



III SURVEY ON MILITARY AND INTELLIGENCE ARCHIVES IN EUROPEAN COUNTRIES

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

Country. Lithuania.

Name of institution. The Office of The Chief Archivist Of Lithuania (is a government agency, which participates in the shaping of national policy in the field of management and use of documents and archives, as well as implements this policy, supports the Chief Archivist of Lithuania in the carrying-out of state administration of the field of documents and archives).

Parent institution . The Office is under the authority of the Government of the Republic of Lithuania and Ministry of Culture.

(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	Yes*	Yes*	
Ministry of Defence	Yes	Yes*	
<u>Intelligence Agencies:</u>			
State Security Department (SSD)	Yes		
Second Investigation Department under Ministry of National Defence (OATD)	No		Yes

Comments: *Only permanently stored documents of the Mobilisation Department under the Ministry of National Defence as well as Office of the Lithuanian Armed Forces are transferred to the Lithuanian state archives. Documents of other units of Lithuanian Republic National Defense



system are preserved in the National Defence Archives under the Ministry of National Defence (the archives is responsible for the acquisition, preservation etc.).

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	Yes	
Ministry of Defence	Yes	
<u>Intelligence agencies:</u>		
State Security Department (SSD)	Yes	
Second Investigation Department under Ministry of National Defence (OATD)	Yes	

Comments:.....
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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 other archival institution?

	Number of years	The rule is actually enforced (YES / NO)
Army, Navy, Air Force	20 years after the entry of such documents into registration documents *	Yes
Ministry of Defence	20 years after the entry of such documents into registration documents	Yes
<u>Intelligence agencies</u>		
State Security Department (SSD)	20 years after the entry of such documents into registration documents	Yes
Second Investigation Department under Ministry of National Defence (OATD)	-	-

Comments: Transfer of documents to state archives in Lithuania is regulated by the Law on Documents and Archives (http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_e?p_id=426255&p_query=&p_tr2=2). The part 1 of the article 15 of Law on Documents and Archives of the Republic of Lithuania determines that:



1. Activity documents of permanent retention shall be transferred to state archives by the Seimas of the Republic of Lithuania, the President of the Republic, institutions and agencies established by them, the Government of the Republic of Lithuania, courts, the Bank of Lithuania, ministries and government agencies, law-enforcement and armed-forces institutions and agencies, other central and territorial entities of state administration and municipal administration, agencies and enterprises providing public services, in the conduct of activities of which permanent retention documents are accumulated. A list of state and municipal institutions, agencies and enterprises which transfer documents to state archives shall be approved by the Chief Archivist of Lithuania.

2. State and municipal institutions, agencies and enterprises may store permanent retention documents for up to 20 years after the entry of such documents into registration documents. During this period institutions, agencies or enterprises must transfer documents to state archives for permanent retention.

* Only permanently stored documents of the Mobilisation Department under the Ministry of National Defence as well as Office of the Lithuanian Armed Forces are transferred to the Lithuanian state archives. Documents of other units of Lithuanian Republic National Defense system are preserved in the National Defence Archives under the Ministry of National Defence (the archives is responsible for the acquisition, preservation etc.).

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	Yes	
Ministry of Defence	Yes	
Intelligence agencies	Yes	

Comments: Military bodies and intelligence services should follow the regulations issued by the Chief Archivist of Lithuania. Functions of the Chief Archivist of Lithuania are specified in the part 3 of the article 5 of Law on Documents and Archives of the Republic of Lithuania.

The above mentioned services should fulfil the requirements determined by the Law on State Secrets and Official Secrets of the Republic of Lithuania (http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=461671) as well as Regulations on the classified information administration (http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=385287&p_tr2=2).



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	Yes*	
Ministry of Defence	Yes	
Intelligence agencies	Yes (State Security Department (SSD))	

Comments: *Only permanently stored documents of the Mobilisation Department under the Ministry of National Defence as well as Office of the Lithuanian Armed Forces are transferred to the Lithuanian state archives. Documents of other units of Lithuanian Republic National Defense system are preserved in the National Defence Archives under the Ministry of National Defence (the archives is responsible for the acquisition, preservation etc.).

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	Yes*	
Ministry of Defence	Yes*	
Intelligence agencies	Yes* (State Security Department (SSD))	

Comments: The answer is YES if the documents are declassified or archivists hold an authorisation to handle or familiarise with classified information.

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

YES	Yes
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NO	
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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	Yes	
Ministry of Defence	Yes	
Intelligence agencies	Yes	

Comments: Military bodies and intelligence services should follow the regulations (Regulations on Records creation, Regulations on Records arrangement and registering etc.) issued by the Chief Archivist of Lithuania. As have been mentioned before the functions of the Chief Archivist of Lithuania are specified in the part 3 of the article 5 of Law on Documents and Archives of the Republic of Lithuania.

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

YES	Yes*
NO	

Comments: *The answer is Yes if the document is classified as "Confidential" and there are no references on conditions of declassification.

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

After 5 years, if the document is classified as "Confidential" and there are no references on conditions of declassification.

Comments:.....

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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	Yes
NO	

Comments: *After 5 years, if the document (comprising an official secret information) is classified as “Confidential” and there are no references on conditions of declassification.

The article 7 of Law on State Secrets and Official Secrets of the Republic of Lithuania determines the List of Categories of Information to be Classified (the part 1 of the article 7 concerns the categories of a state secrets as well as part 2 of the article 7 concerns the categories of an official secret (for example, detailed data on programmes and plans of production of weapons, firearms, explosives, combat equipment, special means, the technical equipment of operational investigative activities etc).

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

After 5 years, if the document (comprising an official secret information) is classified as “Confidential” and there are no references on conditions of declassification.

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	-	-

Comments: The part 2 of the article 1 of Law on State Secrets and Official Secrets of the Republic of Lithuania determines the following: The classified information of foreign states, the European Union or international organisations released to the Republic of Lithuania shall be stored and used in accordance with the procedure laid down by international treaties of the Republic of Lithuania, decisions of international organisations based on these treaties and implementing them, legal acts of the European Union and this Law. In the cases when international treaties of the Republic of



Lithuania and/or decisions of international organisations based on the treaties and/or implementing them and legal acts of the European Union set other requirements for the storage and use of classified information of foreign states or international organisations than specified in this Law, the provisions of the international treaties and/or decisions of international organisations based on the treaties and/or implementing them and legal acts of the European Union shall apply.

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

YES	Yes
NO	

Comments: Entities of secrets in Lithuania shall follow the Regulations on the classified documents of NATO, the European Union released to the Republic of Lithuania (the regulations are issued by the Republic of Lithuania Commission for Secrets Protection Co-ordination in 2002).

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	Yes	

Comments: The part 2 of the article 1 of Law on State Secrets and Official Secrets of the Republic of Lithuania determines the following: The classified information of foreign states, the European Union or international organisations released to the Republic of Lithuania shall be stored and used in accordance with the procedure laid down by international treaties of the Republic of Lithuania, decisions of international organisations based on these treaties and implementing them, legal acts of the European Union and this Law. In the cases when international treaties of the Republic of Lithuania and/or decisions of international organisations based on the treaties and/or implementing them and legal acts of the European Union set other requirements for the storage and use of classified information of foreign states or international organisations than specified in this Law, the provisions of the international treaties and/or decisions of international



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