



SURVEY ON MILITARY AND INTELLIGENCE ARCHIVES IN EUROPEAN COUNTRIES

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

Country: *SPAIN*

Name of institution: *SUBDIRECCIÓN GENERAL DE PUBLICACIONES Y PATRIMONIO CULTURAL*

Parent institution: *MINISTRY OF DEFENCE*

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

The Royal Decree with approved the Regulations on the Military Archives expressly declared to be National Archives the Historical Archives of the Ministry of Defense, but the Spanish Military Archive System is governed by their specific regulations.

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		XXX	
Ministry of Defence		XXX	
<u>Intelligence Agencies:</u> Centro Nacional de Inteligencia (CNI)		XXX	XXX

Comments: *The Subdirección General de Publicaciones y Patrimonio Cultural (Ministry of Defence) is the body that coordinates the [Spanish Military Archive System](#), which includes the intermediate and historical archives of the Army, Navy, Air Force and the Ministry of Defence (but not the archives of Intelligence Agencies).*

The Spanish Military Archive System is regulated by [Royal Decree of 4th December 1998](#) (RD 2598/1998, approving the "Regulations on the Spanish Military Archives"), and recognised by the Royal [Decree of 18th](#)



November 2011 (RD 1708/2011), regarding the Spanish Archive System.

Neither the National Archives nor the Subdirección General de Publicaciones y Patrimonio Cultural of the Ministry of Defence has information about the archives of CNI.

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	XXX	
Ministry of Defence	XXX	
Intelligence agencies: CNI	---	---

Comments: *neither the National Archives nor the Subdirección General de Publicaciones y Patrimonio Cultural of the Ministry of Defence has information about the archives of CNI.*

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	---	---
The National Archives receive and preserve classified information	---	---

Comments: *neither intelligence nor military archives transfer documentation to the National Archives. The historical archives of the Spanish Military Archive System receive and preserve classified information.*



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	YES
Ministry of Defence	20	YES
Intelligence agencies: CNI	---	---

Comments: article 18.4 Royal Decree of 4th December 1998: "In all cases, documents of less than twenty years of age may not be transferred to the historical archives [of the Spanish Military Archive System]".

As said in question 1, Army, Navy, Air Force and Ministry of Defence run their own independent historical archives, integrating the Spanish Military Archive System.

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	XXX	
Ministry of Defence	XXX	
Intelligence agencies: CNI	---	---

Comments: concerning selection, Spanish Military Archives have to follow guidelines issued by the Directorate General of Archives (Ministry of Education, Culture and Sports): [Royal Decree of 8th November 2002](#) (RD 1164/2002, regarding the conservation of the documentary heritage with historical value).

On the other hand, transfers are regulated only by guidelines issued by the Ministry of Defence (as has been said, military archives don't transfer documentation to the National Archives).



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	XXX	
Ministry of Defence	XXX	
Intelligence agencies: CNI	---	---

Comments: archivists from the National Archives participate in the decisions regarding the selection of military archives (not regarding the transfer of records, as said in question 5).

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	XXX	
Ministry of Defence	XXX	
Intelligence agencies: CNI	---	---

Comments: it's necessary to have security clearances to access classified information.

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

YES	
NO	XXX

Comments: some professional archivists from the Spanish Military Archive System have security clearances to access to classified information.

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		XXX
Ministry of Defence		XXX
Intelligence agencies	---	---

Comments: as said, the Spanish Military Archive System (including management of records and archives) is regulated by [Royal Decree of 4th December 1998](#) (RD 2598/1998, approving the "Regulations on the Spanish Military Archives").

Only regarding to access to information, military corps have to follow guidelines and directives issued by the Directorate General of Archives (Royal Decree of 8th November 2011, above cited) and general Laws ([Law of 9th December 2013](#) –Ley 19/2013, on transparency, public access to information and good governance).

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

YES	
NO	XXX

Comments: Classified information is regulated by the [Law of 5th April 1968](#) (Law 9/1968, on Official Secrets, modified in 1978) and its [Reglement of 20th February 1969](#) (Royal Decree 242/1969), where some recommendations on declassification are included –but there are not mandatory).

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

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Comments:.....

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	XXX

Comments: see question 10 above.

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

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	XXX	
Classified information originating from a foreign government is automatically declassified after a given number of years, like other classified information		XXX

Comments: see comments to question 10.

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

YES	
NO	XXX

Comments: there's not a specific national legislation for information originating from the NATO.

A member of the Subdirección General de Publicaciones y Patrimonio Cultural (Ministry of Defence) is the Spanish representative in NATO Archives Committee.

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		XXX
Decisions regarding the declassification of NATO documents are left to NATO itself	XXX	

Comments: a member of the Subdirección General de Publicaciones y Patrimonio Cultural (Ministry of Defence) is the Spanish representative in NATO Archives Committee.