exclusion of other persons, use the thing in accordance with a

<sup>3</sup> The Act on National Archive Resources and Archives, 1983, article 16, where is written: „The archival materials are made available to the organisational units and citizens for scientific, cultural, technological and economic needs. Making archival materials available for the aforementioned needs is free of charge.”

socio-economic purpose of his right, in particular, by deriving benefits and other income from the thing. Within the same limits, the owner may manage the thing.” and next articles 141-194) - all efforts should be made to avoid any doubts concerning the intent and will of both parties: the transferor and the transferee in a formal and legal aspect of the transfer of archival materials. Obligations to conclude these agreements envisages/assumes the Lithuanian law of 1996, which states that state archives have the possibility to take over private archival materials with reservation: the owners agree to this transfer. Then, a special agreement is concluded defining the conditions of such acquisitions (Kosciuskevičute, 1999, p. 120).

Since more and more private materials important for Polish culture, science and politics are acquired from private persons, (from activities of the Polish government in exile, the transformation period), it seems to urgent to have explicit regulations for such purposes - either as a regulation of the Head Office of the State Archives, or, actually, a regulation from a competent Minister (that is the Minister of Culture and National Heritage). There are several cases of recent acquisitions: : private papers of Kossak's family - to National Archives in Cracow, private papers of Elżbieta Czyżewska - to Digital National Archives; manuscripts and library of Czesław Miłosz - to National Library.

In Poland other archives acquire private collections too: archives of higher schools, archives of scientific institutions (among others archives of the Polish Academy of Sciences), archives of museums and libraries. Principles of acquiring and gathering are the same as in the state archives.

It is worth mentioning that in historical archives, which are registering their own collections in a database (all state archives, archives of the Polish Academy of Sciences, archives of scientific and cultural institutions and other, which declare participation and meet standards in respect of drawing up collections), there are more than 3200 archival fonds classified as private papers and private archives ( 956 of them are in the archives of the Polish Academy of Sciences and 832 archival fonds classified as archives of families or houses (database SEZAM, <http://baza.archiwa.gov.pl/sezam/sezam.php>, access 25.02.2015).

The transfer and reception list, that in Polish archival methodology is a basic document for acquiring archival materials in an archives of any kind, is the most advisable element in an action of acquiring private archives. It is an accurate list of materials that are subject to transfer (down to a level of an archival unit - an archival file), together with identification of documentation and a size of the transferred collection (number of files, number of volumes, number of linear meters). In case of the records current, it constitutes a basic form of register of holdings. Nonetheless, in the case under review, a list should be an equal document next to a properly structured agreement - which is a civil law contract, the terms and conditions of which are governed by the Civil Code. It seems to be the most optimal solution that combines consequences derived from a Code-based definition of the right of ownership and actions for public good to the extent of preserving the national heritage.

These are the basic elements, which should be included in agreements:

1. date and place of conclusion of an agreement,
2. data on the parties of the agreement, i.e. personal data of a person transferring archival materials and information of an institution that accepts archival materials, taking into account persons authorised to represent it,
3. determination of the subject-matter of an agreement (e.g. private papers XY in accordance with the attached specification),
4. determination of remuneration due to a person making such transfer together with indication of a manner of payment or incorporation of a clause about free-of-charge transfer of materials (this option is preferred by archives that do not have appropriate amounts of financial resources for purchases of archival materials),
5. a statement of the transferor that he is a legal owner of the materials and that he owns their full and unlimited management rights.

These are some of the remaining elements of an agreement:

1. indication of the purpose for which a donor transfers, and the archive receives materials. The purpose is primarily to make them available, provided that availability as such is understood in many ways, (The order No 4 of the General Director of State Archives of 2013, 1 February on organization of making archival materials available in the state archives; Judicial Decision of the Voivodship Administrative Court in Warsaw of 2013, 7 November, file number II SA/Wa 1072/13). Therefore, it is necessary to define precisely the manner in which they are to be made available: direct provision of original copies in the archive's premises; lending original copies to other institutions; digitalisation and provision of duplicates in an IT network in the archive's premises; digitalisation and access through a network by unregistered users; unconditional or restricted availability (within a specific period of time, for specified purposes of use, e.g. for scientific research only). Another purpose defined in the agreement should also be protection and permanent storage and ordering of materials, provided that a donor may, however, reserve the materials to be left in the arrangement in which they are transferred (despite are existing methodological guidelines of drawing up of private papers, see Wytyczne opracowania spuścizn, 1990),
2. determination of conditions and possibilities to make copies of material for the individual needs of users,
3. determination of conditions and possibilities for publishing archival materials,
4. compliance with regulations of law that may result in limitation of availability:
  - a. the copyright law, in case whereby a collection contains materials that are works within the meaning of the Act, i.e. „any and all manifestations of creative activity of an individual nature, established in any form, irrespective of its value, designation, or manner of expression” (The Act on Copyright and Related Rights, 1994, article 1). A statutory definition is very broad and makes a significant volume of documents that make up the legacy includes works and is provided with the copyright protection. The Copyright Act says that archives (and libraries and schools) might make their collections available free of charge, in accordance with their

statutory activities, but this regulation refers only to copies of works that have been disseminated (dissemination is defined as making the work publicly available, in any manner, upon the author's permission or person's entitled to execution of author's moral rights. (The Act on Copyright and Related Rights, 1994, article 28). Disseminated works do not cause complications, the problem concerns works that have not been disseminated and which may be letters, memoirs, notes, etc. In this case, a consent to make such materials available by a person authorised to exercise moral rights of the author must be absolutely required.

- b. protection of correspondence - in case of correspondence, it is a sender as an author of a work and an addressee that shall decide on making it available (since letters are mostly works that deserve protection under such regulation). The law provides for such issues as follows: "If a person to whom correspondence is addressed has not expressed another will, dissemination of correspondence within a period of twenty years from her/his death, shall require permission of a spouse, and if there is no spouse, then subsequently descendants, parents, or siblings." (The Act on Copyright and Related Rights, 1994, article 82).
- c. image protection - this applies to photographs that in their majority are works protected by copyright law. On the other hand, regulations of law provide that the dissemination of an image requires permission of a person presented in such image. In the event of an explicit lack of such a reservation, permission shall not be required if such person has received an agreed payment for being depicted. Permission is not required for the dissemination of an image: of a person that is commonly known, if an image has been produced in connection with the performance of public roles by such a person, especially political, social, professional ones; a person that is just presented as a detail of a whole, such as an assembly, landscape, a public event, etc. (The Act on Copyright and Related Rights, 1994, article 81).
- d. personal data protection - usually, transferred materials concern deceased persons and therefore, the provisions of the Act on Personal Data Protection do not apply here. However, in cases where documents contain information about living persons allowing their identification, then it is necessary to obtain their consent for making such information available.
- e. protection of legally protected secrets - documents containing confidentiality clauses may rarely be seen among privately archived items, however, when a creator of the legacy dealt with them in professional work and especially when they (or their copies) were not legally obtained can be found in the collection that has been transferred. In such cases then, periods of protection provided in regulations of law and procedures governing declassification of information contained in documentation must be observed.

All of the above-mentioned issues that limit the management and availability of private materials are detailed issues that cannot be discussed comprehensively, but a structure of an agreement should include those protective provisions, depending on the quality and content of such materials.



There are general elements:

1. indication of a manner in which disputes arising out of failure to perform or out of improper performance of the provisions of an agreement should be resolved,
2. information on drafting an agreement in two counterparts with one for either party,
3. hand-written signatures of a donor and a representative of the archives that acquires the materials.

From an archival methodology point of view it would be ideal to include a so-called collection information note prepared by the donor. If archival materials are transferred from the state and local government units, such note is a methodological requirement, constituting of elements deciding about the inclusion of given materials into archival holdings, especially in case of setting up a new archival fonds, but also in the case of a substantial inflow of archival materials into an already existing fonds. Such note refers to the origin of materials, their fate, their creator, contains short characteristics of documentation, including the time of its origin.<sup>4</sup> If a donor is at the same time a creator of private archives, such person shall have the biggest knowledge about the mentioned issues and thus is the most competent to prepare the note that shall be the basis for methodological processing of the collection.

Above indications refer to a situation when materials are transferred either by their creator or another person having relevant legal authorisation to perform such action. A problem appears in a situation when the legacy is transferred to the archives by accident, in an uncontrolled manner, and materials are so valuable that they require permanent protection and storage. Such cases especially apply to legacies of scientific researchers whose private materials were found in their desks in their offices (at universities, research institutes) after their death and protected against loss in good faith. One problem that appears here relates to difficulties in separating private documents from those which had been produced during their professional life and should be transferred to the records of the employer's institution. Another problem is to determine a person or persons authorised to manage such materials. Best efforts should be exercised to find heirs (in special cases, when there are no natural heirs this role shall be performed by the State Treasury) and to conclude a relevant agreement with them with a prepared list of documents that are to be transferred to the archives. Such a problem is a topic for another review frequently mentioned in references concerning the subject as a side remark in papers focused on issues of gathering private archives.

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<sup>4</sup> Complete rules of how an introduction to an archival inventory is structured: Circular Letter No. 2 of the General Director of State Archives of 28 May 1984 on the implementation of methodology guidelines applicable to making archival inventories of fonds (collections) of files of cases produced during a period when the office operated (19<sup>th</sup> to 20<sup>th</sup> century); Robótka H. et al, 1989, p. 71-76.

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## POVZETEK

**Anna KRZEMIŃSKA\***

### PREVZEMANJE ZASEBNEGA ARHIVSKEGA GRADIVA - PRAWNA SESTAVA POGODB

Popoln povzetek problemov, ki se jih dotika pričujoč prispevek, je primer akcije, ki jo je organiziral državni arhiv in poljski radio Program 1 in poteka od leta 2013 pod nazivom »Postani družinski arhivist«. Akcija se osredotoča na zbiranje dokumentov in družinskih spominkov s strani navadnih državljanov. Gre za osveščanje ljudi o tem, da za hrambo niso zanimivi samo dokumenti, pomembni za »široko« zgodovino in državo, ampak tudi osebni dokumenti vsakega človeka, saj prinašajo veliko vedenja o naših prednikih in nas samih. Reakcije na omenjeno akcijo so bile zelo ugodne, organiziranih je bilo veliko sestankov, predavanj, delavnic ter celo radijskih in televizijskih oddaj. Rezultat akcije je tudi pričujoči prispevek (naslovljen »Družinski arhiv, 2014«).

»Na Poljskem se je vredno vrniti k tradiciji vzpostavljanja družinskih arhivov in zbiranju slik ter drugih dokumentov, ki se prenašajo iz roda v rod. To pa zato, ker zgodovino Poljske sestavljajo milijoni posameznikov, ki so, eni bolj, drugi manj, vplivali na družbene razmere. Če pa je hranjenje dediščine, ki so jo ustvarile družine,

\* Dr. Anna Krzemińska, Center za znanstvene informacije, knjižnice in arhive, Inštitut za farmakologijo, Poljska akademija znanosti, Smętna 12, 31-343 Krakov, Poljska, kontakt: [krzemin@if-pan.krakow.pl](mailto:krzemin@if-pan.krakow.pl).

za nas breme, se, prosim, spomnite, da obstajajo arhivi, knjižnice ali muzeji« (profesor Władysław Stępnia, generalni direktor državnega arhiva).

Ta priporočila so mišljena kot nagovor oziroma vzpodbuda k predaji zasebnega arhivskega gradiva v zgodovinske arhive. S tem je povezana tudi nujnost priprave standardov za posebne dogovore, ki morajo upoštevati vsa dejstva, ki lahko vplivajo na dostopnost tega gradiva v prihodnosti. Seveda mora biti sestavljanje dogovorov prilagojeno posameznemu primeru in tipom dokumentov, vendar mora upoštevati določbe zakonov, še posebej arhivskega, kot tudi avtorske pravice, zaščito osebnih podatkov, zaščito korespondence, slik ipd. Prav tako mora biti sestavljen popis predanega arhivskega gradiva. Uradno dokumentacijo o predaji arhivskega gradiva mora spremljati tudi izjava donatorja.

Regulacija pravnega statusa zasebnega gradiva, ki je bilo v državni arhiv prevzeto na podlagi Odločbe o agrarni reformi iz leta 1944, je danes ključno vprašanje generalnega vodstva državnih arhivov. Potrebno je poudariti, da je generalno vodstvo zavzelo stališče, naj se posamezni spori rešujejo sporazumno. Na žalost pa mnoge zadeve pridejo tudi pred sodišča.