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I have been asked to speak on the relations between the National Archives and the Danish Security and intelligence agencies on which the Danish Parliament recently has passed new legislation.

PP 2 - *The Danish Archives Act*

The Danish Archives Act comprises every executive agency and every court of law in the Danish State. None of the executive or administrative agencies fall outside the scope of the Archives Act. This means that there are no separate archival services for instance the foreign office or the military, as the situation is in some countries. Denmark used to have a separate Army Archives, but this institution was incorporated into the National Archives in 1972.

Around that time, the deliveries to the National Archives of records from the military intelligence started with the surviving records of the unofficial Danish Intelligence organization in Stockholm during the last years of the Second World War.

At that time, just about 25 years after the war, the information contained in those records was still highly sensitive. By far the greater part of those records is now readily accessible, save for the records of the counter-intelligence department that contain information about individuals.

The records of the civilian intelligence service go further back. One might say that the modern Danish civilian intelligence service came about as a by-product of the conflict between Prussia and Denmark over the Schleswig-Holstein question in the 1840es. The Danish chief of police was enormously interested in the activities of the nationalistic Schleswig-Holstein students inside Germany, but was unable to get what he wanted - until he by chance recruited Edgar Bauer, codename "Der Clown", who was the private secretary of Friedrich Engels and at times also Karl Marx. Bauer furnished the Danish police with information on the communist revolutionaries, which the Danes sold to Prussians for information



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on the Schleswig-Holstein students. The numerous reports of “Der Clown” were treated as top secret and form part of the private papers of the Chief of Police in Copenhagen, Cosmus Bræstrup.

So you might say that dealing with once top secret intelligence materials is not exactly a new thing for the Danish archives. The new thing is not the fact that we are handling intelligence records. The new thing is that we are now by law obliged to do it, and that the intelligence services are bound by law to cooperate with us.

PP 3 - *From the Military intelligence website (PP4-5)*

It is the National Archives who decides which records the agencies are obliged to preserve and deliver. The decisions are published in the form of executive orders or regulations, based in the Archives Act.

The intelligence or security services have been some of the last agencies to have their preservation of records regulated in this way.

In Denmark, we have two security or intelligence services, one civilian and one military. The civilian is responsible for the internal Security in Denmark, the military for the external Security, which means that the civilian service works inside Denmark and the military works abroad - at least in principle.

From time to time, these services and their tasks will attract public and political attention. In 1998 a journalist of one of the major Danish papers happened to come across a diary of a former Danish minister of justice, who in 1982 confided to his diary that the civilian security services contrary to instructions had continued to register individuals on the basis of their political conviction, something that was explicitly forbidden in 1968. The revelation led to a committee was set down in 1999, and it put out a sixteen volume report (4600 pages) on the workings of the security service some years ago in 2009.

One of the things that the committee commented on was the scarcity of source material in the records of the service, which led to a second report by a professor of law dealing with the question whether the service had acted illegally by doing away with quite a lot of their records.

It was concluded by the professor that the destruction of most of the files on individual persons had not been illegal, but that the percentage of destroyed files was surprisingly high, considering that the service was obliged to preserve files concerning political, economic or cultural VIPs.

This again led to legislation that came into force on the first of January this year that explicitly states that records of the security services are comprised by the archival regulation.



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PP 6 - Danish Security and Intelligence Services shall unless otherwise stated by law destroy information about persons after 15 years

Back to the Archives Act: According to article 10, paragraph 1, of the archival act, the minister of culture lays down the detailed regulations of appraisal and preservation for all state agencies. Now the Danish minister of culture is a very busy person and realizing this, the Parliament has granted the minister of culture that the detailed regulation might be delegated to the National Archivist.

We have since 1992 been putting out regulations of this kind. Nowadays every agency is covered by a set of specific rules, telling the agency in question which records should be kept and delivered to the National Archives to be preserved there for eternity, and which records the Archives will not take in and which the agency will be obliged to destroy. Accordingly, detailed regulations about which records should be preserved by the security services were issued, and anybody can see those regulations on our homepage.

PP 7 and 8 Regulations on preservation and destruction of paper records kept by the Danish Security and Intelligence Service - an example from 2012 -

The regulations reflect that a great part of the records of the intelligence services are historically important. The mission of the Danish National Archives is to preserve documentation for the history of the Danish society in as many aspects as possible, and to fulfill this task the intelligence archives will have an important role. There are various aspects of modern society which will only be documented in these records. Drug-dealers and other entrepreneurs of organized crime do not deliver their records to the public archives, and neither do extremist political movements whether left or right wing. Even if never brought to court, reports of such activities might be found in the modern intelligence records and perhaps only there.

There is probably nothing new in that observation. It is new, however, that the intelligence services have realized that their records could be of use to future researchers and thus should be preserved. It goes so far that the military service on its homepage boasts of the huge deliveries that the service has made to the archives, and even carries a link to Daisy, the database of the Danish National Archives.

PP 9 The military service website where they tell that they are proud of delivering thousands of records to the future researchers

The Security Services and other agencies who handle classified materials that shall be preserved, may postpone delivering their classified records. The rule is that paper records should be delivered before they become 30 years old, but for classified records this period may be doubled, so that delivery only takes place after 60 years.



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PP 10 - Delivery in 60 years

That is a very practical arrangement. Handling classified records is in some ways troublesome; you have to have your personnel vetted by the security services, arrange for safe repositories etc. And as a rule, nobody will be allowed to use the records for research until they are declassified. The important thing is that the preservation of those once confidential, secret or top secret records is ensured to the benefit of coming generation of archivists, historians and other researchers.

As to access, there is an 80 years rule for the records of both services. Anybody that wants access to the records before 80 years will have to get a dispensation from the Archives as well as from the service in question.

You may of course have a lot of questions regarding the more practical or detailed arrangements between the Archives and the Security and Intelligence Services, and you are very welcome to put them to me. I cannot, though, promise to answer them. We deal, after all, with matters that are best kept secret.

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