



Presidenza Italiana
del Consiglio
dell'Unione Europea



30TH CONFERENCE OF THE EUROPEAN BOARD OF NATIONAL ARCHIVISTS (EBNA)

17TH MEETING OF THE EUROPEAN ARCHIVES GROUP (EAG)

TURIN, 3-4 NOVEMBER 2014

Priit Pirsko

Military and intelligence archives in Estonia

I'd like to start with some comments on legal situation concerning the access to records of state agencies in Estonia. According to the law the records created upon performance of public duties are freely accessible. So, there's no closure period for accessing public information and records - that's a principal rule not only in Estonia, but also elsewhere in Nordic and Baltic countries. All the secret records must be registered by the office and they are natural part of the records management. Still, the access restrictions are also applicable if needed – for instance in case of personal data protection, business secrets, state secrets etc. Consequently, on the one hand the records created by military and security services are public. On the other hand, for practical reasons, for protecting state security as well as personal security a large amount of such records are classified for certain period.

The agencies have got a right to decide what kind of information is sensitive, that is - containing secret data. A legal act called "State secrets and classified information of foreign states act" (2007) provides procedure for handling such the files, including the period of closure. Nothing can be secret forever. Once again, the decision which information and for how long must be classified, is agencies responsibility, it's not an archives business.

The Estonian archives system is actually very state-centred as well as centralised. According to the archives act all the government agencies have got an obligation to transfer records to the National Archives. There are no historical archives in the ministries nor for Parliament. Besides the National Archives only 3 city archives are acting, no more is (even not) allowed. Basically, acquisition and appraisal of public records is a duty of the National Archives. It's a kind of privilege as well as obligation to determine the archival value of records. The city archives (mentioned previously) are following the National Archives' guidelines, particularly the appraisal decisions.

For better understanding how we are providing the supervision over the agencies handling with sensitive records I have to describe the method of appraisal in Estonia. In other words I'm going to explain how we are influencing the archives creation and management in the military and security agencies.



Presidenza Italiana
del Consiglio
dell'Unione Europea



As mentioned before the archives does not take part in the procedure of deciding what kind of records are secret and how long such the records are not accessible for public. It's the task of military and intelligence services themselves.

Still, the access restrictions have to be determined in the classification scheme - on a level of series - and in advance. In other words, an agency shall develop a classification scheme for its records. This scheme is based on analysis of functions, structure and work processes and related transactions.

From this point, I mean, in completing the classification scheme we can observe the National Archives' responsibility for records of permanent value. It's our task to authorize/accept the final version of agency's classification scheme and to ensure all details are all right with that. It's also relevant to emphasise that this procedure of approving the classification scheme comprises two important decisions: (1) the presentation of agency's functions - on a level of series and subseries; and (2) accepting the retention schedule of records.

The last decision is directly connected to the appraisal and I'll continue in describing this a bit closer.

An archives act of Estonia (2011) provides a basically new approach compared to the previous regulation. Earlier, the appraisal was conducted mostly towards the end of the lifecycle of a document when the retention period ended or on transfer to the archives. Now, the appraisal is conducted as early as possible. This approach is well-known as macro-appraisal method which reflects the notion that in times of information overload we are not able to go into the content of every single record. It's a sort of attempt to apply appraisal policy which considers first and foremost the importance of institutions and their functions. So, it's clearly a functional approach, measuring the importance of functions performed by the agencies. By means of this method we can manage with reasonable human and time resources. This appraisal method has also proven to be useful in managing digital data.

Next I'll give you a brief overview how the appraisal is carried out.

First case is an easier one and concerns the Ministry of Defence and the military institutions. In such institutions lots of records are actually public, there are no access restrictions. On the other hand a great deal of classified information has been also produced in the framework of organisation workflow and records management. As I said, the National Archives has a right to approve the classification scheme of such the agencies. For conducting appraisal it's basically enough. We can follow the functions which are performed, we can analyse the series and subseries which are defined. On these bases we can decide which series are of permanent value and will be transferred to the archives in future.

So, we cannot browse the secret files or read the content of sensitive databases. It's just not needed for performing macroappraisal approach.

I would say that such a proceeding is very much acceptable for both parties. It's acceptable for archives, because we can control the general quality of records management. The archivists can also control if the classification scheme corresponds to the main functions of the military institution. Last, but not least we can decide which records series are most valuable for future research. Such series will be granted archival



Presidenza Italiana
del Consiglio
dell'Unione Europea



value and have to be preserved permanently – in first decades after creation in the agencies and after expiring the classification period – in the National Archives.

Moreover, such a procedure is acceptable also for the military institutions. The archives professionals have a right and obligation to support the agencies in handling records, including classified information. They can suggest the best practices in arranging the records management, for instance how to draw up a classification scheme and retention schedule. So, our contribution has been a sort of benefit for the agencies.

On the other hand, the military and security services have to be careful in maintaining the valuable information, suspicious towards any outsiders including the archivists. The fact the archivists actually do not ask access to secret files makes easier to gain the cooperation with the defence institutions.

And thirdly, I think, it's not only win-win situation, but maybe even win-win-win situation. Third winner is the general public, because the classification scheme and the appraisal decision are public documents, everyone can check these up on web. In this way the basic principles of democratic society like transparency and responsibility are also pretty well guaranteed.

Much more complicated case is with the intelligence service. Almost everything these institutions are dealing with is secret, and consequently, almost all the records handled by the intelligence are classified. Nevertheless, as referred also before, all the classified documents are records in the sense of archives act and must be registered.

So, what the National Archives can do in terms of controlling and inspecting the records of intelligence service? First, the same rule as for other agencies applies for them as well. The National Archives has to authorize the classification scheme of both security services – the internal and external. That means we have a couple of archivists in the staff who have been granted rights on personal basis to access the general list of functions of security services. We can control the adequacy of the list of functions and series. On the level of that (series and not files or records) also the appraisal decision has to be done.

What is different here is the fact that classification scheme of intelligence is not public, it's classified. Though, we are used to publish all the appraisal decisions on web and this concerns also the decisions on archives of security services. For protecting the content of intelligence acts and transactions the titles of functions and titles of the series are not open on web, but listed in a coded manner (function A, B, C etc). So the general public can get to know that there are a certain number of functions, series and subseries in the classification scheme of security service. The citizens can also find out that some of the series are of archives value and both parties – archives and agency – are aware of records management requirements. Actually it's not too much, but it's better than nothing.

Summing up my brief overview the following principles of handling the military and intelligence archives it is worth to mention.

1. The National Archives runs indirect supervision over the classified information handled by these institutions.



Presidenza Italiana
del Consiglio
dell'Unione Europea



2. The Archives Act is obligatory to follow for the agencies. Also, the recommendations given by the National Archives are compulsory to fulfil.
3. We are using macro-appraisal method for resolving which series are of archival value.
4. According to the law the National Archives doesn't receive the records of valid classification. All the classified information has to be maintained by agencies themselves. After expiring the closure term (maximum period of 50 years) the records are transferred to the National Archives.
5. The procedures of handling the classification schemes and retention schedules in cooperation with military and security institutions have been running pretty well.