



SURVEY ON MILITARY AND INTELLIGENCE ARCHIVES IN EUROPEAN COUNTRIES

(Please, if you need more space for comments, add supplementary sheets)

Country: ESTONIA

Name of institution: The National Archives of Estonia

Parent institution: The Ministry of Education and Research

(Is your institution part of the Ministry of Culture or of another Ministry, or is under the authority of the Prime Minister, etc.?)

1) Do the following bodies transfer their archives to the National Archives or do they run their own independent historical archives (or neither)? (for Intelligence Agencies, please add as many entries as you need)

	They transfer their archives to the NA	They run their own independent historical archives	They do not make their archives available to researchers
Army, Navy, Air Force	X		
Ministry of Defence	X		
<u>Intelligence Agencies:</u>			
Estonian Internal Security Service	X		
Defence Resources Service	X		
Estonian Defence Forces	X		
Police and Border Guard Board	X		

Comments: However the records of above mentioned institutions have certain classification periods, the records will be available thereafter.



2) In case such bodies run their own independent historical archives, are they staffed with professional archivists? (for Intelligence Agencies, please add as many entries as you need)

	YES	NO
Army, Navy, Air Force		
Ministry of Defence		
<u>Intelligence agencies:</u>		

Comments: The archives of these institutions can be staffed both professional records managers and professional archivists. The staff must be professional both in theory and in practice.

3) In case intelligence and/or military archives are transferred to the National archives, are such archives transferred only after declassification or do the National Archives receive and preserve classified information (top secret, secret, etc.)?

	YES	NO
Archives including classified records are transferred only after declassification	X	
The National Archives receive and preserve classified information		X

Comments: These archives will be transferred to the National Archives after declassification.



4) After how many years are the archives the following bodies supposed to be transferred to the National Archives or other archival institution?

	Number of years	The rule is actually enforced (YES / NO)
Army, Navy, Air Force		
Ministry of Defence		
<u>Intelligence agencies</u>		

Comments: All the institutions performing public duties and creating archival records shall transfer archival records to the National Archives if such archival records are no longer necessary for the performance of their duties, but not later than **10 years after the creation or receipt of the records**, unless otherwise provided by law.

5) As far as selection and transfer of archives is concern, do military bodies and intelligence services have to follow guidelines issued by the National Archives or by the Directorate General of Archives?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies	X	

Comments: The Archives Act and Archival Rules are obliged to follow for the agencies. Also, the recommendations given by the National Archives are compulsory to fulfil, and the National Archives has a right to check it according to the Archives Act.



6) Do archivists from the National Archives participate in the decisions regarding the selection and transfer of military archives and of the archives of the intelligence agencies?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies	X	

Comments: The decisions are made by agencies but with the acceptance of the National Archives. Also, if needed, the National Archives must not consider a position of one or another agency, appraisal is a privilege of the archives in general. When a case is exceptional or complicated (including the appraisal of extensive collections of single-type or similar records or data), the Appraisal Committee of the National Archives will deal with appraisal issues. The Appraisal Committee is a permanently active committee that has the authority to amend the appraisal policy and to shape joint viewpoints for taking appraisal decisions.

7) According to the ICA Principles of Access to Archives, art. 9, "Archivists have access to all closed archives and perform necessary archival work on them". Is this principle enforced in your country, as far as military archives and the archives of intelligence agencies are concerned?

	YES	NO
Army, Navy, Air Force		
Ministry of Defence		
Intelligence agencies		

Comments: The archivists working for these agencies have access to classified information.

8) Are there archivists from the National Archives who have security clearances (i.e. who can access classified information)?

YES	
NO	

Comments: The National Archives can have this access, if needed, but in usual occasions it is not necessary.



9) As far as the management of records and archives are concerned, do military corps and intelligence agencies have to follow guidelines and directives issued by the National Archives or by the Directorate General of Archives?

	YES	NO
Army, Navy, Air Force	X	
Ministry of Defence	X	
Intelligence agencies	X	

Comments: Yes, they do. See also the comments to question 6.

10) Does your national legislation provide for automatic declassification of classified national security information after a given number of years?

YES	X
NO	

Comments: The number of years concerning special secrets and classified information has been regulated by the law of "State Secrets and Classified Information of Foreign States Act":

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/511072014001/consolide>

However, there is a possibility to prolong classification period in every case, the law sets the national security interests always to the first place. See also the comments to question 11.

11) In case you answered YES to question no. 10, after how many years?

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Comments: The number of years concerning special secrets and classified information has been regulated by the law of "State Secrets and Classified Information of Foreign States Act":

<https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/511072014001/consolide>

State secrets related to national defence have the maximum classification period of 50 years: items of information concerning the preparation, management and operations of national defence, except information the disclosure of which would not damage the security of the Republic of Estonia. There are also certain closure periods of 30, 15 and 10 years depending on the content of information.



12) Does your national legislation provide for automatic declassification of classified information regarding national defence (for example, information on weapons of mass destruction) after a given number of years? In case, after how many years?

YES	X
NO	

Comments: State Secret and Classified Information Act § 7, p. 4 describes following: "items of information concerning military weapons and munitions of war of the National Defence Forces and the National Defence League, except information the disclosure of which would not damage the security of the Republic of Estonia or which is subject to disclosure under an international agreement. Such information shall be classified at the 'secret' or lower level for a maximum period of thirty years."

13) In case you answered YES to question no. 12, after how many years?

30 years as described above.

14) Does your national legislation provide for automatic declassification of classified information originating from a foreign government (or from a foreign intelligence agency, foreign police authority, etc.) after a given number of years? Or is such kind of information declassified only after consulting with the originating country?

	YES	NO
Classified information originating from a foreign government is declassified only with the agreement of the foreign government	X	
Classified information originating from a foreign government is automatically declassified after a given number of years, like other classified information		

Comments: In the same act, there are (§ 50) prescribed following:

(3) /.../ If the originator of information of foreign states has not specified the term of classification for such information, the classification of the medium may only be declassified at the permission of the originator of classified information of foreign states.



15) Does your national legislation provide for special rules regarding the declassification of classified information originating from the NATO?

YES	
NO	

Comments: According to the same act (§ 3), “classified information of foreign states” means information originating from a foreign state, the European Union, NATO or an organisation or institution established under an international agreement (hereinafter collectively referred to as ‘originator of classified information of a foreign state’) which is released to Estonia on the basis of international agreements, and that has been classified as secret by its originator and information created for the purposes of performance of an international agreement by the Republic of Estonia that is to be classified, as provided by the international agreement”.

Therefore, chapter 3 of this act, “Classified Information of Foreign States” (§ 50–52), is concerning also information originating from NATO.

16) Are information originating from the NATO declassified after a given number of years or are decisions regarding the declassification of NATO documents left to NATO itself?

	YES	NO
Information originating from the NATO are declassified after a given number of years		
Decisions regarding the declassification of NATO documents are left to NATO itself	X	

Comments: The regulation is described in § 50 as referred in the comment to question 14. See the whole text in original at <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/511072014001/consolide>