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Assessment of the Openness of State Archives

Country: **Armenia**

Archival Institution: **Archive of the National Security Service (NSS) of the Republic of Armenia (Fonds, Registration and Archives Management)**

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The project was funded by the [Open Society Institute Budapest Foundation \(OSI\)](#) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#)

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Methodology for Evaluation of Openness of State Archives (OSA)

Introduction

The public has the right of access to archives of public bodies. Openness of archives is not only an issue related to interests of historians or specialists, but an issue of access to information, which in itself is a human right. The OSA Methodology is envisioned to be universal with the goal of assessing the standards of access to archives, identifying the strengths and weaknesses of the legal frameworks and their enforcement firstly in post-soviet space and then around the globe.

Structure and Logic

The Methodology is composed of 88 indicators, each of which granted different weight and index of social importance.

The Methodology covers all the major components of openness of state archives: from the legislative framework, to access to archival files in the reading room and via online sources, and freedom of access to archival files/records and relevant databases (online sources, catalogues, inventories, etc.).

The selection of indicators for the Methodology was largely based on the principles of access to archives adopted by the International Council on Archives (ICA) that elaborated the following general principles:

- Archives and archivists should promote the widest possible access to archival materials and provide an impartial service to all users.
- Archives and archivists should respect both access to information and privacy, and act within the boundaries of relevant legislation.
- Institutions holding the archival fonds ensure that restrictions on access are clear and of stated duration, are based on pertinent legislation, acknowledge the right of privacy, and respect the rights of owners of private materials.
- The access rules apply equally to all individuals without discrimination. When a closed file is reviewed and access to it is granted to a member of the general public, the file is available to all other members of the public under the same terms and conditions.

Various best practices were also reviewed: the analytical report „Open Access to KGB Archives: Ukraine’s Experience for Eastern Partnership Countries” („Открытый доступ к архивам КГБ: Украинский опыт для стран восточного партнерства“), a guide-book „Right for the Truth“ („Право на правду“), as well as other best practices and adopted documents. We also analyzed all the archival and other relevant laws in each country to be evaluated.

The documents and standards mentioned above do not contain methodologies or indicators for evaluating archives; this we elaborated through cooperation with our partners. **The resulting methodology is unique by its essence.** All the indicators have been properly referenced.

During the indicator selection and elaboration process, an effort was made to ensure that our Methodology could be used for all state archives in the target states. The Methodology and its

indicators were elaborated with the active participation of the organizations and independent experts, who have the most expertise and experience in given area.

The indicators are divided into five groups (benchmark indicators) that represent the key characteristics of a well-functioning system of open access to the state archives in post-soviet countries. These groups are:

1. Homogeneity of the legislative framework:
 - 1.1 General archival legislation;
 - 1.2 Other legislation referring to FOI and archives;
 - 1.3 Archive services;
2. Website: Archive websites and distant and online services;
3. Reading room: Services and procedures for the researchers physically working in the archives.

Limitations

Access to archives varies significantly by country. The OSA Methodology is intended to be applicable on a global scale, meaning that the indicators cannot be too specific and cannot cover all the possible variations and exceptions.

About the Project

The Methodology has been developed within the framework of the project - [Enhancing Openness of State Archives in Former Soviet Republics](#).

The project was funded by the Open Society Institute Budapest Foundation (OSI) and has been implemented by a Georgia-based civil society organization [Institute for Development of Freedom of Information \(IDFI\)](#) on its initial stage together with the nine partner organizations or/and individual experts from each country in the Eurasian region covered by the project:

- Armenia - Hranush Kharatyan, [NGO „Hazarashen“ Armenian Center for Ethnological Studies](#), Researcher
- Azerbaijan – Eldar Zeynalov, Human Rights Center, Director, Journalist
- Belarus - Dmitriy Drozd, [Belarusian Documentation Center](#), Researcher
- Georgia: Anton Vatcharadze, [Institute for Development of Freedom of Information \(IDFI\)](#), Researcher
- Kazakhstan – Araylim Musagallieva, Eurasian National University, Professor
- Kyrgyzstan – Nurbek Toktakunov, [Partner Group „Precedent“](#), Director
- Moldova - Igor Casu, Center for Study of Totalitarian Regimes and Cold War, State University of Moldova, Historian
- Russia –Lawyer
- Ukraine – Ihor Chernichenko, [Kharkiv Human Rights protection Group](#), Historian
- Uzbekistan - Historian

In its initial stage, the project - [Enhancing Openness of State Archive in Former Soviet Republics](#) covers only the Eastern Partnership (EaP) Region, Russia, and some of the Central Asian states; however, we are planning to scale the methodology up to larger regions in the future. Due to a large number of archives in some countries (e.g. Russia, with 15 state archives on the federal level) not all the archives are evaluated in the above countries. We will continue to evaluate the archives that have not been evaluated at the first stage of the project in the future.

Scoring System

Indicators included in the OSA Methodology are granted different weight and provided by index of social importance, which is measured by one of the four qualitative indicators (4, 3, 2 or 1). Such indexes will show the importance of the indicator and its influence on the openness of archives.

Each indicator can be evaluated by the interim score from 0 to 1 points, depending on the completeness of the answer, or the indicator cannot be applied to the given archive:

1. Gives a complete answer to the question - maximum 1 point.
2. Gives a high quality answer to the question - 0.75
3. Gives a medium quality answer to the question - 0.5
4. Gives a low quality answer to the question - 0.25
5. Does not answer the question – 0
6. The indicator cannot be applied to the given archive – (-)

The final score of each indicator is calculated by multiplying its interim score by its social importance index.

For instance, if the indicator's social importance index is 4 and its interim score is 0.75 points, the final score of the indicator will be 3.

With a total of 88 indicators, openness of a state archive is rated on the scale of 0 to 257. The points will be converted to percentages for easier understanding and visualization.

At the same time, we are keeping in mind that not all the indicators can be applied to each state archive we are assessing. For example, if we are assessing archives which do not contain any fonds or files on repressive state institutions, we will not deduct points for non-relevant indicators. In such cases, the final result and the percentage will be calculated based only on relevant indicators.

Each scoring component is evaluated separately.

This scoring system and the structure of the methodology allows us to represent the results in two ways:

1. **Results by Separate State Archives** – Each archive will be assessed with the relevant indicators. The results will be converted in percentages and the average result will be calculated.
2. **Country Overall Results and Rating** – The country overall results are represented using percentages (0-100%). Countries are then ranked by their overall results.

Visualization

Visualizing the results of the assessment is crucial to the goal of the methodology. For this purpose, the overall points received by each country shall be shown graphically using the scale of 0-100%, divided into 4 quarters of a specific color:

- Low compliance with the OSA Standards – 0% to 25% (red)
- Average compliance with the OSA Standards – 26% to 50% (orange)
- Good compliance with the OSA Standards – 51% to 75% (yellow)
- Excellent compliance with the OSA Standards – 76% to 100% (green)

Visualizations will also include spider graphs depicting the countries' results by benchmark indicators and multi-colored bar graphs for comparing the countries' results in defined categories.

Terminology

This methodology uses universally accepted archival terminology as well as a few terms of its own design, in order to make the key distinctions easier. This terminology was adopted and put online by the ICA ([see this link](#)). Because of the specifics of the post-soviet archives and in order to avoid misunderstanding in some of the terms, we made our glossary bilingual, in English and Russian.

1. **Archive(s)** – Refers to the archival institution, rather than the archival holding.
1) An organization or place that collects, keeps and makes available for usage the records (archival documents). Also referred as archival repository. 2) Agency or program responsible for selecting, acquiring and preserving archives, making them available, and approving destruction of other records.
Архив(ы) – Имеется в виду скорее архивное учреждение, чем массив архивных документов. 1) Архив может представлять собой организацию или место, где хранятся и доступны для пользования архивные документы. Так же называют архивохранилищем. 2) Архив может представлять собой организацию или компьютерную программу, которые обеспечивают отбор архивных документов на хранение, комплектование и обеспечение сохранности архивного фонда, предоставление доступа к архивным документам.
2. **National Archival Fonds** – Historically developed and constantly filled up set of the archival documents which are reflecting material and spiritual life of society, having historical, scientific, social, economic, political and cultural value and is subject to continuous storage.
Национальный Архивный Фонд – Исторически сложившаяся и постоянно пополняемая совокупность архивных документов, отражающих материальную и духовную жизнь общества, имеющих историческое, научное, социальное, экономическое, политическое и культурное значение, подлежащих постоянному хранению.
3. **Archival fonds (record group)** – The entire body of records of an organization, family, or individual that have been created and accumulated as the result of an organic process reflecting the functions of the creator.
Архивный фонд – Общая совокупность архивных документов, находящихся на хранении в архиве или другом документохранилище.

4. **File** – A record or group of records related by use or topic, typically housed in a folder.
Дело – Архивный Документ или совокупность архивных документов, относящихся к одному вопросу или участку деятельности, помещенных в отдельную папку.
5. **Record** – Single document created or received by a person, family, or organization, public or private, in the conduct of their affairs that are preserved because of the enduring value contained in the information they contain or as evidence of the functions and responsibilities of their creator. In this methodology, it refers to the records that are exclusively paper-based (text on paper) and not electronic formats, photographs, motion pictures, videos, sound recordings and other that generally refers to an archival record.
Архивный документ – Единый документ, созданный или полученный лицом, семьей или организацией, публичной или частной, в ведении своих дел, которые сохраняются из-за непреходящей ценности, содержащейся в содержащейся в них информации или в качестве доказательства функций и обязанностей их создателя. В этой методологии это относится к записям, которые являются исключительно бумажными (текст на бумаге), а не электронными форматами, фотографиями, кинофильмами, видеороликами, звукозаписью и другими, что обычно относится к архивной записи.
6. **Copy** – A document that arises as a result of the reproduction of the information of the record with the change or replacement of the medium, accurately reproducing the content, all or part of the external features of the record.
Копия документа – Документ, возникший в результате воспроизведения информации архивного документа с изменением или заменой носителя, точно воспроизводящий содержание, все или часть внешних признаков архивного документа.
7. **Finding Aid** – A set of archival reference books and accounting documents (the list of the fonds, inventories, fonds reviews, catalogs, indexes, etc.) that provide a search for the information included in this fonds and accounting of its records.
Научно-справочный аппарат к архивному фонду – Совокупность архивных справочников и учетных документов (лист фонда, описи, обзоры фонда, каталоги, указатели и т.д.), обеспечивающих поиск включенной в данный фонд информации и учет входящих в него архивных документов.
8. **Guide book** – A finding aid giving a general account of all or part of the holdings of one or several archives, and/or manuscript repositories. A guide is usually arranged by fonds, record/archive group, or collection and classes or series therein.
Путеводитель по фондам Архива – Архивный справочник, содержащий в систематизированном порядке характеристики или краткие сведения об архивных фондах и предназначенный для ознакомления с его составом и содержанием. Справочник, содержащий общие сведения обо всех или части документов одного или нескольких архивов и/или хранилищ рукописей. Путеводитель обычно составлен в соответствии архивными фондами, архивными документами/группой документов, или коллекциями, подразделяющимися на классы или серии.
9. **Inventory** – Reference and accounting document containing a systematic list of files of the archive fonds, intended for disclosure of their content and accounting.
Опись – Справочный и учетный документ, содержащий систематизированный перечень дел архивного фонда, предназначенный для раскрытия их содержания и учета.
10. **Access to the archive** – The right, opportunity or means of finding, using or approaching documents and/or information (or a system of archives). Access may also be affected by the physical state of the materials, or the need to conserve them.

- Доступ к архивным документам** - Предусмотренные нормативными актами право, возможность и средства поиска, использования документов архива или/и информации (или системы архивов). На доступ может также влиять физическое состояние материалов или необходимость их сохранности.
11. **Researcher** –Any physical person, domestic or a foreign citizen, who applied for the access to the Archive’s reading room or is using the data published by the Archive online for the scientific, personal or other purpose not prohibited by law.
Исследователь –Любое физическое лицо, гражданин страны или иностранец, обратившийся за доступом в читальный зал Архива или использующий данные, опубликованные архивом онлайн в научных, личных и других, не запрещенных законом целях.
 12. **Usage of archival data** – Application of information of records in cultural, scientific, political, economic targets and for ensuring legitimate rights and the interests of citizens.
Использование архивных данных - Применение информации архивных документов в культурных, научных, политических, экономических целях и для обеспечения законных прав и интересов граждан.
 13. **Social and legal notices from the Archive** – Documents issued by the archive of birth, death, marriage, divorce, repression, rehabilitation, reward, professional-technical, secondary and the higher education, academic degree, registration and the cancellation of registration of a citizen to a concrete address, change of name, surname and nationality e.t.c..
Социально-правовые уведомления из архива – Документы выданные архивом о рождении, смерти, браке, разводе, репрессии, реабилитации, вознаграждении, образовании / ученой степени, регистрации / отмены регистрации гражданина по конкретному адресу, изменении имени, фамилии или гражданства и. т. д.
 14. **Property notices** – Documents issued by the archive confirming the property right.
Уведомления о собственности –Документы, выданные архивом, подтверждающие право собственности.
 15. **Declassify** – To make records that have been restricted for reasons of national security accessible to individuals without security clearance.
Рассекретивать – Снимать гриф секретности и связанные с ним ограничения в доступе к архивным документам.
 16. **Personally identifiable information** – Information that a) can be used on its own or with other information to identify, contact, or locate a single person, or b) to identify an individual in context.
Персональные данные–Любая информация, которая а) может быть использована для идентификации того субъекта персональных данных, к которому она относится, либо б) которую возможно прямо или косвенно связать с субъектом персональных данных.
 17. **Day** – In the context of this methodology a day implies a working day.
День – В контексте данной методологии, один рабочий день.
 18. **Repressive state institutions** – State institutions which implemented the repressive actions.
Система репрессивных органов – Государственные учреждения которые проводили репрессивные действия.
 19. **FOI** – Freedom of Information/ Свобода Информации.

Methodology Indicators

1.1 General archive legislation

#	Social Importance Index	Indicator	Final Score	Relevant Article from the Law (if applicable)
1.1.1	4	<p>Access to archival fonds (files and records) is granted equally to any researcher – both foreign and domestic citizens</p> <p>a) Yes - 1 b) The Archive has unequal conditions of access with the advantage for the domestic citizens– 0.25</p>	<p>Answer: a) Score: 4</p>	<p>There is no stipulation of the difference in access depending on the citizenship in the Law of Armenia “On Archival Management”, in practice everyone has equal, but in reality very restricted, access to the NSS Archive.</p>
1.1.2	4	<p>Access to the reading room is:</p> <p>a) Unrestricted, any researcher can use the reading room – 1 b) The Archive limits access of researchers to the reading room based on the principle of equal treatment guaranteed by law – 0.5 c) The Archive limits access of researchers to the reading room at its discretion and provides a written substantiation of this decision – 0.25 d) The Archive limits access of researchers to the reading room at its discretion without providing substantiation – 0</p>	<p>Answer: c) Score: 1</p>	<p>The Law of Armenia “On Archival Management” stipulates equal access to all the researchers. However, the NSS Archive does not have a reading hall, arguing that it does not contain declassified open files, because they are being transferred to the National Archive of Armenia as soon they are declassified.</p>
1.1.3	4	<p>Access to the Archive reading room procedures:</p> <p>a) Domestic and foreign citizens enjoy equal rights to access the Archive reading room – 1 b) In order to access the reading room, foreign citizens have to submit certain paperwork in</p>	-	<p>According to the Article 23, Point 2 of the Law of Armenia “On Archival Management”, all the archives of state and social institutions have to provide all the necessary conditions for search for the archival files to every researcher (the nationality is not mentioned) free of charge.</p>

		<p>addition to what is demanded from domestic citizens - 0.75</p> <p>c) According to the subordinate legal act, the waiting time to get access to the reading room for foreign citizens is longer, than for domestic ones - 0.5</p> <p>d) The Archive provides foreign citizens with unequal conditions of access to the reading room, by the principles mentioned in both <i>b</i> and <i>c</i> points of this section - 0</p>		<p>There is no sublegal act restricting the access to the NSS Archive. However, the NSS Archive does not provide any kind of finding aid for its files, arguing that it does not contain declassified open files, because they are being transferred to the National Archive of Armenia (NARA) as soon they are declassified.</p>
1.1.4	4	<p>Upon turning down a request to access archival fonds and finding aid:</p> <p>a) The Archive provides a written substantiation– 1</p> <p>b) The Archive provides only with oral substantiation- 0.25</p> <p>c) The Archives does not provide any substantiation – 0</p>	<p>Answer: a) Score: 4</p>	<p>The NSS Archive substantiates the restriction of access to the scientific finding-aids in the written form, normally arguing that is does not contain any open documents.</p>
1.1.5	3	<p>Do individuals with unserved or unacquitted conviction have access to the Archive:</p> <p>a) Yes– 1</p> <p>b) Only individuals with unserved or unacquitted conviction for serious crime or felony have restricted access to the Archive- 0.75</p> <p>c) No - 0</p>	<p>Answer: a) Score: 4</p>	<p>The Law of Armenia “On Archival Management” does not stipulate any restriction of the right to access the archival documents for any reasons, including conviction of any kind. The exception is made for the fonds and archival files containing state or official secrets, according to the Law of RA “On State and Official Secrets.” In practice the archive reacts in the same way when it gets a request form a person with and without conviction.</p>
1.1.6	3	<p>Differences in terms of access depends on whether the organization (e. g. university) is asking for access or an individual:</p> <p>a) No differences – 1</p> <p>b) The difference in terms of access depends on whether it is a state body or an NGO – 0,5</p> <p>c) Different – 0</p>	<p>Answer: a) Score: 3</p>	<p>Neither the Law, nor the sublegal acts stipulate the difference/distinctions in the conditions of access to the archival fonds between the individuals and legal entities. As the NSS Archive’s Administration assured us, the access, or more rather the restrictions on working with the</p>

				archival documents, are equal both for individuals and for legal entities.
1.1.7	4	<p>Access to archival fonds' records (originals or copies) only for getting insight in the reading room or website:</p> <p>a) is free of charge – 1 b) is free of charge for digital copies, but paper copies require payment – 0,5 c) is not free of charge – 0</p>	<p>Answer: a) Score: 4</p>	The laws, sublegal acts or resolutions do not stipulate any fees for getting insight in a record. However, the NSS Archive does not have neither reading hall, nor web site, nor open records; neither does it allow searching for the records there. In practice, when an individual or a legal entity applies to the NSS Archive, especially looking for the information about the persons repressed before 1987, it makes effort to find and provide this information free of charge.
1.1.8	4	<p>The Archive has the discretionary authority to refuse access to any file/fonds or finding aid (except for classified files or those containing legally protected personal information):</p> <p>a) The Archive grants access to any file or finding aid – 1 b) The grounds for restricting access to files or finding aid are granted to the Archive by the law – 0.75 c) The grounds for restricting access to files or finding aid are granted to the Archive by a subordinate legal act (order of the head of the archive) – 0</p>	<p>Answer: b) Score: 3</p>	According to the Article 21 of the Law of the RA “On Archival Management”, a researcher, an individual and/or legal entity has the unrestricted right to search for necessary documents or information in all the archives of state and social institutions, except for the legally classified files, and all the Archives are obliged to provide the copies of the files requested by the researcher. The NSS Archive claims that it contains only those files that contain state or other secrets protected by the law, and the reasons for denying access are legal.
1.1.9	2	<p>The law or subordinate legal act list the restrictions to accessing the reading room or archival fonds/files and define the relevant terms (except for classified files or those containing legally protected personal information):</p> <p>a) Yes – 1 b) No – 0</p>	<p>Answer: a) Score: 2</p>	All the restrictions of access are clarified in the Articles 5 and 23 of the Law of the RA “On Archival Management” and Article 21 of the Law of RA “On State and Official Secrets”, Decree of the Minister of Culture, Sport and Youth Affairs of the RA N 476-H (December 21, 2004)“On Ratification of the Procedure of Using the Records of the Archival Fonds of the RA

				That Are State Property.” Since the NSS Archive declassifies its files periodically and transfers them to the NARA, the NSS Archive has only files with the secrecy label, thus it legally and entirely restricts the access for the researchers.
1.1.10	2	<p>The Archive allows other public institutions, private organizations and citizens to use its files/records for exhibition or other purposes that do not endanger the physical condition of the files/records:</p> <ol style="list-style-type: none"> 1) The Archive allows other public institutions to use the originals and copies of its files/records. 2) The Archive allows other public institutions to use only copies of its files/records. 3) The Archive allows private organizations to use the originals and copies of its files/records. 4) The Archive allows private organizations to use only copies of its files/records. 5) The Archive allows natural persons to use the originals or copies of its files/records. 6) The Archive allows natural persons to use only copies of its files/records. <ol style="list-style-type: none"> a) The law or subordinate legal acts allow actions of all 6 categories – 1 b) The law or subordinate legal acts allow only actions of the categories 1 - 4 – 0.75 c) The law or subordinate legal acts only allow actions of the categories 1 - 2 – 0.5 d) The law or subordinate legal acts do not allow any of the above actions – 0 	-	<p>According to the Article 23 of the Law of the RA “On Archival Management”, the researcher has the right to disseminate a copy an archival file and the information about its content for any legal goals and in any legal ways. The restriction concerns only the most valuable records, according to the Resolution of the Government of RA N 1111-H 1037 (July 14, 2005) “On Ratification of the Procedure of Recognition of the Records to Be the Most Valuable and Unique, Their Registration, Creation of Insurance Copies and Custody”, Point 45.</p> <p>The NSS Archive, since it has only classified records, does not use any of these 6 points in practice. The employees of the Archive often provide the notices on the requested data to individuals as well as to legal entities.</p>
1.1.11	3	Responsibility for the illegal usage of the personal data lies:	Answer: b) Score: 1.5	According to the Article 25 of the Law of the RA “On Archival

		<ul style="list-style-type: none"> a) Only upon the Researcher, who is using the personal data illegally- 1 b) The Archivist and the Researcher, who is using the personal detail illegally, share the responsibility– 0.5 c) Only upon the Archivist- 0 		Management”, legal entities as well as LEPLs, state officials and individuals are responsible for breaking the legislation of Armenia on archival management.
1.1.12	2	<p>Declassified fonds, files or records that have been already published (with accordance to the Law or subordinate legal act) may not be re-classified:</p> <ul style="list-style-type: none"> a) No -1 b) Yes - 0 	<p>Answer: b) Score: 0</p>	The iterative classification is not stipulated by law; such cases have not occurred in practice yet. In addition the NSS Archive transfers all its declassified records to the NARA within three months period and forfeits its administrative rights on those records.
1.1.13	4	<p>Declassified fonds, files, or records that have not been published may be re-classified:</p> <ul style="list-style-type: none"> a) May not be reclassified – 1 b) Can be re-classified, according to the law, if it is necessary to defend the fundamental human rights, freedoms and legal interests, for violated rights rehabilitation and to avoid causing harm to the human health and security– 0,5 c) May be reclassified – 0 	<p>Answer: c) Score: 0</p>	The prohibition is not stipulated by law; such cases have not occurred in practice yet. In addition the NSS Archive transfers all its declassified records to the NARA and forfeits its administrative rights on those records.
1.1.14	4	<p>Formerly classified fonds, files, or records cannot be destroyed:</p> <ul style="list-style-type: none"> a) Cannot be destroyed – 1 b) Can be destroyed – 0 	<p>Answer: b) Score: 0</p>	The laws or the sublegal acts do not stipulate anything about the destroying the archival records of the formerly classified fonds. However, the Article 9, Point 5 of the Law of the RA “On Archival Management” prohibits destroying of the records that have not been evaluated by the experts. This means that in the process of expert evaluation the files of the former secret fonds can be destroyed. In practice the

				<p>records of the NSS Archive that are considered as secret, periodically go through experts evaluation, many of them get declassified and transferred to the NARA, but some of them get destroyed. This means that the records of the formerly secret fonds are also being destroyed.</p> <p>The most global declassification of the former secret fonds has occurred after the adoption of the Law of RA “On the National Archival Fonds of the Republic of Armenia” in February 17, 1997. The Article 21 of the Law stipulates as the Transitional Provision that “All the files concerning the persons, who suffered repressions in 1917-1987 during Soviet period, have to be transferred to the State Archives of the Republic of Armenia (http://www.arlis.am/DocumentView.aspx?docid=68989). We are not sure whether all the files have actually been transferred or only the transfer was implemented selectively. Since the NSS Archive’s fonds are inaccessible we unable to evaluate objectively the nature and capacity of the transferred files, but it is possible to keep their record in the NARA.</p>
1.1.15	4	<p>Upon the termination of the statutory period, the archival fonds becomes declassified by the Archive itself, established committee or other authorized body:</p> <p>a) Right away after the termination of the statutory period- 1</p> <p>b) Based on the request of a citizen or a legal entity- 0.5</p>	<p>Answer: a)</p> <p>Score: 4</p>	<p>Article 16 of the RA Law “On State and Official Secrets” stipulates that files containing state and official secrets can be either destroyed or declassified by the administration of the state institutions and bodies and the files that have not been destroyed has to be transferred to the NARA.</p> <p>The Article 10 of the Law of RA</p>

				“On Archival Management” prohibits destroying the files before the expert evaluation. In practice the NSS Archive follows the Law.
1.1.16	4	<p>Classification of the fonds, files, or records after the termination of the statutory period:</p> <p>a) Cannot be prolonged - 1 b) Can be prolonged on the special occasions defined by law - 0.5 c) Can be prolonged according to the subordinate legal act (the order of the Director of the Archive or similar) – 0</p>	<p>Answer: b) Score: 2</p>	<p>Article 15 of the RA Law “On State and Official Secrets”: Information containing state and official secrets, beginning from the moment of being classified, is preserved as a secret for 10 years (secrecy level of ‘secret’), up to 30 years (‘special importance’) and up to 35 years (‘top secret’). If need be, the Government of the Republic of Armenia may set longer terms than the specified period, but not longer than 5 years.</p>
1.1.17	1	<p>National legislation doesn’t recognize the concept of ‘Secret Archives’ or ‘Secret fonds’, without making available for researchers information about them and the finding aid:</p> <p>a) No – 1 b) Yes– 0</p>	<p>Answer: a) Score 1</p>	<p>By the Decree of the Minister of the Territorial Administration of the RA N2-H 133 (February 16, 2006) “On Ratification of the Regulations of the State Registrating of the Records of the Archival Fonds of the RA, Record Keeping and Data Reporting for the Central State Registration.”</p>
1.1.18	3	<p>It is inadmissible by law to hide the existence of classified records:</p> <p>a) Yes – 1 b) The law does not contain a relevant provision – 0.75 c) Admissible, according to the level of access – 0.5 d) No – 0</p>	<p>Answer: c) Score: 1.5</p>	-
1.1.19	2	<p>The Archive provides social and legal notices from the records included in the fonds of the repressive state institutions:</p> <p>a) Provides for everyone - 1 b) Provides only to the relevant individual, his / her lawful representative or a relative –</p>	<p>Answer: a) Score: 2</p>	<p>The NSS Archive provides such notices even when it does not contain relevant files in its fonds: it sends relevant requests to the other archives of Armenia and/or other former Soviet Republics.</p>

		<p>0.75</p> <p>c) Provides for everyone, but using restrictions (e. g. only from the cases of those, who have been rehabilitated) – 0.5</p> <p>d) Doesn't provide – 0</p>		
1.1.20	4	<p>Files and records of the repressive state institution's fonds are accessible in the reading room for any researcher:</p> <p>a) Yes – 1</p> <p>b) No – 0</p>	-	The NSS Archive does not have a reading hall, it does not provide records and files from the fonds of the repressive institutions. Normally they argue that they have transferred the records to the NARA.
1.1.21	4	<p>The law prohibits classifying of fonds (neither full, nor partial), files, or records held by the repressive state institutions:</p> <p>a) Prohibited by law – 1</p> <p>b) Prohibited by a subordinate legal act – 0.75</p> <p>c) There is no information on this in the law or subordinate legal acts - 0.25</p> <p>d) Allowed by law or subordinate legal act – 0</p>	<p>Answer: c)</p> <p>Score: 1</p>	There is no information on this in the law or subordinate legal acts. The NSS Archive administration does not provide notes about its practice and/or state bodies administrating.
1.1.22	1	<p>After attaching a file or record to the archive fonds, a natural or legal person is obligated to transfer this file or record to the archive or other entity authorized to store the national archive fonds:</p> <p>a) Is not obligated if it meets the terms of storage – 1</p> <p>b) Is obligated – 0.25</p>	<p>Answer: a)</p> <p>Score: 1</p>	The Article 16 of the Law of the RA "On Archival Management" says that the archives of legal entities and individuals can be included in the Archival Fonds and stay in custody of its owner or transferred to state archive's custody based on the agreement. The Articles 17-20 of the Law of the RA "On Archival Management" stipulate that the archives of the state and public institutions are to be transferred to the state archives for permanent custody after the period of the temporary custody has terminated. The archives of legal entities and individuals are submitted to the state archives based on the relevant agreement.

1.1.23	2	<p>The legislation recognizes the existence of private archives and provides the protection and autonomous management of their records:</p> <p>a) Recognizes, but does not have control over their activity – 1 b) Recognizes, but has control over their activity – 0,5 c) No – 0</p>	<p>Answer: a) Score: 2</p>	The Article 9 of the Law of the RA “On Archival Management.”
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Maximum amount of points to receive in benchmark indicator group N1.1: **72**

Amount of points relevant to the current archive: **62**

Received points: **40**

Percentage (%): **64.52%**

1.2 Other legislation in the country related to the freedom of information and archives [Law on Personal Data Protection and other similar legislative acts]

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
1.2.1	4	<p>It is forbidden to classify as a state secret a file or a record that has information about the violation or restriction of human fundamental rights, freedoms and legitimate interests, or about obstruction of rehabilitation of these rights, as well as harm to human health and security:</p> <p>a) Yes – 1 b) No – 0</p>	<p>Answer: b) Score: 0</p>	Not stipulated by the law.
1.2.2	3	<p>Access to records containing personal data, personal or/and family secrets, data about private life or containing threats to the person’s security since the moment of their creation is granted after a period of:</p> <p>a) 50 years or less – 1 b) 51-74 years – 0.75 c) 75-99 years – 0.5 d) 100 years or more – 0.25</p>	<p>Answer: b) Score: 2,25</p>	Article 23, Point 3 of the Law of the RA “On Archival Management.”
1.2.3	3	A period of time since the	-	Not defined by the law.

		<p>individual's death, after which access to the records containing his/her personal data, including personal or/and family secret data about private life or containing threats to the person's security, is granted after:</p> <p>a) 30 years or less - 1 b) 31-50 years - 0.5 c) 50 more than 50 years - 0</p>		
1.2.4	3	<p>Information containing personal data, including personal or/and family secret, will be made publicly available before the legally defined period in case of death of this person, if this information is going to be used for historical, statistical, or other scientific research purposes:</p> <p>a) The information is declassified and made available – 1 b) The information is declassified and made available only upon approval of a legal heir – 0.5 c) The information remains classified until the expiration of the legal period – 0</p>	<p>Answer: b) Score: 1.5</p>	-
1.2.5	2	<p>Usage of records containing personal data, including personal or/and family secret that is subject to wide public interest is allowed for historical, statistical, or scientific purposes if the person cannot be identified:</p> <p>a) Yes – 1 b) No – 0</p>	<p>Answer: b) Score: 0</p>	Not stipulated by the law, in practice the NSS Archive does not provide such data.
1.2.6	2	<p>Files containing personal data, including personal or/and family secret, of an individual applying for an elective office (in the representative institutions) or has</p>	<p>Answer: c) Score: 0.5</p>	The NSS Archive does not provide notices concerning living individuals.

		<p>been appointed on a political or state-political position does not constitute information with limited access, with the exception of certain information that is defined otherwise by law:</p> <p>a) Such information does not constitute information with limited access – 1</p> <p>b) Such information does not constitute information with limited access, but only upon consent of the individual – 0.5</p> <p>c) Such information constitutes information with limited access or relevant law doesn't foresee this principle – 0.25</p>		
1.2.7	3	<p>The Archive is obligated to provide a written reasoning and legal substantiation for its decision to refuse to provide a record, including personal or/and family secret, containing personal data:</p> <p>a) Is obligated – 1</p> <p>b) Can provide an oral explanation – 0.25</p> <p>c) Is not obligated – 0</p>	<p>Answer: a) Score: 3</p>	<p>The written substantiation is not stipulated by the law, but in practice the NSS Archive normally explains the reason to refuse in the written form and indicates the relevant article of the legislation.</p>
1.2.8	4	<p>The Law on Personal Data Protection does not apply to the archives or fonds of repressive state institutions:</p> <p>a) Does not apply – 1</p> <p>b) The law does not contain a relevant provision – 0.25</p> <p>c) Applies – 0</p>	<p>Answer: b) Score: 1</p>	<p>The law does not stipulate any specific attitude towards the archives of the repressive institutions.</p>
<p>Maximum amount of points to receive in benchmark indicator group N1.2: 24 Amount of points relevant to the current archive: 21 Received points: 8.25 Percentage (%): 39.29%</p>				

1.3 Archive services

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
1.3.1	3	<p>The following is defined by the law or subordinate legal acts:</p> <ol style="list-style-type: none"> 1) Types of service provided by the Archive 2) Fees assigned to the archival services and their standard timeframes; 3) Fees set for archival services provided in accelerated timeframes; 4) Rules for paying the above fees; 5) Terms for paying the above fees. <ol style="list-style-type: none"> a) Law or subordinate legal acts include all 5 categories – 1 b) Law or subordinate legal acts include only categories 3-4 – 0.75 c) Law or subordinate legal acts include only categories 1-2 – 0.5 d) Law or subordinate legal acts do not include any of the above – 0 	<p>Answer: a) Score: 3</p>	<p>The Article 24 of the Law of the RA “On Archival Management” and the Decree of the Minister of Culture of the RA (February 21, 2014) “On Ratification of the Procedure of Using the Records of the Archival Fonds of the Republic of Armenia That Are State Property” stipulate the free of charge services.</p> <p>As the Administration of the NSS Archive reassured us, there is no such internal institutional sublegal act. Those little social services are provided by the NSS Archive “voluntarily” are free of charge.</p>
1.3.2	3	<p>The main services provided by the Archive are:</p> <ol style="list-style-type: none"> 1) Collection of files under a specific thematic query. 2) Answering non-standard thematic queries on specific facts, events or records. 3) Preparation and delivery of social-legal notices. 4) Providing services to the researchers in the reading room. 5) Temporary storage of files belonging to organizations / institutions. 6) Arranging finding aids for the records belonging to organizations / institutions. 7) Restoration of files/records. 	<p>Answer: d) Score: 0.75</p>	<p>Decree of the Minister of Culture of the RA (February 21, 2014) “On Ratification of the Procedure of Using the Records of the Archival Fonds of the Republic of Armenia That Are State Property”;</p> <p>The Article 5 of the Law of the RA “On Archival Management”.</p> <p>In practice the NSS Archive “voluntarily” provides only the service N 3 form the list: “Preparation and delivery of social-legal notices.”</p>

		<ul style="list-style-type: none"> a) The Archive provides all 7 and other types of services – 1 b) The Archive provides 5-6 of the above service types – 0.75 c) The Archive provides 3-4 of the above service types – 0.5 d) The Archive provides 1-2 of the above service types – 0.25 e) The Archive does not provide any of the above services – 0 		
1.3.3	2	<p>The standard time for issuing notices is:</p> <ul style="list-style-type: none"> a) 3-5 working days – 1 b) 6-10 working days – 0.5 c) 11 or more working days – 0.25 	<p>Answer: b) Score: 1</p>	<p>There is no standard time stipulated by law for issuing notices, the common practice is 6-10 days. However, when the Archive has to look for the document containing the requested notice abroad, in the former Soviet republics, the issuing of the notice can be postponed sometimes even up to several months.</p>
1.3.4	2	<p>The cost of preparing and providing social-legal notices (apart from property notices) ordered by citizens (in a standard time limit) is:</p> <ul style="list-style-type: none"> a) 0%-0.49% of the average wage¹ in the country – 1 b) 0.5% - 1.49% – 0.75 c) 1.5% and more – 0.25 	<p>Answer: a) Score: 2</p>	<p>Decree of the Minister of Culture of the RA (February 21, 2014) “On Ratification of the Procedure of Using the Records of the Archival Fonds of the Republic of Armenia That Are State Property”; The Article 5, Point 9 of the Law of the RA “On Archival Management”. In practice the NSS Archive provides social-legal notices free of charge.</p>
1.3.5	2	<p>The cost of preparing and delivering property notices ordered by citizens (in a standard time limit) is:</p> <ul style="list-style-type: none"> a) 0%-1.99% of the average wage in the country – 1 b) 2%-4.99% – 0.75 c) 5% and more – 0.25 	-	<p>This issue is beyond the competence of the NSS Archive.</p>
1.3.6	3	<p>Discounts defined by the law or subordinate legal acts on the provision of social-legal notices apply</p>	<p>Answer: a) Score: 3</p>	<p>According to the own unwritten rules of the NSS Archive, individuals of all social</p>

¹See official data from last year from the statistics bureau in the country or this [website](#).

		<p>to:</p> <ol style="list-style-type: none"> 1) Persons with disabilities 2) War veterans and persons with equal status; 3) Internally displaced persons / refugees; 4) Socially vulnerable; 5) Rehabilitated victims of repressions 6) University students; 7) Pensioners. <ol style="list-style-type: none"> a) Discounts apply to all 7 groups – 1 b) Discounts apply to only 4-6 groups – 0.75 c) Discounts apply to only 2-3 groups – 0.5 d) Discounts apply to only 1 group – 0.25 e) The Archive does not offer any discounts – 0 		<p>backgrounds, as well as legal entities, have equal rights and opportunities, social-legal notices are provided for everyone free of charge.</p>
1.3.7	3	<p>Discounts defined by the law or subordinate legal act on the provision of social-legal notices apply equally to the domestic and foreign citizens:</p> <ol style="list-style-type: none"> a) Discounts apply equally – 1 b) Discounts apply to only those foreign citizens who have a status of a student or a person with disabilities – 0.75 c) Discounts apply to only those foreign citizens with temporary residence or work permits – 0.5 d) Discounts do not apply to foreign citizens – 0 	<p>Answer: a) Score: 3</p>	<p>According to the own unwritten rules of the NSS Archive, individuals of all social backgrounds, as well as legal entities, have equal rights and opportunities, social-legal notices are provided for everyone free of charge.</p>
1.3.8	3	<p>The prices of the archival services (both notices and the ones of the reading room) are equal for the domestic and foreign citizens:</p> <ol style="list-style-type: none"> a) Yes – 1 b) The prices are higher for the foreign citizens – 0 	<p>Answer: a) Score: 3</p>	<p>According to the own unwritten rules of the NSS Archive, there is no prices or fees for the archival services, there is no access to the reading hall, that does not exist.</p>

Maximum amount of points to receive in benchmark indicator group N1.3: **21**

Amount of points relevant to the current archive: **19**

Received points: **15.75**

Percentage (%): **82.89%**

2. Website

#	Social Importance Index	Indicator	Final Score	Link
2.1	3	The Archive has a multilingual website: a) The Archive has a website in the official state language as well as in English or Russian – 1 b) The Archive website is available only in the official state language – 0.25 c) The Archive does not have a website – 0	Answer: c) Score: 0	The NSS Archive of RA does not have a website.
2.2	3	The Archive website contains archive related legislation: a) In the official state language and in English of Russian – 1 b) Only in the official state language – 0.75 c) The Archive website does not contain archive related legislation – 0	Answer: c) Score: 0	The NSS Archive of RA does not have a website.
2.3	3	The Archive website explains the types of services it offers (or it is possible to find answers in the FAQ section of the website): a) Information about services of the Archive is available in the official state language and in English – 1 b) Information about services of the Archive is available only in the official state language – 0.75 c) The Archive website does not provide such information – 0	Answer: c) Score: 0	The NSS Archive of RA does not have a website.

2.4	3	<p>The Archive website provides information about the access procedure for the researchers, working hours and working rules:</p> <ul style="list-style-type: none"> a) In the official state language and in English – 1 b) Only in the state language – 0.75 c) The Archive website does not provide such information – 0 	<p>Answer: c) Score: 0</p>	<p>The NSS Archive of RA does not have a website.</p>
2.5	2	<p>The Archive website contains a list of archival fonds (or a guide book) with the following key information:</p> <ul style="list-style-type: none"> 1. The name of the fonds; 2. Chronological span of the fonds; 3. Amount of information stored in the fonds (the number of records/ files or metric measure); 4. Language(s) of the information stored in the fonds; 5. Location of fonds; 6. Description of the archival groups, which the archival fonds are divided into: a detailed description of the thematic or structural groups into which the archival fonds is organized; 7. Status: classified/declassified. <ul style="list-style-type: none"> a) All 7 categories of information are present – 1 b) Between 4 and 6 of the required categories of information are present – 0.75 c) Only 2 or 3 of the required categories of information are present – 0.5 d) Only 1 required category of information is present – 0.25 e) There is no list of the archival fonds - 0 	<p>Answer: e) Score: 0</p>	<p>The NSS Archive of RA does not have a website.</p>
2.6	3	<p>The Archive website provides the</p>	<p>Answer: c)</p>	<p>The NSS Archive of RA does not</p>

		<p>possibility to request and receive the documents of the finding aid online:</p> <p>a) The Finding aid documents are proactively available on the Archive website – 1</p> <p>b) It is possible to make a request for the finding aid documents and receive them online – 0.75</p> <p>c) The Archive website does not have an online request option – 0</p>	Score: 0	have a website.
2.7	3	<p>The Archive website contains copies of inventories of archive fonds:</p> <p>a) 76-100% of fonds – 1</p> <p>b) 51-75% of fonds – 0.75</p> <p>c) 26-50% of fonds – 0.5</p> <p>d) 1-25% of fonds – 0.25</p> <p>e) Inventories of fonds are not available – 0</p>	Answer: e) Score: 0	The NSS Archive of RA does not have a website.
2.8	3	<p>The Archive website provides the ability to request and receive official legal documents (archive notices) online using the system of electronic document turnover in accordance with the legal norms and fees:</p> <p>a) It is possible to request as well as receive these documents – 1</p> <p>b) It is possible to either request or receive these documents – 0.75</p> <p>c) The Archive website does not provide this ability – 0</p>	Answer: c) Score: 0	The NSS Archive of RA does not have a website.
2.9	3	<p>The Archive website provides the ability to request and receive scanned records online according to the legal norms and fees:</p> <p>a) It is possible – 1</p> <p>b) It is not possible – 0</p>	Answer: b) Score: 0	The NSS Archive of RA does not have a website.
2.10	3	<p>The Archive is obliged by the law or</p>	Answer: d)	The NSS Archive of RA does not

		<p>the subordinate legal act to publish periodically the results of its ongoing work (reports) and other public information:</p> <p>a) Once every 6 months (apart from annual reports) – 1 b) Annually – 0.75 c) Once in a period of more than 1 year – 0.5 d) The Archive does not publish such information – 0</p>	Score: 0	have a website.
2.11	3	<p>The Archive is obligated by the law or the subordinate legal act to publish the following information on its website:</p> <p>1) A description of the structure and functions of the Archive. 2) Annual reports. 3) Information about the head of the Archive and other responsible persons. 4) Information about the person (persons) responsible for ensuring access to the public information and their contact information. 5) Information about the personnel of the Archive – list of employees and identities of the vacancy competitions winners.</p> <p>a) All 5 (or more) categories of information are available – 1 b) Only 3-4 categories of information are available – 0.75 c) Only 1-2 categories of information are available – 0.25 d) None of the above information is available – 0</p>	Answer: d) Score: 0	The NSS Archive of RA does not have a website.
2.12	3	<p>The Archive is obligated by the law or the subordinate legal act to publish the following public information on its website:</p>	Answer: d) Score: 0	The NSS Archive of RA does not have a website.

		<ol style="list-style-type: none"> 1) Forms and samples of administrative complaints. 2) Information on the rules of appeal. 3) Information on the annual budget of the Archive. 4) Information about the income received by the Archive through its archival services. 5) Information about public procurement. 6) Information about the Archive assets, including the transfer and use of property. <ol style="list-style-type: none"> a) All 6 (or more) categories of information are available – 1 b) Only categories 1 through 3 are available – 0.5 c) Only categories 1 through 2 are available – 0.25 d) None of the above information is available – 0 		
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Maximum amount of points to receive in benchmark indicator group N2: **35**
Amount of points relevant to the current archive: **35**
Received points: **0**
Percentage (%): **0.00%**

3. Reading room

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
3.1	2	<p>In order to get access to the archive, the researchers need to provide only their ID card and filled out application or recommendation letter:</p> <ol style="list-style-type: none"> a) It is prohibited to demand any other documents from researchers to grant them access to the reading room – 1 b) The Archive requests additional documents from 	-	<p>Since the NSS Archive contains only classified records, as it claims, and it transfers the declassified ones to the NARA right away, practically, there is no access to its files. In order to get a notice, individuals, as well as legal entities, can send an application with a return address and ID. The applicant gets the response to the indicated return address or to the mailing address, or in the NSS</p>

		researchers to grant them access to the reading room – 0		Archive, as the applicant chose.
3.2	4	Individuals can get remote access to the archive via e-mail (or special form on website): a) Yes – 1 b) No – 0	Answer: b) Score: 0	Individuals can send their request about the social-legal notice to the NSS Archive’s e-mail address and the employees will answer. But they will not get any access to the Archive.
3.3	2	Foreign citizens are granted access to the Archive by the Archive on its own and not by another institution (e. g., the Ministry of Foreign Affairs): a) Are granted by the archive – 1 b) Are granted by another institution – 0.25 c) Foreign citizens do not have access to the Archive - 0	Answer: c) Score: 0	The law does not stipulate any specific rules concerning foreign citizens. In practice the NSS Archive reacts to all requests in the same way.
3.4	4	Waiting time after requesting access as a researcher in the Archive is: a) Archive provides access in short order, the same day, after the confirmation of authenticity of the submitted documents – 1 b) 1-2 working days – 0.75 c) 3-5 working days – 0.5 d) more than 5 working days – 0.25	-	A researcher can not apply to the NSS Archive since all the records it contains are classified and can not be provided for the researchers.
3.5	3	The number of weekly working hours of the Archive reading room is: a) more than 40 hours – 1 b) 31-40 hours – 0.75 c) 21-30 hours – 0.5 d) 20 hours or less – 0.25	-	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files.
3.6	3	The number of days per year when the reading rooms are closed (excluding weekends and public holidays):	-	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files.

		<ul style="list-style-type: none"> a) 0-12 working days – 1 b) 13-31 working days – 0.75 c) more than 31 working days – 0.5 		
3.7	4	<p>The Archive grants fully adapted environment for disabled people to work in the reading room:</p> <ul style="list-style-type: none"> a) Yes – 1 b) The Archive is partly adapted – 0,5 c) No – 0 	<p>Answer: c) Score: 0</p>	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files.
3.8	3	<p>Rules of conduct for the researchers are available in the reading rooms in printed or electronic format:</p> <ul style="list-style-type: none"> a) Available – 1 b) Unavailable – 0 	<p>Answer: b) Score: 0</p>	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files. It does not provide any technical equipment, because all the records it contains are secret.
3.9	3	<p>In the reading room, the researchers sign a statement that they have read and agreed to follow the rules of conduct, ethics norms and archive legislation:</p> <ul style="list-style-type: none"> a) The Archive provides the researchers with the relevant documentation to be read and signed – 1 b) The reading room does not practice this procedure – 0 	<p>Answer: b) Score: 0</p>	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files, does not provide any records, nor does it provide any information, except for the information that it does not provide its files to the researchers, because it contains only secret records.
3.10	3	<p>Contact information (phone number, e-mail) of the Archive regulatory body or the individual in charge is available in the reading room for submitting complaints:</p> <ul style="list-style-type: none"> a) Available – 1 b) Unavailable – 0 	<p>Answer: b) Score: 0</p>	There are no researchers to be seen in the NSS Archive, except for the SNN employees, who do not need a contact person.
3.11	4	<p>Access to finding aid documents in the reading room is available:</p> <ul style="list-style-type: none"> a) In short order if the online version exists, or in a reasonable time for a 	-	The NSS Archive of the RAA does not have a reading room or any other room where it would be possible to look through the files.

		<p>document (in a paper-based form) to be provided in the readers room – 1</p> <p>b) The following day – 0.5</p> <p>c) More than one day later – 0.25</p>		
3.12	4	<p>Finding aid documents are available in an electronic searchable format in the reading room:</p> <p>a) 76-100% of finding aid documents are in electronic searchable format – 1</p> <p>b) 51-75% of finding aid documents are in electronic searchable format – 0.75</p> <p>c) 26-50% of finding aid documents are in electronic searchable format – 0.5</p> <p>d) Finding aid documents are available in electronic but scanned and unsearchable format – 0.25</p> <p>e) Finding aid documents are not available in electronic format – 0</p>	<p>Answer: e) Score: 0</p>	<p>It is not clear whether any scientific finding-aid of NSS Archive exists and the Administration of the Archive was not willing to share any information on the registration, systematization, procedure and forms of custody of the files either. The researchers do not have access to them.</p>
3.13	1	<p>The archivists share draft inventories of fonds with the researchers if the final versions are lacking (if this does not damage these documents):</p> <p>a) Yes – 1</p> <p>b) No – 0</p>	<p>Answer: b) Score: 0</p>	<p>No</p>
3.14	4	<p>The researchers can access the database of the scanned records in the reading room:</p> <p>a) All records that have already been scanned are available for every researcher – 1</p> <p>b) After filling out a request form for a specific record, the archive processes the request and makes the record available for this specific researcher the same day –</p>	<p>Answer: d) Score: 0</p>	<p>The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.</p>

		<p>0.75</p> <p>c) After filling out a request form for a specific record, the archive processes the request and makes the record available for this specific researcher the following day – 0.5</p> <p>d) There is no possibility to receive scanned records in the reading room – 0</p>		
3.15	4	<p>The Archive allows the uploading of already scanned records from the Archive server to an electronic data holder:</p> <p>a) Yes, it is free of charge, the researcher pays only for the service (e. g. a CD) - 1</p> <p>b) Available for a lower price than scanning - 0.5</p> <p>c) Available for the price of scanning – 0.25</p> <p>d) It is not possible - 0</p>	<p>Answer: d) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.16	3	<p>Waiting time after a researcher orders a record:</p> <p>a) 0-24 hours – 1</p> <p>b) 1-2 working days – 0.75</p> <p>c) 3-4 working days – 0.5</p> <p>d) more than 5 working days – 0.25</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.17	3	<p>Number of records a researcher can order simultaneously:</p> <p>a) more than 20 files – 1</p> <p>b) 11-20 files – 0.75</p> <p>c) 6-10 files – 0.5</p> <p>d) 1-5 files – 0.25</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.18	3	<p>A researcher can make a onetime bulk order – a request of more files than is permitted, if they are contained in one collection or box:</p> <p>a) This option is available – 1</p>	<p>Answer: b) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.

		b) This option is unavailable – 0		
3.19	3	<p>A researcher can submit online requests for the files that can be picked up in the reading room after a pre-determined period:</p> <p>a) This option is available – 1 b) This option is unavailable – 0</p>	<p>Answer: b) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.20	2	<p>The cost of copying² one page of a record (in a standard time limit) is:</p> <p>a) 0%-0.09% of the average wage in the country – 1 b) 0.1% - 0.19% – 0.75 c) 0.2% and more – 0.25</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.21	2	<p>The cost of copying³ one photo (in a standard time limit) is:</p> <p>a) 0%-0.49% of the average wage in the country – 1 b) 0.5%-1.49% – 0.75 c) 1.5% and more – 0.25</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.22	3	<p>Discounts defined by the law or the subordinate legal act on the paid archival services in the reading room apply to:</p> <ol style="list-style-type: none"> 1) Persons with disabilities; 2) War veterans and persons with similar status; 3) Rehabilitated victims of repressions; 4) Internally displaced individuals / refugees; 5) Socially vulnerable persons; 6) School students; 7) University students; 8) Pensioners; 9) Persons with academic degrees. <p>a) Discounts apply to all 9 groups – 1</p>	<p>Answer: e) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.

²If the prices of the copies of the documents of different periods of time differ significantly, the appraiser should take the average value.

³If prices of the copies made from negatives and positives differ, the appraiser should take the average value.

		<ul style="list-style-type: none"> b) Discounts apply only to 6-8 groups – 0.75 c) Discounts apply only to 4-5 groups – 0.5 d) Discounts apply only to 1-3 groups – 0.25 e) The Archive does not offer any discounts – 0 		
3.23	3	<p>Discounts defined by the law or the subordinate legal act on the paid archival services in the reading room apply equally to domestic and foreign citizens:</p> <ul style="list-style-type: none"> a) Discounts apply equally – 1 b) Discounts apply to only those foreign citizens, who have a status of a student, academic degree or a person with disabilities – 0.75 c) Discounts apply to only those foreign citizens, who have a temporary residence or work permit – 0.5 d) Discounts do not apply to foreign citizens – 0 	<p>Answer: d) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.24	2	<p>Researchers can use stationary computers in the Archive reading room:</p> <ul style="list-style-type: none"> a) Yes – 1 b) No – 0 	<p>Answer: b) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.25	2	<p>Researchers are allowed to use their own electronic devices for processing and storing information (computers, tablets, flash drives, external hard drives) in the Archive reading room:</p> <ul style="list-style-type: none"> a) Yes – 1 b) No – 0 	<p>Answer: b) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.26	1	<p>The Archive reading room has internet access:</p> <ul style="list-style-type: none"> a) Yes – 1 b) No – 0 	<p>Answer: b) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.

3.27	2	<p>If the Archive has a microfilm collection a microfilm reader is available for use in the reading room:</p> <p>a) The Archive offers a microfilm reader – 1</p> <p>b) The Archive has a microfilm collection, but does not offer a microfilm reader – 0</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.28	2	<p>Working conditions with the microfilms at the reading room:</p> <p>1) The Archive offers the possibility to save the microfilm files in PDF format for free;</p> <p>2) The Archive allows to take pictures from the microfilm files (screen);</p> <p>3) The Archive allows to print the microfilm files for a fee;</p> <p>a) The Archive offers all 3 services – 1</p> <p>b) The Archive offers 1 or 2 services (where service N1 is necessarily included) – 0.75</p> <p>c) The Archive offers both services N2 and N3 – 0.5</p> <p>d) The Archive offers only 1 service N2 or service N3 – 0.25</p> <p>e) The Archive does not offer any of the mentioned services – 0</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.29	4	<p>Photographing of records in the Archive reading room is allowed using the researcher's own copying devices (photo camera, cell phone, portable scanner):</p> <p>a) Allowed and free of charge – 1</p> <p>b) Allowed but not free of charge – 0.25</p> <p>c) Photographing of records using the researcher's own devices is prohibited – 0</p>	<p>Answer: c) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.30	2	<p>After the copies of records are</p>	-	The NSS Archive of the RA does

		<p>ordered a researcher has to wait for:</p> <p>a) 0-24 hours – 1 b) 1-2 working days – 0.75 c) 3-4 working days – 0.5 d) 5 working days or more – 0.25</p>		not provide access neither to the original records, nor to their copies.
3.31	2	<p>Number of record copies a researcher can order simultaneously:</p> <p>a) Unlimited (within reasonable limits) – 1 b) 51-100 scanned pages – 0.75 c) 21-50 scanned pages – 0.5 d) 1-20 scanned pages – 0.25</p>	-	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.32	4	<p>In case the archive refuses a researcher access to the damaged record or file:</p> <p>a) The Archive offers the researcher a scanned copy of the record or file – 1 b) The Archive places the record or file in the list of 'records to be restored' and informs the researcher about the date of restoration – 0.75 c) The Archive does not provide information about the condition of the record or the file and restoration date – 0</p>	<p>Answer: c) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.33	4	<p>The Archive has a list of damaged records or files that cannot be provided and the researchers are informed about it beforehand:</p> <p>a) The Archive has such a list and provides it to the researchers – 1 b) The Archive has such a list but does not provide it to the researchers – 0.5 c) The Archive does not have such a list – 0</p>	<p>Answer: c) Score: 0</p>	The NSS Archive of the RA does not provide access neither to the original records, nor to their copies.
3.34	4	<p>The period of time defined by the</p>	<p>Answer: c)</p>	It is not stipulated by the law and

		<p>subordinate legal act for the restoration of the damaged records or files is:</p> <p>a) 1 year or less - 1 b) more than 1 year - 0.5 c) Is not defined - 0</p>	Score: 0	there is no such service in any archives of Armenia. The NSS Archive does not provide access neither to the original records, nor to their copies.
3.35	1	<p>Individuals that are unable to visit the archive personally can hire a proxy researcher:</p> <p>a) The Archive has its own proxy researchers or can provide contacts of private proxy researchers – 1 b) The Archive does not provide such a service – 0</p>	Answer: b) Score: 0	No they cannot do this. The NSS Archive does not provide access neither to the original records, nor to their copies.
3.36	1	<p>In case if the answer to the previous question (N3.35) is positive:</p> <p>a) Individuals interested in using the archive remotely can select any proxy researcher they like – 1 b) Proxy researchers are selected by the Archive – 0.25</p>	-	-
3.37	4	<p>Publication rights and terms:</p> <p>a) Publication of the archival records is free and the responsibility to mention the Archive lies with the author – 1 b) Publication of archival records must be agreed with the Archive – 0.25</p>	Answer: a) Score: 4	The Articles 24 and 25 of the Law of RA “On the Archival Management” stipulate that publication of the archival documents is free and it is the author of the publication, who bears the responsibility for using the archival data. However, the all the records of the NSS Archive are classified and not to be provided to the researchers, and in case of publication, not only the publisher will be responsible, but the Archive as well.
<p>Maximum amount of points to receive in benchmark indicator group N3: 105 Amount of points relevant to the current archive: 70 Received points: 4 Percentage (%): 5.71%</p>				

Maximum points to receive in all benchmark indicator groups:	257
Maximum amount of points relevant to the current archive:	207
Overall received points:	68
Percentage of overall openness:	32.85%

Evaluator's Commentary:

1.1.6 –I personally applied through a state scientific institution, but got a refuse with a written explanation that “all the declassified files have been transferred to the National Archive of Armenia.”

- The NSS Archive of the Republic of Armenia is situated in the Armenian NSS building, the archival file are concentrated in exclusively in the NSS Archive, all the files of the Archive are classified, he Archive does not have a reading hall, and the Archive employees meet the visitors in the a small chamber next to the reception, if an oral explanation has to be given.

-According to the Article 22 of the Law of the RA “On Archival Management”, the access to the files containing state secrets is restricted. The Administration of the NSS Archive claims that the Archive contains only files with the classified documents and it does not have any files open for the researchers, this is why the researchers do not have access to the Archive and its files. Thus the researchers and the citizens of Armenia are not aware of the NSS archival fonds. The Armenian legislation does not prohibit hiding the presence of classified archival files, so the NSS Archive of the RA hides its card index or other forms of document systematization. According to the Article 21 of the Law of the RA “On Archival Management”, a researcher, an individual and/or legal entity has the unrestricted right to search for necessary documents or information in all the archives of state and social institutions, except for the legally classified files, and all the Archives are obliged to provide the copies of the files requested by the researcher. The NSS Archive claims that it contains only those files that contain state or other secrets protected by the law, but it is impossible to verify or challenge this claim not only because of the restricted access to the files, but also because of absence of the list of the files. There is nothing left but to believe the oral claim of the Administration that the reasons for the Archive’s files being entirely inaccessible are legal.

- The official commissions declassify the files periodically based on conclusions of the experts, following the procedure stipulated in the legal acts below:

A) Article 15 of the RA Law “On State and Official Secrets”: Information containing state and official secrets, beginning from the moment of being classified, is preserved as a secret for 10 years (secrecy level of ‘secret’), up to 30 years (‘special importance’) and up to 35 years (‘top secret’). If need be, the Government of the Republic of Armenia may set longer terms than the specified period, but not longer than 5 years.

B)Information containing state and official secrets (the files containing the information), after being declassified after the termination of the specified period, have to be transferred to the National Archive of RA (NARA) within 3 months period. Since the Article 10 of the Law of RA “On Archival Management” prohibits destroying the files before the expert evaluation, this means it is possible that some of the documents can be destroyed after being evaluated by the experts.

C) Article 16 of the RA Law “On State and Official Secrets” stipulates that files containing state and official secrets can be either destroyed or declassified by the administration of the state institutions and bodies and the files that have not been destroyed has to be transferred to the NARA.

This means that the files from the former secret fonds can be destroyed in the process of the expert evaluation. In practice NSS Archive’s files that are considered as secret, periodically are evaluated by the experts, many of them

are then transferred to the NARA, but some of them are being destroyed. Obviously, we do not have any way of knowing which secret files are being destroyed.

D) The Resolution N 168 “On ratification of the procedure of destroying or transferring the declassified information with expired date of classification containing state and official secrets to the state archives” was adopted in February 22, 2002:

1. Declassified information containing state and official secrets (the files containing the information) is considered as a part of the National Archival Fonds of Armenia.

2. The declassified files with expired date of classification containing state and official secrets are to be transferred to the state custody to the NARA after the expertise defining their value according relevant inventories (attached Form N1).

The transfer of the files is registered by the two copies the Transfer Acceptance Act (attached From N2). One copy goes to the file management department of the state institution or the body the other one goes the state archive.

3. A relevant act (attached From N3) has to be formed in order to register the files containing state and official secrets that are to be destroyed. The procedure of destroying the files is stipulated by the legislation of the Republic of Armenia.

E) According to the Point 11 of the Procedure ratified by the Resolution of the Government of Armenia N 189-H (February 17, 2005) “On Ratification of the Procedure of State Registration of the Archival Fonds of the Republic of Armenia”.

Point 7. Registration of the classified and declassified files.

25. The registration of the files is implemented according to the terms special instruction. In the registration documents and archival press-marks of the items the classified fonds, inventories and items are marked with index “C” (secret), “CC” (top secret), “OB” (special importance).

26. The amendments in the registration documents upon getting the results of the files declassification are done on the basis of the Act on Declassification of the Files (Form N22).

When all the items of the custody of the inventory are declassified, the inventory itself has to be declassified, transferred to the open custody and registered in the list of the fonds with the same registration number, but without index “C”, which has to be stroked out on the cover and the title pages. The stamp “Declassified” has to be put in the right upper corner of the cover and the title pages. If the classified inventory and the inventory of the open custody have been registered with the same number by mistake, it has to be registered with the next serial number according to the list of the fonds when declassified.

- The most global declassification of the former secret fonds has occurred after the adoption of the Law of RA “On the National Archival Fonds of the Republic of Armenia” in February 17, 1997. The Article 21 of the Law stipulates as the Transitional Provision that “All the files concerning the persons, who suffered repressions in 1917-1987 during Soviet period, have to be transferred to the State Archives of the Republic of Armenia (<http://www.arlis.am/DocumentView.aspx?docid=68989>). We are not sure whether all the files have actually been transferred or only the transfer was implemented selectively. It known that more than 12.000 of the repressed individuals’ personal files have been transferred. Since the NSS Archive’s fonds are inaccessible we unable to evaluate objectively the nature and capacity of the transferred files, but it is possible to keep their records in the NARA.

- It is not clear whether any scientific finding-aid of NSS Archive exists and the Administration of the Archive was not willing to share the information on the registration, systematization, procedure and forms of custody of the files either. The researchers do not have access to them. Neither there is any web site that could give a slightest

degree of representation of the fonds of NSS Archive.

- The NSS Archive's Administration provides the written legal notices to the heirs of the repressed persons free of charge, but it does not provide them the access to the documents or the copies of the documents and substantiates the refuse in the written form.

- When a researcher, an individual or a legal entity applies for a notice about the presence of any particular files, the Administration of the Archive give a written response that all declassified files have been transferred to the NARA and the NSS Archive does not contain any open files or documents.

The legislation concerning custody and using the archival documents needs to be closely reconsidered. Some of the provisions need to be reformulated, clarified or commented upon. Particularly, the regulations on destroying files, including classified ones, is not clear. No laws, sublegal acts or resolutions stipulate a specific attitude towards the files of the persons who suffered repressions. But the period of time of the restricted access to the personal data or private and/or family secret is 100 years since the creation of the document, according to the Article 23, Point 3 of the Law of RA "On the Archival Management". This condition strongly restricts the access to the files of the repressed persons, despite the NARA's attempts to improve the accessibility of these files in practice.

The Article 24 of the Law of RA "On the Archival Management" gives the right to researcher to publish and disseminate the obtained information, file(s) or its copies in any legal ways. However, the Article 25 of the Law of RA "On the Archival Management" stipulates the responsibility for breaking this Law both for the individuals as well as for the legal entities or LEPLs, which may influence the restrictions on using the archival data.

We think it is very important to create the web site of the NSS Archive. Thus the society will be able to find out, what kind files are stored in the fonds of the Archive.

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Evaluation finished on: September 23, 2018

Signature:

