



SURVEY ON MILITARY AND INTELLIGENCE ARCHIVES IN EUROPEAN COUNTRIES

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

Country.....ITALY.....

Name of institution.....Direzione generale per gli archivi (Directorate General of Archives)

Parent institutionMinistero dei beni e delle attività culturali e del turismo
(Ministry of Cultural Heritage and Activities and Tourism)

(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	In part	YES, for the military and operational records	
Carabinieri (a police corps that is part of the armed forces)	NO	YES	
Ministry of Defence	yes		
<u>Intelligence Agencies:</u>	In part	They run a centralized historical archives that is not open to research	

Comments:..... According to the law (D. L.vo 42/2004 "Cultural Heritage Code"), the Army, Navy, Air Force and the Carabinieri are not supposed to transfer to the State Archives the "military and operational



records". Such records are preserved by the historical offices of, respectively Army, Navy, Air Force and Carabinieri. Military conscription lists are preserved by the State Archives, and so are the military courts' archives.

The law 124/2007 that reformed the intelligence services and the rules on state secrets, classification and declassification introduced the possibility of transferring Intelligence Agencies' documents to the Central State Archives. Previously, only documents of the Intelligence Services of the Fascist period and Minister of Interior intelligence records had been transferred to State Archives. The law does not dictate clear rules regarding the transferring Intelligence Services' archives to State Archives. It left to a further decree the task of defining specific rules on the transfer of documents to State Archives. The decree has been issued but it has been classified.

Italy now has 2 intelligence services: the AISE – Agenzia informazioni e sicurezza esterna (External Intelligence and Security Agency) and the AISI – Agenzia informazioni e sicurezza interna (Internal Intelligence and Security Agency). They are coordinated by the DIS – Dipartimento Informazioni per la Sicurezza (Security Intelligence Department) and are under the authority of the Prime Minister Office. So far, they have transferred to the Central State Archives (Archivio central dello Stato) only a selection of documents regarding the kidnapping and killing of Aldo Moro (1978) and it is imminent the transfer of selections of documents regarding some major slaughter cases. No complete archival series have been transferred so far.

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, Carabinieri	In part	
Ministry of Defence		
<u>Intelligence agencies:</u>	yes	

Comments:..... The official list of employees of the Ministry of Defence and of the Armed Forces does not include the job title of "archivists". Nonetheless, the Armed Forces historical offices employ a few persons who have archival science education. Moreover, the Armed Forces Historical Offices often contract archival work to external professional archivists and seek professional advice from archival science specialists.



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	YES	
The National Archives receive and preserve classified information		NO

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

	Number of years	The rule is actually enforced (YES / NO)
Army, Navy, Air Force	N/A	
Ministry of Defence	30	See comments
<u>Intelligence agencies</u>	The law does not specify	

Comments:

Just like other Ministries (except for the Ministry of Foreign Affairs), the Ministry of Defence is supposed to transfer its files to the State Archives when they have been non current (i.e closed) for 30 years (the term was 40 years until the l. 83/2014 lowered it to 30 years). Few series of the post-1945 years have been transferred to the State Archives, because the Ministry of Defence considers that most of its post-1945 files have not been closed for at least 30 years.



5) As far as the selection and transfer of archives is concerned, 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:.....
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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:.....

As a general rule, in order to decide which records should be selected for permanent preservation and transferred to State Archives and which can instead be destroyed, each major state office has a supervisory committee consisting of a representative of the local state archive, a representative of the Ministry of the Interior and representatives of the office concerned. Such rule, however, does not apply to the Ministry of Defence and to the Armed forces.

Moreover, decisions over the management and disposal of classified records is autonomously taken by special bodies (*Segreterie principali di sicurezza*) that do not include archivists.



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		x
Ministry of Defence		x
Intelligence agencies		x

Comments:..... Archivists from the State Archives do not have access to any of such classified records. We do not know whether the archivists who work for the intelligence agencies can access classified information, and in case, to what extent.

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

YES	
NO	x

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

YES	Yes, but...
NO	

Comments:.....

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

Under law 124/2007, classified information (confidential, highly confidential, secret and top secret) is declassified automatically after 10 years. However, there are exemptions to this rule: the Prime Minister, in fact, can extend classification without time limits.

Moreover one should consider that the governmental decree that dictated rules on the enforcement of the l. 124/2007 introduced procedures that run counter automatic declassification. In fact, the ruling dictates that after 10 years from classification, if someone files a request of access to classified information, the creating authority decides whether to declassify the information or to request the Prime Minister to extend the classification. In other words, declassification is not really automatic.

Finally, one should consider that the Italian law dictates special rules for the information that has been given by the Prime Minister "state secret" status. Information that is given "state secret" status cannot be accessible by the judicial authority. By contrast, classified information are accessible by the judicial authority. "State secrets" status can last a maximum of 30 years. The 30 years are not calculated from the date of the document, but from the date when the information was given the status of "state secret". Generally, information is given the status of "state secret" only if there is a judicial investigation that is trying to have access to it.

It is not clear whether the 30-year rule applies to foreign government information as well: the law is not clear and law scholars have different interpretations on this point.

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	
NO	

Comments:..... See previous answer (the law does not make difference between national security and national defence information)



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

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

Comments:..... As I said in the answer to question 11, the law is not completely clear on this point.

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

YES	x
NO	

Comments:..... All the records originating from NATO are considered NATO property and decisions on their declassification is left to 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		x
Decisions regarding the declassification of NATO documents are left to NATO itself	x	

Comments:.....
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