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GENERAL GUIDELINES FOR
DRAFTING OF REGULATIONS ON
PARLIAMENTARY ARCHIVES

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General Guidelines for Drafting of Regulations on Parliamentary Archives (ICA Study 14)

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Preface

Since the appointment of the new Steering Committee that was elected during the 14th International Archives Congress in Seville, the main priorities of the ICA Section for Archives of Parliaments and Political Parties (ICA/SPP) Steering Committee have been not only that all members should share their activities and problems but that criteria and regulations should be established, creating common tools of use to all archivists dealing with documentary collections of a similar type.

This publication on the drafting of regulations on parliamentary archives is one of the results of the work carried out by ICA/SPP from 2000 to 2004.

The guidelines for drafting regulations on parliamentary archives were initiated by the Spanish Section of SPP which, after its meetings in Vitoria and Valencia, presented a proposal to the annual meeting of SPP in Rome in 2002. This received final approval from the international Section in Madrid in 2003.

In summary, the regulations cover general conditions, parliamentary archives and records management systems, and also access to and consultation of documents. Although the aim of the regulations is to define the parliamentary archive as an administrative unit that is responsible for document management, as is stated in the introduction, as a body the parliamentary archive forms part of parliamentary and administrative processes, deals with these processes, and is a source of information at the disposal of parliamentarians, the various bodies and services of the Chamber, parliamentary groups and citizens. The regulations also cover the creation of a commission for the classification of administrative records which would be authorised to select and remove documents and to organise the institution's records management system, as is stated in the chapter on access to and consultation of documents.

The purpose of publishing the proposals approved within SPP is so that they might be applied in all the archives which belong to the Section, with a view to promoting the status and importance of archivists. This work has to date been carried out by different sectors of the parliamentary administrations which form part of the administrative services and, therefore, has not been undertaken with the commitment of archivists in their capacity as guardians of parliamentary memory and of democracy through their regulation of access to the history of legislative bodies.

M^a Ángeles Valle de Juan. SPP Chair

GENERAL GUIDELINES FOR DRAFTING OF REGULATIONS ON PARLIAMENTARY ARCHIVES

Introduction

In drawing up this framework for drafting regulations, consideration has been given to the study by Eric Ketelaar entitled 'Legislation and Regulations Regarding Archives and Record Management: A RAMP Study with Guidelines' (PGI-85WS/9). Also taken into consideration was the standard ISO 15489 'Information and Documentation - Records Management', as well as a number of archive regulations from several professional spheres.

Each parliamentary institution must have regulations governing archive organization and functioning that are adapted to the reality of the Chamber itself and its needs for records' organization. In accordance with the principle of organizational autonomy enjoyed by the parliamentary institution, archive regulations must be in the context of the legal framework of the general regulations of the Chamber, yet at the same time they must take into account the legislation of the country or region (or autonomy) in which they operate.

The archive regulations must be approved by the body which is responsible for the internal organization of the Chamber, be it the parliamentary steering committee, the government and internal organization commission, or another body. Approval of the archive regulations is as important as making them known; in this regard, it is important that maximum publicity be given to the regulations in order that common bases may be laid for the organization of the Chamber's records; therefore, it is necessary that these regulations be published in the official gazette of the Chamber.

The proposal for archive regulations set out below aims to contribute general guidelines for the drafting of archive regulations for a legislative Chamber, bearing in mind that the best regulations will be those which best adapt themselves to the records management requirements and needs of the parliamentary institution to which the archive pertains.

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PARLIAMENTARY ARCHIVE DRAFT REGULATIONS

Chapter I: General Provisions

1. Preamble

It is interesting to note that in the preamble the archive function should be placed in the general context of the organization of the Chamber. It will also be necessary to introduce the elements which will be defined in the regulations, as well as the aim pursued in applying this norm.

The parliamentary archive regulations are the norms which are to regulate the records management system (RMS) of the Chamber and the organization of the parliamentary archives.

In accordance with the definition of 'archive' established by ICA, which provides two meanings of the word, that is 'archive' as the series of documents produced or received as the result of the activity of an institution and 'archive' as the physical place where the documents are stored, and in keeping with contemporary doctrine on archives, today it is absolutely essential to bring these two meanings together, joining them in a single definition understood in an overall sense.

The archive function must be understood as an administrative unit responsible for the records management system (RMS) of the institution and at the same time as a unit which safeguards and preserves records with the aim of facilitating access to and consultation of parliamentary and administrative documentation.

The archive must be considered as the central body which is perfectly integrated in parliamentary and administrative processes, and in charge of the coordination of these processes. Likewise, the archive is the source of parliamentary information and records at the disposal of the bodies, members of the Chamber, parliamentary groups and administrative units of the institution which is at the same time accessible to all citizens.

1.2. General Concepts

It is highly recommended, either after the preamble or in a final provision of the Archive Regulations to include the basic archival concepts of today in order to make this norm more readily comprehensible to the staff of the Chamber and to citizens in general. For the purposes of illustration, it should be pointed out that standard ISO 15489 includes a very important list of terms and definitions specifically related to records management.

2. General Provisions:

2.1. Objective of the Regulation

The regulation must contain a clear definition of the objective which this norm aims to regulate. Explicit reference must be made to the organization of the records and documents of the Chamber throughout their entire existence and at the same time it must set up the system for organizing the archives. Furthermore, it is important that it should include access to the documents as an objective.

A suitable definition might be:

The objective of the regulations is to regulate the records management system of the parliamentary institution and to define the organization and functioning of the archives with the aim of organizing, preserving and safeguarding the records for the purpose of facilitating general access to information and records by members of the Chamber, administrative staff serving the institution and citizens.

2.2. Scope of Application

In accordance with the legal-administrative situation regulating the general regulations of the Chamber, the scope of the application of the archive regulations must be brought into line with the organization and functioning of the parliamentary institution.

A suitable definition might be:

The scope of the application of the regulations affects the entire internal system of the Chamber. The documents produced or received by the following form part of the documentary heritage of the parliamentary institution:

- *The organs of the Chamber defined by the Chamber regulations*
- *The commissions, rapporteurs or other organs created in each legislature by the Chamber*
- *The technical commissions, working groups of specialists or other similar groups created within the institution by the organs of the Chamber*
- *The activities of the Members of Parliament when they hold posts representing institutions*
- *Administrative services*
- *Those individuals or legal entities who do not form part of the Chamber but who engage in an activity delegated or contracted by the Chamber*
- *Those individuals or legal entities who donate or transfer their documents, and which are accepted by the Chamber*

2.3. Definition of Document

In accordance with the sphere of application of the regulations, it is essential to define what is understood by 'document'. A suitable definition might be:

Document: any expression in oral or written language, in images or in sound, whether natural or codified, recorded on any material storage device, and any other graphic expression constituting testimony of the functions and activities of the institution.

Chapter II: The Parliamentary Archives and the Records Management System

3. The Parliamentary Archives

The parliamentary archives is the administrative unit responsible for the documentation of the institution, which has jurisdiction over all of the files and documents on any storage device, produced or received in the parliament by the organs, services, and individuals working for the institution in the exercise of their duties, with the aim of safeguarding, organizing and preserving such files and documents in order to facilitate access to the information and records of the Chamber to members of parliament and to citizens in general.

3.1. Functions of the Parliamentary Archives

In this section it is important to define the classic archive functions, namely: to collect, organize, conserve and promote the archives, as well as those functions related to the definition, implementation and control of the records management system.

The following functions correspond to the archives:

- to draft the technical norms and specific instructions to facilitate the organization and functioning of the archives.
- to define, implement and control the processes related to the records management system, specifically those referring to documentary circuits, registration, description, appraisal (schedule of retention and disposal), and access to parliamentary and administrative records with the aim to standardise and systematize the procedures and to promote more efficient and productive administration.
- to control and carry out proper documentary processing for the records transferred by the organs of the Chamber, the administrative services or others, with the aim of ensuring their preservation.
- to develop tools for the description of the files and records with the aim of facilitating the consultation of records, bearing in mind that one of the responsibilities of the archivist is to assign descriptions to the parliamentary and administrative records.
- to facilitate the consultation of and access to the information and records by members of the Chamber, staff of the parliamentary groups and administrative units, and in general all citizens, in accordance with the application of the regulations.
- to carry out the appraisal of all categories of records of the parliamentary institution, making concrete proposals to the parliamentary archives commission with regard to retention and disposal.
- to study and propose technical standards regulating the policies of preservation, conservation and security of the archives, especially those documents on more vulnerable media, such as electronic textual, image, sound and other types of documents.
- to promote activities aimed at the study, research and promotion of the documentary heritage of the legislative Chamber.

4. The Records Management System (RMS) of the Parliament

4.1. Definition of RMS

This section is of great importance for a regulation as it must define what an RMS is in a parliamentary institution. Its aim is the integration of the files and records into a single system thus facilitating the homogenization and systematization of procedures and records processing in order to provide more rapid and reliable access to the information and records.

A suitable definition might be as follows:

The records management system is the series of operations and techniques related to the conception, development, implementation and appraisal of records throughout their entire life cycle, that is, from the time they are created until the decision is made definitively to preserve or to destroy them, with the aim of achieving more efficient and productive management as well as to ensure access to the information and records of the Chamber.

4.2. Elements comprising the RMS

The elements that the records management system must analyze and define are: the documentary circuits of the records, the registration/classification system, the description, the appraisal or selection of records (schedule of retention and disposal) and access.

5. The Archives Commission

Today, some archive regulations make reference to a body having powers over the appraisal and destruction of the records. They often take on different names: commission for the appraisal and destruction of records, commission for the appraisal of administrative documents, etc. This body exercises great responsibility within an institution, since it must determine, in accordance with the value of the records, which types of records should be conserved and which should be destroyed.

However, in recent years some institutions have set up bodies referred to in other terms: archives commission, archives council, etc., having much broader powers. In addition to the powers inherent in the appraisal and destruction of the records, they have other more general functions related to archival organization or records management systems.

5.1. Functions of the Archives Commission

The archives commission, a collegiate body, will have jurisdiction over the procedures related to the records management system of the parliament and is empowered with the following functions:

- Identification and analysis of the categories of records generated by the parliamentary institution.
- Study of the documentary circuits of the series or categories of records produced in the management of the parliamentary and administrative processing of the records.

- To advise on the proposals for appraisal of the records series in order to determine which series will be preserved or destroyed and when.
- To advise on the access to certain categories of records, pursuant to the norms in force, in order to facilitate public access to such documentation. In those cases where access has been deemed to be restricted, to establish the degree of confidentiality, the time periods for the end of the closed period, in addition to making known any restrictions on access.
- To establish the technical criteria for the processing and preservation of those documents on more vulnerable media, for instance, electronic textual, image, sound or other documents in order to set up general and common guidelines for conservation which will ensure their physical and technical durability.
- To study and, if warranted, advise on any other matters delegated to it by the steering committee of the parliament.

5.2. Composition of the Archives Commission:

Proposed composition could be as follows:

- President of the parliament or member of the steering committee delegated by him
- One or two members of parliament who are prestigious professionals in the field of history, academic study, etc.
- Secretary General or person delegated by him or her.
- A lawyer
- Head of Archives, who would also act as secretary of the commission

Furthermore, the commission will have the guidance of the director or head of the information technology unit, and may in time call upon the heads of department who are to study the records.

6. Preservation and Conservation of the Records

The regulation must also deal with the policies related to the preservation and conservation of the records in order to endeavour to protect the documentary heritage of the Chamber.

General guidelines and technical criteria must be established in regard to environmental conditions, security, etc., of all the documentary media, especially those that are more vulnerable (video, audio, etc.) with special emphasis being placed on the study of standards to ensure the conservation of the information contained in electronic documents.

Chapter III: Access to and Consultation of Records

7. Access and Consultation

This is one of the most important sections of the regulations. General criteria for access to the records, as well as the conditions for consultation and loan of the records, must be provided.

7.1. Access to the Records

Access to the records is a constitutional right of the citizens which must ensure the democratic and transparent functioning of the parliamentary institutions. It is advisable that the regulations should state this constitutional principle.

The right of access to parliamentary information is usually regulated in general terms by the regulations of the Chamber and specifically by the parliamentary bodies. Moreover, the regulations on accessibility stipulated in legislation must be taken into account; this would be the case, in particular, for records containing personal data and which affect personal privacy.

The archives commission must study and propose to the parliamentary steering committee the resolution of special cases not provided for by the regulations or cases of ambiguous interpretation by the archive staff; above all, it must regulate those cases in which the period of limitation of the closed period has been established, but the period of its end has not.

7.2. Consultation and Loan

The regulation should establish the place of consultation, the opening hours, the means of gaining access, registration and reproduction.

- The regulation is to facilitate access to the records, but at the same time it is necessary for records to be preserved. Therefore, it is advisable that the user choose the documentary format in which he/she wishes to consult the information whenever that is possible and which will not cause deterioration of the records. At the same time, it may be important to establish the technical criteria to facilitate the consultation of electronic documents for deputies or other users, given the current trend of requesting and sending documents through electronic means.
- Provision must be made for reproduction, collations and certified copies of original documents.
- Conditions must be established for the loan of records within the parliamentary institution itself.
- The removal of records from the headquarters of the parliament must be regulated; this would be the case, for instance, if files or documents were requisitioned by a court of justice.
- Furthermore, regulation must also be made of the special removal of files or documents which, in accordance with the authorization of the Parliamentary Steering Committee, would form part of cultural promotion activities, for instance, participation in an exhibition.