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1.04 Strokovni članek

1.04 Professional Article

INFLUENCE OF THE NEW ARCHIVAL LAW ON THE ACQUISITION POLICY OF ARCHIVES IN CROATIA

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Abstract:

Archivists tied between the development of information technology, information science and new legal regulations must deliberate the future acquisition policy of the archives in different circumstances. For decades we have been talking about an explosion of unconventional material. The development and quantity of new information were faster than us. In this paper, we wanted to point to some of the new circumstances of the archival service in Croatia, or the more or less the entire archival community. Archivists in Croatia were particularly interested in the adoption of the Law on amendments to the Law on archival material and archives in May 2017 and the recent adoption of a new, comprehensive Law on archival material and archives. In the context of these changes, which will happen in the future or have already occurred, we must ensure the protection and preservation of the authenticity of the already generated electronic material and conversion into a digital format suitable for long-term preservation and after being taken over to the archives. In addition, we must educate people new competencies. Encouraged by these changes, we will try to describe the prospect of future acquisitions policy of archives.

Key words:

acquisition policy, new Law on archival materials and archives, information technology, electronic form

Izvleček:

Vplivi novega zakona na politiko pridobivanja arhivskega gradiva hrvaških arhivov

Že desetletja govorimo o silovitem naraščanju količine nekonvencionalnega gradiva. Razvoj novih informacij in naraščanje njihovega števila sta nas prehitela, saj še ne poznamo rešitev za mnoga vprašanja, ki se v zvezi s tem odpirajo. Zato avtorja ob tej priložnosti opozarjata na nekatere nove okoliščine, s katerimi se srečuje arhivska služba na Hrvaškem oziroma bolj ali manj vsa arhivska skupnost. Arhivisti na Hrvaškem so z velikim zanimanjem spremljali sprejemanje Zakona o spremembah in dopolnitvah Zakona o arhivskem gradivu in arhivih v maju 2017. Glede na navedene spremembe, ki so se že zgodile ali se šele bodo, moramo zagotoviti varstvo in ohranitev verodostojnosti že nastalega elektronskega gradiva ter pretvorbo v digitalno obliko, primerno za dolgoročno hrambo tudi po prevzemu v arhiv. Ne smemo pozabiti na zaposlitev kadrov s primernimi znanji, na tradicionalno gradivo ter skladiščne kapacitete.

Ključne besede:

pridobivanje arhivskega gradiva, novi Zakon o arhivskem gradivu in arhivih, informacijska tehnologija, elektronska oblika

1 Introduction

Submission of archival material to archives was regulated by the Law on archival materials and archives from 1997 which stipulated that "Public archival material *shall be submitted* to a competent archives within a period which may not be longer than 30 years after its creation".

A provision on the submission of archival material to archives in the Law on amendments to the Law on archival material and archives in 2017 quotes: "The creators and holders of public archival material *must submit* to the competent state archives, and the competent archives is obliged to take over the public archival material within a deadline that can not be longer than 30 years after its creation."

Reading these two similar provisions, we can see a significant difference regarding the submission of archival material to the archives. In the first version, according to the old 1997 Law, the archives *generally* acquired public archival materials after 30 years, but they did not *have* to take over those documents if the creator wanted to keep and use them, and had adequate storage conditions. If archives and creators do not comply with the new provision, the consequences are foreseen.

These changes in the submission of archival material initiated activities of all archives in Croatia. The consequence of this change was that it was necessary to make a note in the field the total amount of archival material, conventional and unconventional, which should be acquired by the archives in a very short period of just one year.

All archives in Croatia had to supply the total amount of archival material based on the current state, which must be acquired within a year of determining new amendments to the Law. After processing data, only the State Archives in Zagreb would have suitable accommodation capacities to acquire the defined quantity of material. It is therefore apparent that the proponent of such changes in the Law has not consulted the profession and all that derives from the implementation of the Law itself. Precisely because of the fact of operational unenforceability and also of the disagreement with certain European Commission guidelines, following the political shift in power in Croatia, the Ministry of Culture has continued to work on the development of a new, comprehensive Law that will (hopefully) correct controversial provisions. A novelty, which the previous Law on archival material and archives did not cite, is that documentary material that has been converted into a digital form will be equally valuable to the original material. Of course, the conversion must be carried out in accordance with the Rule book on Documentation Management, which will accurately determine the characteristics, technology and procedures that provide a reasonable guarantee for the preservation and usability of these materials. This will enable a more successful transfer of information to the Archives.

Until a new, comprehensive law has been adopted, archivists have continued to analyze conditions in the field, which is not a bad consequence of the amendments to the Law. Through the analysis, we have come up with a few significant notions that we should pay attention to in the future:

1. Update the Archival Acquisition Policy and perform an additional macro and micro-evaluation.
2. How to provide suitable storage regardless of the information carrier?
3. Do we have an adequate infrastructure for information on new media?
4. Do we have archival staff with necessary competencies?

5. Does the legislation regulate the protection and preservation of unconventional materials?
6. Whether the creator needs these documents in the current business?

2 Appraisal

The term appraisal defines a procedure for estimating the value of a record and specifying the period within which a particular type of material will be kept after the expiry of the storage period (Pravilnik o vrednovanju te postupku odabiranja i izlučivanja, 2002, čl. 2). By keeping everything, we do not keep anything (Babić et al., 2007, 89). It is clear that it is impossible and unnecessary to keep all materials. Accommodation capacities do not allow storage of the entire documentation, and there is no need for permanent storage of each type of documentation. Therefore, it is necessary to appraise the materials. By implementing appraisal, it is known that only 1-5% of the total documentation of the creator should have permanent value (Babić et al., 2007, 90).

Through the history of the archival profession, three theories on the way of appraisal are emphasized:

1. the creator carries out the selection of the archives, and the archivist is the guardian of the material and represents the link between the subjects and the researchers. His job is to inform the user about the material taken over by the creator (English practice);
2. archivists determine the value of records created by the work of the creator and
3. collaboration of creators and archivists.

Appraisal is carried out at two levels:

1. MACRO APPRAISAL – Appraisal of the creator		2. MICRO APPRAISAL – Appraisal of materials		
Acquisition policy	Hierarchical position	The result of material appraisal is a separate inventory list with retention periods		
Archivists recognize creators who potentially produce the most significant material and classify them in category I or II.	Analysis of functions of the activity and competencies of the creator and its hierarchical relationships with superior or subordinate departments	GENERAL LIST Administrative jobs	GRANS LIST Documentation specific to a particular activity	SPECIAL LIST The entire material of a creator

The need for re-appraise the creator and the materials is also due to the expansion of unconventional materials. In their document management systems many creators implement an electronic business management, hence changing the way in which unconventional materials are kept, used, and transferred to the archives or disposed.

3 Accommodation capacity

Many issues related to storage space refer to the protection of materials (storage conditions and equipment), so they are most often spoken of. There is also a question of tolerance to the storage conditions of the material, depending on which material is kept in certain conditions. For example, for documents with a short retention period after which they are destroyed, even not ideal conditions may be considered acceptable.

Archives should respect the highest conservation standards, since all archival materials stored in the archives are kept permanently, and any shortcomings reduce their expected lifespan (Ivanović, 2010, 187). This applies in the case of conventional material only. Archives that would have to be transferred according to the Law, are counted in miles, for which the archives do not have space. There were no thoughts on the consequences of amending the Law and the lack of space for the realization of the collection of such quantity of material.

4 Information on new media

Documents are the product of administrative procedures and serve as proof that some action involving things, events and people actually happened (Dollar, 1999, 54). In recent years, digital content has been accumulated and needs to be appraised in the same way as conventional material, disposed or preserved permanently. It is necessary to move from thinking about the protection of such materials to its realization. An electronic or digital archives is usually referred to as an information system for long-term protection, management and use of materials in an electronic archive (Ivanović, 2010, 225). The main features of an electronic archives are availability, ability to search, orientation to user needs, relevance.

We are facing technological changes as anticipated - rapid obsolescence of technology. Changes occur even before people understand and adopt already existing information technology. It is very important to keep up with innovations in information technology and to meet migration-related criteria across technologies of different generations so that older generations are incorporated into a new environment (Dollar, 1999, 49).

Archives generally do not have enough resources to cover the growing costs of migrating an increasing amount of electronic records in their storages, and it is likely that organizations that already have the equipment for active systems will also have the means to migrate them into new technologies and new computer systems.

This transformation of the archives could ultimately change the role of archivists and it would be difficult to distinguish this job from other information specialists.

5 Educated staff

It is imperative to develop a training program that will provide archivists with knowledge and skills needed to work with new information technologies.

The possibility of studying archival science in Croatia appears at the Faculty of Humanities and Social Sciences of the University of Zagreb in the academic year 1986/87 (Stančić, 2017, 37). A student who graduated at the cathedra of archival science is capable to:

- understand the historical development of information sciences and re-examine the possibility of its future development,

- appraise archival material, select it for custody, and plan and implement its disposal,
- create and manage analog and digital collections, fonds, series and subseries, files, objects, records and documents,
- plan and implement records management,
- use and adapt digital archives / digital repository systems,
- apply methods of cryptographic protection of digital archives,
- provide protection programs and long-term preservation of analog and digital materials,
- organize, tag and search information and / or information systems,
- assess information needs and plan appropriate offices and services,
- quantify and qualitatively evaluate offices and services,
- develop services and programs for users,
- perform marketing procedures for the purpose of public communications,
- plan and run professional projects. (Stančić, 2017, 44)

By the list of courses, it becomes clear that the student of the Department of Information and Communication Sciences gains a wide knowledge in the field of culture and informational literacy. The basic distinction between single and double major studies is that the compulsory subjects of a single study mainly contain subjects that provide basic knowledge for the creation and manipulation of digital content, while compulsory subjects of the double major study strive to inform students about different cultural activities in a traditional way. Of course, thanks to elective courses, students choose their desires and abilities. At the end of the undergraduate study, we can get an identical program for single and double major students - those who are single major students can choose lessons related to, for example, archival science: *Introduction to Archival Theory and Practice, Arranging and Describing Archival Materials, Classification Systems, Records management, Archive History, and Appraisal of Archival Materials*. Similarly, from a major study, we can get an expert who selects elective subjects in the field of digitization and programming: *Algorithms and Data Structures, Computer Networks, Introduction to Computer Speech Synthesis, Objective and Visual Programming, Advanced Web Application Design, Web Design Basics, Machine Translation, Language databases*, etc. Judging from the program of the Study of archival science, there is a tendency for 21st century experts, who, besides valuable traditional knowledge, will fully understand the emerging materials that future generations will take care after (Dmitrus, 2017, 94).

6 The proposal of the new law

Public authorities and other creators of documentary and archival materials have digitized their business and services to citizens and legal entities to a considerable extent and create original electronic material in a variety of information systems and forms. The networking level that provides new technologies enables faster and easier access to information. The 1997 Law still primarily cares for conventional materials.

It is necessary to organize special requirements and procedures for storing and processing electronic material before and after transferring them to the archives, and it is especially important to convert the material into a digital form for long-term preservation in a way that will guarantee the authenticity of the material. The above-mentioned

transformation of the materials into digital format should accelerate the process of transferring archival materials into archives, because in this case the physical storage space should not be secured, which is one of the biggest problems for all archives.

7 Complete change of archives

Archival science is a discipline based on practical requirements, concerned with meeting the potential everyday requirements and as such is very sensitive to change (Dollar, 1999, 16). Information technology is changing the form of the document, changing the mode of operation and changing the technology itself. There are two closely related concepts that lie in the new form of electronic documentation. One is a review of the database and the other is a "virtual document" (Dollar, 1999, 43).

This transformation of the archives could ultimately change the role of archivists and it would be difficult to distinguish this job from other information specialists.

New values are added to a document: connectivity over the computer and quick search.

Archivists, in the design of an information application system, should focus on how to ensure that electronic information is identified, preserved and made available to ensure accountability (and records) for implementation. In designing an information system, archivists can contribute the knowledge of the inclusion of a recorded electronic information lifecycle management concept (Dollar, 1999, 61). Finally, archivists will have to become fully included in the information professional community that is being created, and gain new knowledge and take on new roles.

The principle of arranging archival material also changes. Inventories follow the structure, but still, users are more and more interested in the subject areas to which the documents relate. Therefore, the archival description is trying to provide information pointing to the subject of the document. The most important function of the archives is to enable researchers to use the materials (Dollar, 1999, 65). It is often the case that researchers expect archives to provide them with a customized electronic service that will meet their specific requirements. In that sense, the basic problem of the customer service in the archives - how to become a customer service directed to user requirements. The customer service will first focus on facilitating access to records rather than the physical delivery of records to users. Within this framework, the archivist in the customer service will have to master the features of complex information systems to help customers clearly define their information needs and master the access to the system. Expert knowledge of the information system and the capabilities of archivists will therefore be of enormous benefit to researchers who want to use the system (Dollar, 1999, 67).

What undermines the idea of permanent storage of electronic media comes from the nature of electronic media and devices that are needed for reading. Regular copying to new media implies constant expenses.

The impact of information technology changes the environment and will only change it for archivists in the future. Changes are going through all aspects of the activity: appraisal, arrangement, description and customer service.

The use of electronic information has not changed the basic nature of creating documents that are an expression or product of administrative processes. Professional archival associations and state archives should initiate a project that would facilitate and harmonize the development of these functional requirements.

Information technologies that support the economical distribution and multiplication of electronic records and high-speed telecommunications open up the fundamental question of whether traditional centralized archives need to be retained. For most organizations, it will obviously be cheaper to keep their electronic records, rather than hand them over to the central archival institution. Therefore, archivists must redefine the role and responsibility of central archives in relation to electronic records.

The purpose of traditional archival arrangement and description is to preserve the context and facilitate access to documents. Intellectual and logical order for electronic documents is of crucial importance. There is a need to develop special rules that should provide such a way of arranging records that would be based on easy information retrieval built in the IT application design. When it comes to arranging and describing electronic documentation, archivists should focus on understanding the context of an information system that allows information sharing across the organization.

In the archival world, we need to stop considering *digital* in the same way that we consider *conventional*, and finally stop describing it in a such way (Rajh, 2017, 431).

POVZETEK

VPLIVI NOVEGA ZAKONA NA POLITIKO PRIDOBIVANJA ARHIVSKEGA GRADIVA HRVAŠKIH ARHIVOV

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Arhivisti, utesnjeni med razvojem informacijske tehnologije oziroma informacijske znanosti (novi nosilci informacij) in novimi zakonskimi predpisi, morajo o bodoči politiki pridobivanja arhivskega gradiva razmišljati v okviru spremenjenih okoliščin.

Že desetletja govorimo o silovitem naraščanju količine nekonvencionalnega gradiva. Razvoj novih informacij in naraščanje njihovega števila sta nas prehitela, saj še ne poznamo rešitve za številna vprašanja, ki se v zvezi s tem odpirajo. Zato bomo ob tej priložnosti opozorili na del novih okoliščin, s katerimi se srečuje arhivska služba na Hrvaškem oziroma bolj ali manj vsa arhivska skupnost.

Arhivisti na Hrvaškem smo še s posebnim zanimanjem spremljali sprejemanje Zakona o spremembah in dopolnitvah Zakona o arhivskem gradivu in arhivih v maju 2017 in sprejetje novega, celovitega Zakona o arhivskem gradivu in arhivih. Zakon iz leta 1997 je predpisoval: „Javno arhivsko gradivo se izroči pristojnemu arhivu v roku, ki praviloma ne sme biti daljši od 30 let od njegovega nastanka“, a je bila določba o izročitvi gradiva arhivu v Zakonu o spremembah in dopolnitvah Zakona o arhivskem gradivu in arhivih iz leta 2017 spremenjena v: „U/stvarjalci in imetniki javnega arhivskega gradiva morajo to gradivo izročiti pristojnemu državnemu arhivu, pristojni arhiv pa mora prevzeti javno arhivsko gradivo v roku, ki ne sme biti daljši od 30 let od njegovega nastanka“.

Glede na to, da gradiva po predvideni zakonski spremembi skoraj ni mogoče prevzeti v tako kratkem času – le v enem letu –, smo poskusili opredeliti perspektivo, kako bodo arhivi v bodoče oblikovali politiko pridobivanja arhivskega gradiva, ki mora odgovoriti na naslednja vprašanja:

- 1. Kako naj arhivi ažurirajo načrt pridobivanja arhivskega gradiva in opravijo dodatno mikro- in makrovrednotenje gradiva?*
- 2. Kako naj zagotovijo prostor za hrambo gradiva ne glede na nosilec informacij?*
- 3. Ali v arhivu razpolagamo z ustrežno infrastrukturo za informacije na novih medijih?*
- 4. Ali imamo v arhivu arhivske delavce z ustreznimi kompetencami?*
- 5. Ali sta z zakonski predpisi zagotovljena varstvo in hramba nekonvencionalnega gradiva/informacij?*
- 6. Ali ustvarjalec zadevno gradivo potrebuje pri tekočem poslovanju?*

Da je gradivo potrebno ponovno ovrednotiti na makro- in mikroravni, je ena izmed posledic nastajanja nekonvencionalnega gradiva. Ustvarjalci v svoje sisteme upravljanja z dokumenti implementirajo elektronsko vodeno pisarniško poslovanje. To dejstvo spremeni načine hrambe, uporabe in prevzemanja dokumentacije. Vse manj bomo prevzemali konvencionalno gradivo, vse več pa elektronsko. Glede na navedene spremembe, ki so se že zgodile ali se šele bodo, moramo zagotoviti varstvo in ohranitev verodostojnosti že nastalega elektronskega gradiva ter pretvorbo v digitalno obliko, primerno za dolgoročno hrambo tudi po prevzemu v arhiv.

Temeljna naloga arhivista ostane nespremenjena – v kar najkrajšem času odgovoriti na zahtevo uporabnika in podati zahtevane informacije. Novi načini poslovanja, mreženje in dostopnost elektronskega gradiva bodo omogočili ustvarjalcu, arhivistu in končnemu uporabniku, da imajo v vsakem trenutku vpogled v dokumentacijo. Na ta način se bo spremenil namen arhiva. Služba, ki se v arhivu ukvarja z uporabniki, se bo osredotočila na olajšanje dostopa do zapisov, kar pomeni, da bo arhivist v takšni službi obvladoval zahtevne informacijske sisteme in pomagal uporabniku, da jasno opredeli svoje zahteve.

Da bi bili kos izzivom, s katerimi se srečujemo v stroki, bomo morali izobraziti kader, ki bo hkrati razumel tradicionalno arhivistiko in nove medije, saj obvladovanje slednjih pomeni danes del pismenosti sodobnega človeka.

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