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## Citizen's Rights Regarding Access to Documents Held by the National Archives of European States

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**Abstract:** Objectives. The article offers a brief overview of the National Archives in Europe. The implications of European legislation concerning citizen access to historical documents are discussed. Prior Work. By exploring the European documentary treasure, this research examines how access to historical documents can influence the understanding of European history. Approach. The empirical approach involves asking the question, "What are the current practices for accessing documents in the National Archives across Europe?" by examining the regulations of reading rooms in various countries. Results. Some countries have stricter regulations regarding access to sensitive documents from certain historical periods, while others adopt transparent policies. Recommendations include: developing an online platform with advanced search options for digitized documents, requests via the portal for subsequent consultation in the reading room; simplifying procedures, ensuring logistics, and implementing training and education programs. Implications. Theoretical implications regarding access to held documents. Value. The work contributes to the development of existing knowledge by providing innovative ideas in the field.

**Keywords:** archives; access; documents

### 1. Introduction

The National Archives are considered the barometer of democracy. Denying or restricting citizens' access to documents of documentary-historical value managed by the National Archives would impair the ability to study important information regarding the origin, evolution, and history of nations. If citizens had limited access to the documentary archival treasury, there would be a risk of a distorted understanding of the past, which could profoundly affect the cultural identity and knowledge of the history of states. The analogy of the "barometer of democracy" is not metaphorical but a tangible reality. The most illustrative example of this is given by the National Archives of the United Kingdom of Great Britain and Northern Ireland, which use a tool called the "Data Barometer" that monitors access to documents and the way data is managed and accessed in electronic format, providing a practical and precise measure of governmental transparency. The tool uses performance indicators such as the number of document views or downloads, the quality and completeness of the available data, and the response time to citizens' requests. The "Data Barometer" offers a global perspective between different countries by comparing data access among various countries, collecting user feedback to evaluate data

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access. The collected information can be used to improve citizen services, optimize resources, enhance services, and ensure the accountability and transparency of the European National Archives.

The vast and fascinating history of the European National Archives spans several centuries. The archives have evolved from royal collections to public institutions responsible for preserving and managing the historical, cultural, and administrative heritage of European countries. Over time, the National Archives institution has adapted to technological and political changes, becoming an invaluable resource today for research and understanding Europe's rich legacy. By providing researchers with an open window into the rich and diverse past of European societies through the documents they house, the archives create a bridge between the past and present, shedding light on the changes that have shaped Europe over the centuries.

Archives do not belong exclusively to the fields of science, culture, and public administration, although they are found within each of these. All these have generated a rich array of national models of state archives, with no single European model existing (Drăgan, 2015). In Europe, the institution of national or federal archives can be an institution directly under the presidency, independent, or under a ministry (the Ministry of Culture in France, Italy, Spain; the Ministry of Internal Affairs in Romania, or government agencies such as in the case of Switzerland (Swiss Federal Archives), Moldova (the National Agency for Research and Development under the Government of the Moldova Republic), Germany - Bundersarchiv, which is a higher federal authority under the Federal Chancellery's State Ministry, the Federal Government Commissioner for Culture and the Media).

The role of the National Archives is to acquire, preserve, and provide access to the historical, administrative, and cultural documents they hold. Archives play an essential role in preserving the national memory by recalling history exactly as it was. In the storages of the national archives, alongside historical documents, there are also civil status documents, official and private documents, diplomatic and consular records, manuscripts, proclamations, posters, plans, sketches, maps, created over time by public institutions of the states or by private, economic, social, cultural, military, and religious entities, documents of professionals operating under special laws; cinematic films, photographs, audio recordings, video recordings, and sealing matrices. Through the study rooms, the National Archives offer services for consulting documents, research assistance, access to document finding aids and the database, and sometimes the option to make photo reproductions of documents. Researchers who want to write scientific articles, students, professors, historians, genealogists, and people interested in studying history come to the study rooms. Documents are consulted in order to prepare specialized works, studies, articles, exhibitions, TV and radio broadcasts.

The general public benefits from the legal rights obtained from the documents held by the National Archives. The response time for citizens' requests in most European countries is 30 days. The National Archives of European countries host funds and collections of valuable historical documents. In this study, we have mentioned a limited number of documents from the European National Archives, making a selection that is not meant to diminish the value of other documents, but to provide representative examples that support our research objectives: the relevance and historical value of European archival materials, as well as the importance of access to such primary sources.

## **2. National Archives of France (Les Archives Nationales de France)**

The Declaration of the Rights of Man and of the Citizen (1789) – a fundamental document of the French Revolution that established essential principles for individual rights and freedoms and the promotion of equality. The Declaration of the Rights of Man and of the Citizen introduced the principle of separation of powers in the state, subsequently influencing constitutions and governmental systems worldwide. Adopted by the National Constituent Assembly of France on August 26, 1789, it profoundly influenced the development of human rights globally, having a significant impact on subsequent revolutions and democratic movements. This document remains a symbol of the struggle for fundamental human rights and freedoms, serving as a model for the Universal Declaration of Human Rights adopted by the United Nations in 1948.

The Napoleonic Civil Code (1804), developed under the leadership of Napoleon Bonaparte, regulated the protection of private property, establishing clear rules for the acquisition, transfer, and protection of property. It also established rules and procedures regarding the conclusion of contracts, regulated aspects related to marriage, divorce, custody, inheritance, and civil liability for damages. The Napoleonic Code had a profound and lasting impact on global civil law. It created a model for the codification of laws and inspired legal reforms, directly influencing civil codes in Italy, Germany, the Netherlands, Spain, and many other nations, as well as legal systems in Latin America.

The National Archives of France hold, among others, the following historical documents: the Investiture Act of Charlemagne as Emperor of the Holy Roman Empire (800), the Treaty of Verdun (843), the Edict of Nantes (1598) issued by Henry IV of France, which granted civil and religious rights to the Huguenots, ending the religious wars between Catholics and Protestants in France; the Edict of Fontainebleau, signed by King Louis XIV, which revoked the Edict of Nantes and led to the persecution of the Huguenots; the Constitution of 1791; the Act of Abdication of Napoleon Bonaparte (1814) in favor of Louis XVIII; the Treaties of Versailles (1919), the letters of Marie Antoinette, the official documents that concluded the First World War and redrawn the map of Europe.

**The National Archives of the United Kingdom of Great Britain and Northern Ireland (The National Archives):** “Magna Carta Libertatum” - a document signed by King John of England and his barons in 1215, laying the foundation for constitutional principles and the rule of law in England; “Domesday Book” - a detailed survey of medieval England, commissioned by William the Conqueror in 1086, providing information about the country’s properties and population; the Navigation Act (1651) adopted during the rule of Oliver Cromwell, giving absolute priority to British vessels in a world dominated by competition and rivalry; the Habeas Corpus Act (1679) adopted by the English Parliament under the reign of Charles II, which consolidated the principle that no individual can be detained without legal justification and the opportunity to challenge the legality of their detention before a court; the Declaration of Rights (1689), the Act of Union (1707), acts of coronation, the Reform Act (1832) which provided for the extension of the right to vote, including to lower classes, and the elimination of electoral corruption; the Emancipation Proclamation (1833) which paved the way for emancipation and racial equality, abolishing slavery; royal correspondence and other documents related to the English monarchy; documents concerning British explorations and colonies, including maps, travel journals, and other documents related to the expansion of the British Empire; records and other documents related to parliamentary debates, documents concerning England’s participation in the First and Second World Wars.

The National Archives of Germany (Bundesarchiv): The Treaty of Verdun (843) signed by the three sons of Louis the Pious, the King of the Franks, an act that divided the Carolingian Empire, contributing

to the formation of France and Germany; the Constitution of the Holy Roman Empire (approx. 803); the Edict of Worms (1521) which marked a definitive break between Martin Luther and the Catholic Church, accelerating the Protestant Reformation and triggering the process of forming Protestant churches in Europe; the Treaty of Westphalia (1648) which ended the Thirty Years' War in Europe and the Eighty Years' War in the Netherlands, the Unification of Germany (1871) which ended political fragmentation and led to the creation of a single German state, the German Empire; the Weimar Constitution (1919); the Twenty-Five Points Program of the Nazi Party (1920), the Treaty of Versailles which officially ended the First World War and imposed harsh conditions on Germany following its defeat; the Universal Declaration of Human Rights (1948), the Constitution of Germany (Grundgesetz) adopted in 1949, which served as the fundamental law of the Federal Republic of Germany and established the fundamental principles of the German state; military reports from the Second World War, records of the Nuremberg trials; documents concerning Nazi policy, the Holocaust, deportations, and other aspects of Adolf Hitler's regime; documents concerning the reunification of Germany in 1990, diplomatic negotiations, and materials about the events leading to the fall of the Berlin Wall.

State Archive of the Russian Federation: The Ugra Charter (1480), a treaty signed between Grand Prince Ivan III of Moscow and the Grand Duke of Lithuania, which marked the end of Lithuania's suzerainty over Moscow and contributed to the formation of the territorial and political nucleus of modern Russia; the Treaty of Pereyaslav (1654) by which the central and eastern parts of Ukraine, the Cossack Hetmanate, united under the protectorate of Russia; the Treaty of Nystad (1721) signed between Sweden and Russia, which ended conflicts, with Sweden ceding Estonia, Livonia, and part of Finland to Russia, consolidating Russia's position in Northern Europe; the Last Will and Testament of Peter the Great (1725) regulating the succession to the throne of his future son, Peter II; the Emancipation Manifesto of the Serfs (1861); the Abdication Act of Tsar Nicholas II (1917) in favor of Grand Duke Michael Alexandrovich, marking the end of the Romanov dynasty and the beginning of the Revolutionary Era; the Treaty of Brest-Litovsk (1918) which ended Russia's participation in the First World War and signed peace with the Central Powers, ceding some significant territories; the Constitution of the Russian Soviet Federative Socialist Republic (1918) establishing the foundations of the new communist political regime in Russia; the Treaty Establishing the Union of Soviet Socialist Republics signed on December 30, 1922 by representatives of the Ukrainian SSR, Belarusian SSR, Transcaucasian SSR, and Russian SFSR; documents regarding the Soviet Union's participation in the Second World War; Stalin's Proclamation on the Defense of the Motherland (1941); Order No. 227 of the People's Commissar for the Defense of the Soviet Union, known as the Not One Step Back Order (1942); the German Surrender Act at Stalingrad (1943); the Declaration of Independence of the Russian Soviet Federative Socialist Republic (1990). The State Archives of the Russian Federation also preserve literary manuscripts, artworks, musical scores, and important cultural artifacts; materials about Russia's transition from communism to a market economy, including documents regarding political, economic, and social reforms.

**The National Archives of Hungary (Magyar Nemzeti Levéltár):** Golden Bull of 1222 – issued by King Andrew II, this document established the rights and privileges of the Hungarian nobility and is considered a cornerstone of Hungary's constitutional history; The "Corviniana," a valuable collection of manuscripts and rare books donated by King Matthias Corvinus in the 15th century; the "Codex Aureus" an illuminated manuscript from the 9th century, also known as the Codex of Vienna, containing the Gospels in Latin; the "Acta Regia," a collection of royal documents, including decisions, laws, and diplomas issued by monarchs, historical maps, urban plans, population registers, and social records; documents of the 1848-1849 Hungarian Revolution and War of Independence; 1956 Hungarian Revolution - documents detailing the events of 1956 uprising against Soviet-imposed policies, including

political manifestos, reports from foreign embassies, and photographs capturing key moments of the revolution; collections of personal and official documents from prominent Hungarian noble families, such as The Esterházy, Rákóczi, and Széchenyi families, providing insights into their roles in Hungary's political, economic and cultural history; maps and cartographic collections.

**The National Archives of Bulgaria:** The Codex Suprasliensis, an ancient Slavic manuscript from the 10th century containing religious and liturgical texts and considered one of the oldest and most valuable sources of information about the language and culture of the Slavs in the medieval period; the "Manasses Chronicle," a medieval manuscript from the 12th century, considered one of the first books written in Bulgarian; the "John Skylitzes Chronicle," a Byzantine chronicle written in the 12th century providing information about the history of the Byzantine Empire and the Balkan region; the "Royal Archives Collection."

**The National Archives of Spain (Archivo di Stato):** The "Capitulations of Santa Fe," the document containing the agreements between Christopher Columbus and Queen Isabella of Castile and León, signed in 1492, marking the beginning of European exploration and colonization of America; the "Acts of Alhambra" (1492), the "Constitution of 1812" known as "La Pepa," one of the first liberal constitutions in Europe, adopted during the French occupation and the Spanish War of Independence; "Guernica" by Pablo Picasso - a copy of the famous painting depicting the horrors of the bombing of the town of Guernica during the Spanish Civil War, exhibited at the National Archives headquarters; documents regarding the Spanish Inquisition including trials and sentences against those accused of heresy and other religious offenses, providing insight into religious theory in the medieval and modern periods; the "Treaty of Tordesillas" signed in 1494 between Spain and Portugal establishing a demarcation line in the Atlantic to divide the unexplored territories discovered between the two nations.

**Arhivele Naționale din Olanda:** "Actele Unirii" (Acte van Verlatinghe) adoptate în 1581, aceste documente au marcat declarația formală a independenței Republicii Olandeze față de Spania și au jucat un rol esențial în Războiul de Independență al Olandei; "Declarația Drepturilor Omului și a cetățeanului din 1789" inspirată de Revoluția Franceză; documentele legate de Epoca de Aur olandeză – include contracte comerciale, hărți și corespondență care reflectă cea mai prosperă perioadă a Olandei din punct de vedere economic și cultural (sec. al XVII-lea); "Tratatul de la Maastricht" semnat în 1992 a instituit Uniunea Europeană și a pus bazele cooperării economice și politice între statele membre ale Uniunii Europene; documentele legate de coloniile olandeze – arhivele conțin înregistrări despre expansiunea colonială a Olandei și impactul acesteia asupra istoriei globale, inclusive activitățile comerciale, administrarea colonială și schimburile culturale;

**Arhivele Naționale din Elveția:** Constituția Federală a Confederației Elvețiene (1848), documente referitoare la neutralitatea elvețiană în conflictele internaționale de-a lungul istoriei, tratate între cantoanele elvețiene care reflectă procesul de formare și dezvoltare a confederației, manuscrise literare, documente lingvistice și alte materiale culturale care reflect diversitatea culturală a Elveției; documente legate de mișcarea democratică, lupta pentru drepturile omului, și alte aspecte ale istoriei politice și sociale;

**The Vatican Archives (known as the Vatican Secret Archives):** Papal bulls covering a wide range of subjects, including doctrine, church discipline, papal policies, and international relations; documents related to the Council of Nicaea and the Second Vatican Council, papal correspondence, acts of the Holy Office (Inquisition) regarding the supervision of orthodoxy and the persecution of heretics, documents concerning the history of the papal institution and the Vatican, including administrative records, property deeds, and official documents; Galileo Galilei's letter to Princess Christina (1615)

about science and religion; the Concordat between the Vatican and Italy (1929) which ended the conflict between the state and the Church and established the Vatican's status as an independent entity.

**The National Archives of Romania** preserve a series of documents from the medieval period, including princely charters, ennoblement diplomas, and other acts issued by the rulers of the Romanian principalities. A notable example is Neacșu of Câmpulung's letter to the mayor of Brașov, the first important document for the study of Old Romanian, from the 16th century (the letter contains information about the movements of the Ottoman troops). The Declaration of Independence of Romania in 1877, the Act of Union of 1918 - the document attesting to the Union of the Romanian provinces of Transylvania, Bessarabia, and Bukovina with the Kingdom of Romania, forming Greater Romania; the Constitutions of Romania in 1866, 1945, 1952; journals and correspondence of King Carol I – these documents offer a detailed perspective on the reign of Carol I and the political and social developments in Romania during the late 19<sup>th</sup> and early 20<sup>th</sup> centuries; documents regarding the Holocaust in Romania, reports, and testimonies documenting the persecution and extermination of Jews and other minorities during World War II; documents covering the entire period of communist regime, including activity reports and official correspondence.

By accessing these documents, researchers and historians worldwide can reconstruct historical events accurately and uncover new information that may change our understanding of the past. Thus, the National Archives not only preserve cultural heritage but also play a crucial role in promoting knowledge and encouraging intercultural dialogue, contributing to the collective memory of Europe.

In Russia, Turkey, Belarus, access to documents in the National Archives may be limited for several common reasons, including:

1. Sensitivity of information: Some documents may contain sensitive or classified information relating to national security, foreign policy, or other sensitive matters;
2. Protection of personal data: Documents may contain private or personal information that must be protected in accordance with data protection legislation;
3. Sensitive historical periods: In certain cases, documents from sensitive historical periods may be restricted to prevent their misuse or to avoid reigniting historical disputes;
4. Preservation and protection of historical documents: Restrictions may be imposed to ensure the preservation and protection of archived documents against degradation, damage, or improper use;
5. Intellectual property rights: Some documents may be protected by copyright or other intellectual property rights, which may restrict access to them.
6. Some of the archived documents may contain sensitive or classified information. Thus, restrictions are intended to regulate access to information and ensure its use in accordance with national laws and policies.

Legislation regarding archival practices can vary from one European state to another, but there are also common directives and standards at the European level that influence archival practices in Europe. For example, the European Council on Archives (ECA) promotes standards and best practices in the field of archiving at the European level and provides guidance and recommendations for member states. These regulations include provisions regarding the retention period of documents, public access to documents, and the protection of sensitive information.

The European project was launched in 2008 and has been implemented in several countries across Europe, both in EU member states and in other countries. This project aimed to digitize and provide

online access to Europe's cultural and historical heritage. Through European, millions of documents, plans, maps, audio and video recordings have been digitized and made available to the general public. This project involved collaboration between cultural institutions throughout Europe and has had a significant impact in promoting access to culture and history for all European citizens.

The European Archives Portal was implemented in 2008 at the initiative of the International Council on Archives (ICA) and the European Information Council. To date, a total of 280 million documents have been digitized. The countries that have contributed to the European Archives Portal include: Albania, Austria, Bulgaria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and the United Kingdom. Countries that should be included are Moldova, Cyprus, Czechia, Belarus, Andorra, Monaco, and the Vatican.

The European Information Society Project is a broad and significant effort aimed at digitalizing and providing access to information, which aims to develop digital infrastructure, increase digital literacy among citizens, and facilitate access to digital services and information in various fields: health, education, culture, business, and public administration. The European project aimed to improve efficiency and transparency in all aspects of social and economic life.

The European Holocaust Research Infrastructure (EHRI) project is an initiative that facilitates academic research on the Holocaust period by providing access to digitized resources from European archives and beyond. EHRI collaborates with cultural institutions, archives, and museums to collect, digitize, and make available documents, photographs, official records, correspondence, audio and video journals, and other materials related to the Holocaust. The goal is to make these resources accessible to researchers and the general public to shed light on a profound understanding of this tragic period in European history. Holocaust documents allow us to remember and honor the memory of those who suffered and died in this tragedy. They are also used in education to learn about intolerance, discrimination, and to prevent the recurrence of such atrocities in the future.

The European Archives Portal (EAP) was implemented in 2004 and is managed by the European Archives Council (ECA). The online platform facilitates access to historical and cultural information, genealogy, and academic research stored in national archives across Europe.

In Romania, an important digitization program for the National Archives is the Romanian Revolution Virtual Archive project from December 1989 and E-ANR, a program through which civil status documents from 1864 to the present are digitized. These will be introduced on the National Archives of Romania portal.

The National Archives authorize giant business operators to manage and preserve documents from the private sector, as well as those created by state institutions. Some of these authorized operators include Iron Mountain (United Kingdom, France, Germany, Netherlands, Sweden), TNT Business Solutions (Germany, United Kingdom, France), ProAct It (Sweden), and Cegedim (France).

*Some of the major archival institutions have extended hours until 10 p.m., one or two days a week, unlike others in different countries where the schedule is typically 8 hours, from 8 a.m. to 4 p.m. There is only one public archival service in the world with a non-stop schedule: Canada. (Bogdan Florin Popovici, Access to archives...)*

After completing special formalities regarding the research purpose, foreign researchers may access all documents, with the general exceptions of military archives and documents related to border issues. Exceptions must be granted under the same conditions to all researchers.

Such differences are interesting to note in the policies regarding access to administrative documents among European countries. In Sweden, France, Finland and Norway, it appears that there is an immediate free access policy after document creation, whether they are in the creators storages or in the national archives. In other European countries, access to administrative documents may be restricted until 30 years after their creation (for example, Romania).

In general, the cost for obtaining a copy of documents can vary, depending on the country and the specific policies of the national archives. In some European countries, the fees for copies may be more affordable than in others, and this can depend on various factors such as the type of document, the size of the copy, and the delivery method or based on available human resources (for example, France, the United Kingdom of Great Britain and Northern Ireland and Russia impose much higher fees ( in UK - 15 pounds per hour for scanning), compared to other countries for document copying services. Photography with the researcher's own camera is free in most European countries. However, there are countries where photographing documents for the day requires paying a modest fee, for example, in Romania - 1,4 euro per day.

Another aspect of access to documents in the National Archives is the number of files made available for research per day. For example, while Austria can provide a maximum of 5 boxes of files per day, France may offer 20 files, UK 30 files if they are listed cursive (1-30), Romania may provide a maximum of 15 files, and Ukraine limit it to only 3 files per day and 7 euro per photo/document (right before the war).

Some countries have stricter regulations regarding access to sensitive documents from certain historical periods, while others adopt more open and transparent policies.

In conclusion, it is important to streamline the procedures for accessing documents in the study halls of the National Archives. Standardizing work tools, organizing virtual document exhibitions, and collaborating with experts in paleography are essential aspects for harnessing the European documentary treasure. Engaging teenagers and students in the study halls of the National Archives involves providing them with opportunities to explore the archival treasure through educational programs, interactive workshops, and guided tours tailored to their interests and educational needs. Another important aspect is to provide modern study rooms equipped with essential technology such as laptops, cameras, microfilm readers, scanners, and copiers, accessible across all European countries.

To improve access to National Archives documents, it is important to invest in digitization and modern technologies to make collections more accessible online. Additionally, increasing transparency and simplifying access procedures to archived information are necessary so that citizens can more easily obtain documents of interest to them.

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