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**Assessment of the Openness of State Archives**

Country: **The Republic of Azerbaijan**

Archival Institution: **Archive of Political Documents of the Office of the President of Azerbaijan Republic (APDOPAR)**

Evaluator: **Eldar Zeynalov, Human Rights Center, Journalist**

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><b>Access to archival fonds (files and records) is granted equally to any researcher – both foreign and domestic citizens</b></p> <p>a) Yes - 1</p> <p>b) The Archive has unequal conditions of access with the advantage for the domestic citizens– 0.25</p>	<p><b>Answer:</b> b) <b>Score: 1</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 2.2 (foreigners have to apply to the archives of Azerbaijan Republic (AR) through their embassies or the MFA).</p> <p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 2.4 (citizens of Azerbaijan apply directly to the administration of this Archive, while the foreigners apply to the Administrator of the Office of the President of AR.</p>
1.1.2	4	<p><b>Access to the reading room is:</b></p> <p>a) Unrestricted, any researcher can use the reading room – 1</p> <p>b) The Archive limits access of researchers to the reading room based on the principle of equal treatment guaranteed by law – 0.5</p> <p>c) The Archive limits access of researchers to the reading room at its discretion and provides a written substantiation of this decision – 0.25</p> <p>d) The Archive limits access of researchers to the reading room at its discretion without providing substantiation – 0</p>	<p><b>Answer:</b> a) <b>Score: 4</b></p>	<p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 1.5.</p>
1.1.3	4	<p><b>Access to the Archive reading room</b></p>	<p><b>Answer:</b></p>	<p>Regulations on Work in the</p>



		<p><b>procedures:</b></p> <p>a) Domestic and foreign citizens enjoy equal rights to access the Archive reading room – 1</p> <p>b) In order to access the reading room, foreign citizens have to submit certain paperwork in 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>a)</p> <p><b>Score: 4</b></p>	<p>Reading Hall of the Scientific Library of APDOPAR, Article 1.5;</p> <p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 2.4 (foreigners have to submit a copy of their passport instead of a national ID.)</p>
1.1.4	4	<p><b>Upon turning down a request to access archival fonds and finding aid:</b></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><b>Answer:</b></p> <p>a)</p> <p><b>Score: 4</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 2.1.</p>
1.1.5	3	<p><b>Do individuals with unserved or unacquitted conviction have access to the Archive:</b></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><b>Answer:</b></p> <p>b)</p> <p><b>Score: 2.25</b></p>	<p>Law On State Secrets (No 733-IIQ, September 7, 2004), Article 21;</p> <p>Regulations on Access of the State Officials and citizens to Work with the Information Classified as State Secret (Cabinet of Ministers of Azerbaijan Republic Resolution No 162, October 17, 2002), Article 5.</p>
1.1.6	3	<p><b>Differences in terms of access depends</b></p>	<p><b>Answer:</b></p>	<p>Regulations on Using Records in</p>

		<p><b>on whether the organization (e. g. university) is asking for access or an individual:</b></p> <p>a) No differences – 1  b) The difference in terms of access depends on whether it is a state body or an NGO – 0,5  c) Different – 0</p>	<p>c)  <b>Score: 0</b></p>	<p>the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 2.1.</p>
1.1.7	4	<p><b>Access to archival fonds' records (originals or copies) only for getting insight in the reading room or website:</b></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><b>Answer:</b>  a)  <b>Score: 4</b></p>	
1.1.8	4	<p><b>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):</b></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><b>Answer:</b>  b)  <b>Score: 3</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 6.3 (refusing access to the record while there is its copy);  Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 6.4 (prohibition on giving the originals of photo, video and audio files);  Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 6.5 (temporary refusal due to technical conditions, being a part of an exhibition, etc.);  Regulations on Using Records in</p>

				the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 6.6 (refusal to give the records in the reading hall that have not been processed scientifically and technically).
1.1.9	2	<p><b>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):</b></p> <p>a) Yes – 1 b) No – 0</p>	<p><b>Answer:</b> a) <b>Score: 2</b></p>	
1.1.10	2	<p><b>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:</b></p> <p>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.</p> <p>a) The law or subordinate legal acts allow actions of all 6 categories – 1</p>	<p><b>Answer:</b> c) <b>Score: 1</b></p>	Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 6.5.4, 6.5.5.

		<ul style="list-style-type: none"> <li>b) The law or subordinate legal acts allow only actions of the categories 1 - 4 – 0.75</li> <li>c) The law or subordinate legal acts only allow actions of the categories 1 - 2 – 0.5</li> <li>d) The law or subordinate legal acts do not allow any of the above actions – 0</li> </ul>		
1.1.11	3	<p><b>Responsibility for the illegal usage of the personal data lies:</b></p> <ul style="list-style-type: none"> <li>a) Only upon the Researcher, who is using the personal data illegally- 1</li> <li>b) The Archivist and the Researcher, who is using the personal data illegally, share the responsibility– 0.5</li> <li>c) Only upon the Archivist- 0</li> </ul>	-	
1.1.12	2	<p><b>Declassified fonds, files or records that have been already published (with accordance to the Law or subordinate legal act) may not be re-classified:</b></p> <ul style="list-style-type: none"> <li>a) No -1</li> <li>b) Yes - 0</li> </ul>	-	
1.1.13	4	<p><b>Declassified fonds, files, or records that have not been published may be re-classified:</b></p> <ul style="list-style-type: none"> <li>a) May not be reclassified – 1</li> <li>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</li> <li>c) May be reclassified – 0</li> </ul>	<p><b>Answer:</b> b) <b>Score: 2</b></p>	<p>Law on On State Secrets (No 733-IIQ, September 7, 2004), Article 6.</p>

1.1.14	4	<p><b>Formerly classified fonds, files, or records cannot be destroyed:</b></p> <p>a) Cannot be destroyed – 1 b) Can be destroyed – 0</p>	<p><b>Answer:</b> a) <b>Score: 4</b></p>	<p>Such practice existed in the past. Some of the records from the inventories became waste paper.</p>
1.1.15	4	<p><b>Upon the termination of the statutory period, the archival fonds becomes declassified by the Archive itself, established committee or other authorized body:</b></p> <p>a) Right away after the termination of the statutory period- 1 b) Based on the request of a citizen or a legal entity- 0.5</p>	<p><b>Answer:</b> a) <b>Score: 4</b></p>	<p>Law On State Secrets (No 733-IIQ, September 7, 2004), Article 13, Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.1.3 (statute of limitation for the secret documents). In practice, some of the records are unavailable even after the appointed statute of limitation.</p>
1.1.16	4	<p><b>Classification of the fonds, files, or records after the termination of the statutory period:</b></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><b>Answer:</b> b) <b>Score: 2</b></p>	<p>Law On State Secrets (No 733-IIQ, September 7, 2004), Article 13.4, 14.3.</p>
1.1.17	1	<p><b>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:</b></p> <p>a) No – 1 b) Yes– 0</p>	<p><b>Answer:</b> b) <b>Score: 0</b></p>	<p>Law On State Secrets (No 733-IIQ, September 7, 2004), Articles 6 – 12.</p>
1.1.18	3	<p><b>It is inadmissible by law to hide the existence of classified records:</b></p> <p>a) Yes – 1 b) The law does not contain a relevant provision – 0.75 c) Admissible, according to the</p>	<p><b>Answer:</b> c) <b>Score: 1.5</b></p>	<p>Law On State Secrets (No 733-IIQ, September 7, 2004), Article 8 (access levels); Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 4.5.</p>

		level of access – 0.5 d) No – 0		
1.1.19	2	<b>The Archive provides social and legal notices from the records included in the fonds of the repressive state institutions:</b>  a) Provides for everyone - 1 b) Provides only to the relevant individual, his / her lawful representative or a relative – 0.75 c) Provides for everyone, but using restrictions (e. g. only from the cases of those, who have been rehabilitated) – 0.5 d) Doesn't provide – 0	<b>Answer:</b> c) <b>Score: 1</b>	Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.1.3 (personal information from the files of the repressed is available for researchers after the statute of limitation).
1.1.20	4	<b>Files and records of the repressive state institution's fonds are accessible in the reading room for any researcher:</b>  a) Yes – 1 b) No – 0	<b>Answer:</b> a) <b>Score: 4</b>	
1.1.21	4	<b>The law prohibits classifying of fonds (neither full, nor partial), files, or records held by the repressive state institutions:</b>  a) Prohibited by law – 1 b) Prohibited by a subordinate legal act – 0.75 c) There is no information on this in the law or subordinate legal acts - 0.25 d) Allowed by law or subordinate legal act – 0	<b>Answer:</b> d) <b>Score: 0</b>	Law On National Archival Fonds (No 694-IQ, June 22, 1999), Article 8 (on the special part of the State Archive); Law On Freedom of Information (No 505-IQ, June 19, 1998), Article 14; Law On Intelligence and Counterintelligence Activity (No 711-IIQ, June 29, 2004), Articles 13.5, 21.2 (on protection of the secret service methods of work and collaborating individuals).
1.1.22	1	<b>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:</b>  a) Is not obligated if it meets the	<b>Answer:</b> b) <b>score 0.25</b>	Law On National Archival Fonds (No 694-IQ, June 22, 1999), Article 10.

		terms of storage – 1 b) Is obligated – 0.25		
1.1.23	2	<b>The legislation recognizes the existence of private archives and provides the protection and autonomous management of their records:</b>  a) Recognizes, but does not have control over their activity – 1 b) Recognizes, but has control over their activity – 0,5 c) No – 0	<b>Answer:</b> a) <b>score 2</b>	Law On National Archival Fonds (No 694-IQ, June 22, 1999), Articles 5-7, 9-10, 16, 19-21 (on the nongovernment archives). In particular, Law On National Archival Fonds (No 694-IQ, June 22, 1999), Article 19 guarantees that the state cares about the nongovernment archives.
Maximum amount of points to receive in benchmark indicator group N1.1: <b>72</b> Amount of points relevant to the current archive: <b>67</b> Received points: <b>46</b> Percentage (%): <b>68.66%</b>				

**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	<b>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:</b>  a) Yes – 1 b) No – 0	<b>Answer:</b> a) <b>score 4</b>	Law On State Secrets (No 733-IIQ, September 7, 2004), Article 7.
1.2.2	3	<b>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:</b>  a) 50 years or less – 1 b) 51-74 years – 0.75	<b>Answer:</b> c) <b>score 1.5</b>	Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.1.3 (75 years after the creation of the record).

		<p>c) 75-99 years – 0.5 d) 100 years or more – 0.25</p>		
1.2.3	3	<p><b>A period of time since the 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:</b></p> <p>a) 30 years or less - 1 b) 31-50 years - 0.5 c) 50 more than 50 years - 0</p>	<p><b>Answer:</b> a) <b>score 3</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.1.3 (30 years after the death of the person, but in case the date of death is unknown – 110 years since the date of birth).</p>
1.2.4	3	<p><b>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:</b></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><b>Answer:</b> b) <b>score 1,5</b></p>	
1.2.5	2	<p><b>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:</b></p> <p>a) Yes – 1 b) No – 0</p>	<p><b>Answer:</b> b) <b>score 0</b></p>	
1.2.6	2	<p><b>Files containing personal data, including personal or/and family secret, of an individual applying for an elective office (in the</b></p>	<p><b>Answer:</b> c) <b>score 0,5</b></p>	<p>This data is protected on the common grounds, except for the health conditions of the high level state officials (Law On</p>



		<p>representative institutions) or has 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> <ul style="list-style-type: none"> <li>a) Such information does not constitute information with limited access – 1</li> <li>b) Such information does not constitute information with limited access, but only upon consent of the individual – 0.5</li> <li>c) Such information constitutes information with limited access or relevant law doesn't foresee this principle – 0.25</li> </ul>		<p>State Secrets No 733-IIQ, September 7, 2004, Article 7), and can be disclosed based on the court decision. Some personal information concerning state service can become a state secret and be classified even after the termination of the person's credentials (Law On State Secrets No 733-IIQ, September 7, 2004, Articles 18.0.7, 20.1.4).</p>
1.2.7	3	<p><b>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:</b></p> <ul style="list-style-type: none"> <li>a) Is obligated – 1</li> <li>b) Can provide an oral explanation – 0.25</li> <li>c) Is not obligated – 0</li> </ul>	<p><b>Answer:</b> b) <b>score 0,75</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.2.17 (the right to obtain information about the reasons of refuse to access the record of copy it, of limitation of the access to the record). Law On Consideration of Citizens' Requests, September 30, 2015, Article 7 (the archive has to respond in written form to the written request and send it to the mailing physical address or the e-mail).</p>
1.2.8	4	<p><b>The Law on Personal Data Protection does not apply to the archives or fonds of repressive state institutions:</b></p> <ul style="list-style-type: none"> <li>a) Does not apply – 1</li> <li>b) The law does not contain a relevant provision – 0.25</li> <li>c) Applies – 0</li> </ul>	<p><b>Answer:</b> b) <b>score 1</b></p>	<p>There are no exceptions in the legislation for such archives.</p>
<p>Maximum amount of points to receive in benchmark indicator group N1.2: <b>24</b> Amount of points relevant to the current archive: <b>24</b></p>				

Received points: **12.25**  
 Percentage (%): **51.04%**

### 1.3 Archive services

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
1.3.1	3	<p><b>The following is defined by the law or subordinate legal acts:</b></p> <ol style="list-style-type: none"> <li>1) Types of service provided by the Archive</li> <li>2) Fees assigned to the archival services and their standard timeframes;</li> <li>3) Fees set for archival services provided in accelerated timeframes;</li> <li>4) Rules for paying the above fees;</li> <li>5) Terms for paying the above fees.</li> </ol> <ol style="list-style-type: none"> <li>a) Law or subordinate legal acts include all 5 categories – 1</li> <li>b) Law or subordinate legal acts include only categories 3-4 – 0.75</li> <li>c) Law or subordinate legal acts include only categories 1-2 – 0.5</li> <li>d) Law or subordinate legal acts do not include any of the above – 0</li> </ol>	<p><b>Answer:</b>  <b>d)</b>  <b>score 0</b></p>	<p>The Archive, presumably, has an internal instruction or a price list, but it is not published on its website and is not available for the general public in printed format.</p>
1.3.2	3	<p><b>The main services provided by the Archive are:</b></p> <ol style="list-style-type: none"> <li>1) Collection of files under a specific thematic query.</li> <li>2) Answering non-standard thematic queries on specific facts, events or records.</li> <li>3) Preparation and delivery of social-legal notices.</li> <li>4) Providing services to the researchers in the reading room.</li> <li>5) Temporary storage of files belonging to organizations / institutions.</li> </ol>	<p><b>Answer:</b>  <b>c)</b>  <b>score 1,5</b></p>	

		<p>6) Arranging finding aids for the records belonging to organizations / institutions.</p> <p>7) Restoration of files/records.</p> <p>a) The Archive provides all 7 and other types of services – 1</p> <p>b) The Archive provides 5-6 of the above service types – 0.75</p> <p>c) The Archive provides 3-4 of the above service types – 0.5</p> <p>d) The Archive provides 1-2 of the above service types – 0.25</p> <p>e) The Archive does not provide any of the above services – 0</p>		
1.3.3	2	<p><b>The standard time for issuing notices is:</b></p> <p>a) 3-5 working days – 1</p> <p>b) 6-10 working days – 0.5</p> <p>c) 11 or more working days – 0.25</p>	<p><b>Answer:</b> c) <b>score 0.5</b></p>	<p>Law On Consideration of Citizens' Requests, September 30, 2015, Article 10.1; Administrative Regulations on Document Reception and Application for Archival Notifications, Abstracts from Archival Records, Copies of the Archival Records (National Archive Department of the Republic of Azerbaijan Resolution No q-54, December 25, 2013), Article 1.7.</p>
1.3.4	2	<p><b>The cost of preparing and providing social-legal notices (apart from property notices) ordered by citizens (in a standard time limit) is:</b></p> <p>a) 0%-0.49% of the average wage<sup>1</sup> in the country – 1</p> <p>b) 0.5% - 1.49% – 0.75</p> <p>c) 1.5% and more – 0.25</p>	<p><b>Answer:</b> a) <b>score 2</b></p>	<p>The Archive provides the notices about the wage size, employment history and awards of the individuals. The online services are free of charge.</p>
1.3.5	2	<p><b>The cost of preparing and delivering property notices ordered by citizens (in a standard time limit) is:</b></p> <p>a) 0%-1.99% of the average wage in the country – 1</p> <p>b) 2%-4.99% – 0.75</p>	-	<p>The Archive does not provide any property notices.</p>

<sup>1</sup>See official data from last year from the statistics buereau in the country or this [website](#).

		c) 5% and more – 0.25		
1.3.6	3	<p><b>Discounts defined by the law or subordinate legal acts on the provision of social-legal notices apply to:</b></p> <ol style="list-style-type: none"> <li>1) Persons with disabilities</li> <li>2) War veterans and persons with equal status;</li> <li>3) Internally displaced persons / refugees;</li> <li>4) Socially vulnerable;</li> <li>5) Rehabilitated victims of repressions</li> <li>6) University students;</li> <li>7) Pensioners.</li> </ol> <ol style="list-style-type: none"> <li>a) Discounts apply to all 7 groups – 1</li> <li>b) Discounts apply to only 4-6 groups – 0.75</li> <li>c) Discounts apply to only 2-3 groups – 0.5</li> <li>d) Discounts apply to only 1 group – 0.25</li> <li>e) The Archive does not offer any discounts – 0</li> </ol>	<p><b>Answer:</b> e) score 0</p>	
1.3.7	3	<p><b>Discounts defined by the law or subordinate legal act on the provision of social-legal notices apply equally to the domestic and foreign citizens:</b></p> <ol style="list-style-type: none"> <li>a) Discounts apply equally – 1</li> <li>b) Discounts apply to only those foreign citizens who have a status of a student or a person with disabilities – 0.75</li> <li>c) Discounts apply to only those foreign citizens with temporary residence or work permits – 0.5</li> <li>d) Discounts do not apply to foreign citizens – 0</li> </ol>	<p><b>Answer:</b> d) score 0</p>	
1.3.8	3	<p><b>The prices of the archival services (both notices and the ones of the reading room) are equal for the</b></p>	<p><b>Answer:</b> a) score 3</p>	

		<b>domestic and foreign citizens:</b> a) Yes – 1 b) The prices are higher for the foreign citizens – 0		
Maximum amount of points to receive in benchmark indicator group N1.3: <b>21</b> Amount of points relevant to the current archive: <b>19</b> Received points: <b>7</b> Percentage (%): <b>36.84%</b>				

## 2. Website

#	Social Importance Index	Indicator	Final Score	Link
2.1	3	<b>The Archive has a multilingual website:</b>  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	<b>Answer:</b> b) <b>score 0,75</b>	<a href="http://arxiv.gov.az/">http://arxiv.gov.az/</a> There are sections on the Archive's website where the information in English and Russian is supposed to be, but only the Azerbaijani language section is complete.
2.2	3	<b>The Archive website contains archive related legislation:</b>  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	<b>Answer:</b> b) <b>score 2,25</b>	The Law On National Archival Fonds and Law On State Secrets are published on the website, as well as the order and the decrees of the President concerning the Scientific Library of the Archive. Only the Regulations on using the reading hall are available in Russian language.
2.3	3	<b>The Archive website explains the types of services it offers (or it is possible to find answers in the FAQ section of the website):</b>  a) Information about services of the Archive is available in the official state language and in English – 1 b) Information about services of	<b>Answer:</b> b) <b>score 2,25</b>	The services are just listed without an instruction on how to apply, except for the services of the Scientific Library. There is a block for applications for individuals and organizations.

		<p>the Archive is available only in the official state language – 0.75</p> <p>c) The Archive website does not provide such information – 0</p>		
2.4	3	<p><b>The Archive website provides information about the access procedure for the researchers, working hours and working rules:</b></p> <p>a) In the official state language and in English – 1</p> <p>b) Only in the state language – 0.75</p> <p>c) The Archive website does not provide such information – 0</p>	<p><b>Answer:</b></p> <p><b>b)</b> <b>score 2,25</b></p>	<p>The contact information is in the official language, while the Regulation on work in the reading hall is in Russian. The working schedule is not published on the website.</p>
2.5	2	<p><b>The Archive website contains a list of archival fonds (or a guide book) with the following key information:</b></p> <ol style="list-style-type: none"> <li>1. The name of the fonds;</li> <li>2. Chronological span of the fonds;</li> <li>3. Amount of information stored in the fonds (the number of records/ files or metric measure);</li> <li>4. Language(s) of the information stored in the fonds;</li> <li>5. Location of fonds;</li> <li>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;</li> <li>7. Status: classified/ declassified.</li> </ol> <p>a) All 7 categories of information are present – 1</p> <p>b) Between 4 and 6 of the required categories of information are present – 0.75</p> <p>c) Only 2 or 3 of the required categories of information are present – 0.5</p> <p>d) Only 1 required category of</p>	<p><b>Answer:</b></p> <p><b>e)</b> <b>score 0</b></p>	

		<p>information is present – 0.25</p> <p>e) There is no list of the archival fonds - 0</p>		
2.6	3	<p><b>The Archive website provides the possibility to request and receive the documents of the finding aid online:</b></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>	<p><b>Answer:</b></p> <p>b) score 2,25</p>	
2.7	3	<p><b>The Archive website contains copies of inventories of archive fonds:</b></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>	<p><b>Answer:</b></p> <p>e) score 0</p>	
2.8	3	<p><b>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:</b></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>	<p><b>Answer:</b></p> <p>a) score 3</p>	
2.9	3	<p><b>The Archive website provides the ability to request and receive scanned records online according to the legal norms and fees:</b></p>	<p><b>Answer:</b></p> <p>b) score 0</p>	

		<ul style="list-style-type: none"> <li>a) It is possible – 1</li> <li>b) It is not possible – 0</li> </ul>		
2.10	3	<p><b>The Archive is obliged by the law or the subordinate legal act to publish periodically the results of its ongoing work (reports) and other public information:</b></p> <ul style="list-style-type: none"> <li>a) Once every 6 months (apart from annual reports) – 1</li> <li>b) Annually – 0.75</li> <li>c) Once in a period of more than 1 year – 0.5</li> <li>d) The Archive does not publish such information – 0</li> </ul>	<p><b>Answer:</b> a) <b>score 3</b></p>	The Archive publishes information about its current activity, but not the annual reports.
2.11	3	<p><b>The Archive is obligated by the law or the subordinate legal act to publish the following information on its website:</b></p> <ol style="list-style-type: none"> <li>1) A description of the structure and functions of the Archive.</li> <li>2) Annual reports.</li> <li>3) Information about the head of the Archive and other responsible persons.</li> <li>4) Information about the person (persons) responsible for ensuring access to the public information and their contact information.</li> <li>5) Information about the personnel of the Archive – list of employees and identities of the vacancy competitions winners.</li> </ol> <ul style="list-style-type: none"> <li>a) All 5 (or more) categories of information are available – 1</li> <li>b) Only 3-4 categories of information are available – 0.75</li> <li>c) Only 1-2 categories of information are available – 0.25</li> <li>d) None of the above information is available – 0</li> </ul>	<p><b>Answer:</b> b) <b>score 2,25</b></p>	



2.12	3	<p><b>The Archive is obligated by the law or the subordinate legal act to publish the following public information on its website:</b></p> <ol style="list-style-type: none"> <li>1) Forms and samples of administrative complaints.</li> <li>2) Information on the rules of appeal.</li> <li>3) Information on the annual budget of the Archive.</li> <li>4) Information about the income received by the Archive through its archival services.</li> <li>5) Information about public procurement.</li> <li>6) Information about the Archive assets, including the transfer and use of property.</li> </ol> <ol style="list-style-type: none"> <li>a) All 6 (or more) categories of information are available – 1</li> <li>b) Only categories 1 through 3 are available – 0.5</li> <li>c) Only categories 1 through 2 are available – 0.25</li> <li>d) None of the above information is available – 0</li> </ol>	<p><b>Answer:</b> d) <b>score 0</b></p>	
<p>Maximum amount of points to receive in benchmark indicator group N2: <b>35</b>  Amount of points relevant to the current archive: <b>35</b>  Received points: <b>18</b>  Percentage (%): <b>51.43%</b></p>				

### 3. Reading room

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
3.1	2	<p><b>In order to get access to the archive, the researchers need to provide only their ID card and filled out application or recommendation letter:</b></p> <ol style="list-style-type: none"> <li>a) It is prohibited to demand any other documents from</li> </ol>	<p><b>Answer:</b> a) <b>score 2</b></p>	<p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 2.1 (After authorizing the letter, the Archive starts the researchers personal file and provides the permit.)</p>

		<p>researchers to grant them access to the reading room – 1</p> <p>b) The Archive requests additional documents from researchers to grant them access to the reading room – 0</p>		
3.2	4	<p><b>Individuals can get remote access to the archive via e-mail (or special form on website):</b></p> <p>a) Yes – 1</p> <p>b) No – 0</p>	<p><b>Answer:</b></p> <p><b>b)</b></p> <p><b>score 0</b></p>	<p>The researcher can fill in and send an online application, but the remote access is not provided.</p>
3.3	2	<p><b>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):</b></p> <p>a) Are granted by the archive – 1</p> <p>b) Are granted by another institution – 0.25</p> <p>c) Foreign citizens do not have access to the Archive - 0</p>	<p><b>Answer:</b></p> <p><b>b)</b></p> <p><b>score 0.5</b></p>	<p>The Head of the Office of the President of Azerbaijan Republic.</p>
3.4	4	<p><b>Waiting time after requesting access as a researcher in the Archive is:</b></p> <p>a) Archive provides access in short order, the same day, after the confirmation of authenticity of the submitted documents – 1</p> <p>b) 1-2 working days – 0.75</p> <p>c) 3-5 working days – 0.5</p> <p>d) more than 5 working days – 0.25</p>	<p><b>Answer:</b></p> <p><b>d)</b></p> <p><b>score 1</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 2.4.</p>
3.5	3	<p><b>The number of weekly working hours of the Archive reading room is:</b></p> <p>a) more than 40 hours – 1</p> <p>b) 31-40 hours – 0.75</p> <p>c) 21-30 hours – 0.5</p> <p>d) 20 hours or less – 0.25</p>	<p><b>Answer:</b></p> <p><b>b)</b></p> <p><b>score 2,25</b></p>	

3.6	3	<p><b>The number of days per year when the reading rooms are closed (excluding weekends and public holidays):</b></p> <p>a) 0-12 working days – 1  b) 13-31 working days – 0.75  c) more than 31 working days – 0.5</p>	<p><b>Answer:</b>  a)  <b>score 3</b></p>	
3.7	4	<p><b>The Archive grants fully adapted environment for disabled people to work in the reading room:</b></p> <p>a) Yes – 1  b) The Archive is partly adapted – 0,5  c) No – 0</p>	<p><b>Answer:</b>  c)  <b>score 0</b></p>	
3.8	3	<p><b>Rules of conduct for the researchers are available in the reading rooms in printed or electronic format:</b></p> <p>a) Available – 1  b) Unavailable – 0</p>	<p><b>Answer:</b>  a)  <b>score 3</b></p>	They are available on the website and in the reading hall there is a printed copy.
3.9	3	<p><b>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:</b></p> <p>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>	<p><b>Answer:</b>  a)  <b>score 3</b></p>	Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 2.5.
3.10	3	<p><b>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:</b></p> <p>a) Available – 1  b) Unavailable – 0</p>	<p><b>Answer:</b>  a)  <b>score 3</b></p>	The right to complain is protected by the Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 3.2.4 and Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November

				26, 2015), Article 3.2.16.
3.11	4	<p><b>Access to finding aid documents in the reading room is available:</b></p> <p>a) In short order if the online version exists, or in a reasonable time for a 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>	<p><b>Answer:</b></p> <p>a)</p> <p><b>score 4</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.2.6 (in the same day the request came in).</p>
3.12	4	<p><b>Finding aid documents are available in an electronic searchable format in the reading room:</b></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><b>Answer:</b></p> <p>e)</p> <p><b>score 0</b></p>	
3.13	1	<p><b>The archivists share draft inventories of fonds with the researchers if the final versions are lacking (if this does not damage these documents):</b></p> <p>a) Yes – 1</p> <p>b) No – 0</p>	<p><b>Answer:</b></p> <p>a)</p> <p><b>score 1</b></p>	
3.14	4	<p><b>The researchers can access the database of the scanned records in the reading room:</b></p> <p>a) All records that have already been scanned are available</p>	<p><b>Answer:</b></p> <p>b)</p> <p><b>score 3</b></p>	<p>On the same day or next day, depending on scanner capacity, bulk and scanning time. The computer access is available in the reading hall.</p>

		<p>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 – 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><b>The Archive allows the uploading of already scanned records from the Archive server to an electronic data holder:</b></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><b>Answer:</b> c) score 1</p>	
3.16	3	<p><b>Waiting time after a researcher orders a record:</b></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>	<p><b>Answer:</b> a) score 3</p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.2.5 (printed records within 2 days) and 3.2.6 (printed materials from the Library and digitalized records – in the same day as the request). In practice, small requests are fulfilled in the same day while the bigger ones – on the next day.</p>
3.17	3	<p><b>Number of records a researcher can order simultaneously:</b></p>	<p><b>Answer:</b> c)</p>	<p>Regulations on Using Records in the Reading Halls of the State</p>

		<ul style="list-style-type: none"> <li>a) more than 20 files – 1</li> <li>b) 11-20 files – 0.75</li> <li>c) 6-10 files – 0.5</li> <li>d) 1-5 files – 0.25</li> </ul>	<b>score 1,5</b>	Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.2.5 (up to 10 items, up to 150 pages each or 10 items of film, photo and video files).
3.18	3	<p><b>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:</b></p> <ul style="list-style-type: none"> <li>a) This option is available – 1</li> <li>b) This option is unavailable – 0</li> </ul>	<p><b>Answer:</b> a) <b>score 3</b></p>	
3.19	3	<p><b>A researcher can submit online requests for the files that can be picked up in the reading room after a pre-determined period:</b></p> <ul style="list-style-type: none"> <li>a) This option is available – 1</li> <li>b) This option is unavailable – 0</li> </ul>	<p><b>Answer:</b> b) <b>score 0</b></p>	
3.20	2	<p><b>The cost of copying<sup>2</sup> one page of a record (in a standard time limit) is:</b></p> <ul style="list-style-type: none"> <li>a) 0%-0.09% of the average wage in the country – 1</li> <li>b) 0.1% - 0.19% – 0.75</li> <li>c) 0.2% and more – 0.25</li> </ul>	<p><b>Answer:</b> a) <b>score 2</b></p>	Depending on the page size, 0,20-0,40 AZN per page, while the average wage is 541,00 AZN per month.
3.21	2	<p><b>The cost of copying<sup>3</sup> one photo (in a standard time limit) is:</b></p> <ul style="list-style-type: none"> <li>a) 0%-0.49% of the average wage in the country – 1</li> <li>b) 0.5%-1.49% – 0.75</li> <li>c) 1.5% and more – 0.25</li> </ul>	<p><b>Answer:</b> a) <b>score 2</b></p>	Depending on the page size, 0,20-0,40 AZN per page, while the average wage is 541,00 AZN per month.
3.22	3	<p><b>Discounts defined by the law or the subordinate legal act on the paid archival services in the reading room apply to:</b></p> <ul style="list-style-type: none"> <li>1) Persons with disabilities;</li> <li>2) War veterans and persons with</li> </ul>	<p><b>Answer:</b> e) <b>score 0</b></p>	

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

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

		<p>similar status;</p> <p>3) Rehabilitated victims of repressions;</p> <p>4) Internally displaced individuals / refugees;</p> <p>5) Socially vulnerable persons;</p> <p>6) School students;</p> <p>7) University students;</p> <p>8) Pensioners;</p> <p>9) Persons with academic degrees.</p> <p>a) Discounts apply to all 9 groups – 1</p> <p>b) Discounts apply only to 6-8 groups – 0.75</p> <p>c) Discounts apply only to 4-5 groups – 0.5</p> <p>d) Discounts apply only to 1-3 groups – 0.25</p> <p>e) The Archive does not offer any discounts – 0</p>		
3.23	3	<p><b>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:</b></p> <p>a) Discounts apply equally – 1</p> <p>b) Discounts apply to only those foreign citizens, who have a status of a student, academic degree or a person with disabilities – 0.75</p> <p>c) Discounts apply to only those foreign citizens, who have a temporary residence or work permit – 0.5</p> <p>d) Discounts do not apply to foreign citizens – 0</p>	<p><b>Answer:</b> d) score 0</p>	
3.24	2	<p><b>Researchers can use stationary computers in the Archive reading room:</b></p> <p>a) Yes – 1</p> <p>b) No – 0</p>	<p><b>Answer:</b> a) score 2</p>	
3.25	2	<p><b>Researchers are allowed to use their</b></p>	<p><b>Answer:</b></p>	Regulations on Using Records in

		<p><b>own electronic devices for processing and storing information (computers, tablets, flash drives, external hard drives) in the Archive reading room:</b></p> <p>a) Yes – 1 b) No – 0</p>	<p>a) <b>score 2</b></p>	<p>the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.2.6 (on the basis of a special permission from the Management of the Archive, if this is not disturbing for the other researchers and the device does not have a scanning option).</p>
3.26	1	<p><b>The Archive reading room has internet access:</b></p> <p>a) Yes – 1 b) No – 0</p>	<p><b>Answer:</b> b) <b>score 0</b></p>	<p>The computers have LAN internet connection, but there was no internet access.</p>
3.27	2	<p><b>If the Archive has a microfilm collection a microfilm reader is available for use in the reading room:</b></p> <p>a) The Archive offers a microfilm reader – 1 b) The Archive has a microfilm collection, but does not offer a microfilm reader – 0</p>	<p><b>Answer:</b> a) <b>score 2</b></p>	<p>The Archive provides a microfilm reader, but in the separate room.</p>
3.28	2	<p><b>Working conditions with the microfilms at the reading room:</b></p> <p>1) The Archive offers the possibility to save the microfilm files in PDF format for free; 2) The Archive allows to take pictures from the microfilm files (screen); 3) The Archive allows to print the microfilm files for a fee;</p> <p>a) The Archive offers all 3 services – 1 b) The Archive offers 1 or 2 services (where service N1 is necessarily included) – 0.75 c) The Archive offers both services N2 and N3 – 0.5 d) The Archive offers only 1 service N2 or service N3 – 0.25</p>	<p><b>Answer:</b> e) <b>score 0</b></p>	



		e) The Archive does not offer any of the mentioned services – 0		
3.29	4	<p><b>Photographing of records in the Archive reading room is allowed using the researcher's own copying devices (photo camera, cell phone, portable scanner):</b></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><b>Answer:</b> c) <b>score 0</b></p>	<p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 3.4.3 (prohibited, except for the cases of the agreement with the management of the Archive); Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.4.2 (prohibition), Article 3.4.2.1 (prohibition of the mobile phones with camera), Article 7.5.1 (using own scanners of cameras with permission of the management and under the control of the Archive's employee).</p>
3.30	2	<p><b>After the copies of records are ordered a researcher has to wait for:</b></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) 5 working days or more – 0.25</p>	<p><b>Answer:</b> b) <b>score 1,5</b></p>	<p>It is not defined, normally within 1-2 days. Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 4.3 (the terms are defined by the management of the Archive, considering technical capacity and the physical condition of the records).</p>
3.31	2	<p><b>Number of record copies a researcher can order simultaneously:</b></p> <p>a) Unlimited (within reasonable limits) – 1</p> <p>b) 51-100 scanned pages – 0.75</p> <p>c) 21-50 scanned pages – 0.5</p> <p>d) 1-20 scanned pages – 0.25</p>	<p><b>Answer:</b> a) <b>score 2</b></p>	<p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 4.3 (depending on the technical capacity and the physical condition of the records, normally not more than 400 photocopies per person). There is no limitation on the amount of the scanned copies.</p>
3.32	4	<p><b>In case the archive refuses a researcher access to the damaged record or file:</b></p> <p>a) The Archive offers the researcher a scanned copy of the record or file – 1</p>	<p><b>Answer:</b> a) <b>score 4</b></p>	

		<p>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</p> <p>c) The Archive does not provide information about the condition of the record or the file and restoration date – 0</p>		
3.33	4	<p><b>The Archive has a list of damaged records or files that cannot be provided and the researchers are informed about it beforehand:</b></p> <p>a) The Archive has such a list and provides it to the researchers – 1</p> <p>b) The Archive has such a list but does not provide it to the researchers – 0.5</p> <p>c) The Archive does not have such a list – 0</p>	<p><b>Answer:</b> c) score 0</p>	
3.34	4	<p><b>The period of time defined by the subordinate legal act for the restoration of the damaged records or files is:</b></p> <p>a) 1 year or less - 1</p> <p>b) more than 1 year - 0.5</p> <p>c) Is not defined - 0</p>	<p><b>Answer:</b> c) score 0</p>	
3.35	1	<p><b>Individuals that are unable to visit the archive personally can hire a proxy researcher:</b></p> <p>a) The Archive has its own proxy researchers or can provide contacts of private proxy researchers – 1</p> <p>b) The Archive does not provide such a service – 0</p>	<p><b>Answer:</b> b) score 0</p>	
3.36	1	<p><b>In case if the answer to the previous question (N3.35) is positive:</b></p> <p>a) Individuals interested in using the archive remotely</p>	-	

		<p>can select any proxy researcher they like – 1</p> <p>b) Proxy researchers are selected by the Archive – 0.25</p>		
3.37	4	<p><b>Publication rights and terms:</b></p> <p>a) Publication of the archival records is free and the responsibility to mention the Archive lies with the author – 1</p> <p>b) Publication of archival records must be agreed with the Archive – 0.25</p>	<p><b>Answer:</b></p> <p><b>a)</b> <b>score 4</b></p>	<p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 3.3.17;</p> <p>Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR, Article 3.6 (The researchers have to submit a bibliographic reference or one copy of the edition that was prepared on the basis of the archival records);</p> <p>Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015), Article 7.8 (only declassified information can be provided from the partly declassified records).</p>
<p>Maximum amount of points to receive in benchmark indicator group N3: <b>105</b></p> <p>Amount of points relevant to the current archive: <b>104</b></p> <p>Received points: <b>55.75</b></p> <p>Percentage (%): <b>53.61%</b></p>				

Maximum points to receive in all benchmark indicator groups:	<b>257</b>
Maximum amount of points relevant to the current archive:	<b>249</b>
Overall received points:	<b>139</b>
Percentage of overall openness:	<b>55.82%</b>

## Evaluator's Commentary:

### Abbreviations:

- 1) APDOPAR – Archive of Political Documents of the Office of the President of Azerbaijan Republic (АПДУДПАР – Архив Политических Документов при Управлении Делами Президента Азербайджанской Республики);
- 2) RWRHSL – Regulations on Work in the Reading Hall of the Scientific Library of APDOPAR (ПРЧЗНБ – Правила работы в читальном зале Научной библиотеки АПДУДПАР);
- 3) RURRHSA – Regulations on Using Records in the Reading Halls of the State Archives (National Archive Department of the Republic of Azerbaijan Resolution No 5/2, November 26, 2015)(ПИДЧЗГА – Правила использования документов в читальных залах государственных архивов (реш. №5/2, НАУ АР, 26.11.2015))
- 4) RASO – Regulations on Access of the State Officials and citizens to Work with the Information Classified as State Secret (Cabinet of Ministers of Azerbaijan Republic Resolution No 162, October 17, 2002) (ПДДЛ – Правила допуска должностных лиц или же граждан к работе с информацией, составляющей государственную тайну (КМАР, №162, 17.10.2002));
- 5) LSS – Law On State Secrets (No 733-IIQ, September 7, 2004) (ЗГТ -Закон "О государственной тайне" (№ 733-IIQ, 7.09.2004));
- 6) LFOI – Law On Freedom of Information (No 505-IQ, June 19, 1998)(ЗСИ -Закон "О свободе информации" (№505-IQ, 19.06.1998));
- 7) LICA – Law On Intelligence and Counterintelligence Activity (No 711-IIQ, June 29, 2004) (ЗРКРД - Закон "О разведывательной и контрразведывательной деятельности" (№711-IIQ, 29.06.2004));
- 8) LNAF – Law On National Archival Fonds (No 694-IQ, June 22, 1999) (ЗНАФ -Закон "О Национальном Архивном Фонде" (№ 694-IQ, 22.06.1999));
- 9) ARDR – Administrative Regulations on Document Reception and Application for Archival Notifications, Abstracts from Archival Records, Copies of the Archival Records (National Archive Department of the Republic of Azerbaijan Resolution No q-54, December 25, 2013) (АПД –Административный регламент по приему документов и обращению для выдачи архивных справок, выдержек из архивных документов, копий архивных документов (НАУ, решение № Q-04, 25.12.2013));
- 10) ARDRAUARSROP – Administrative Regulations on Document Reception and Application for Using the Archival Records for the Scientific Research and Other Purposes (National Archive Department of the Republic of Azerbaijan Resolution No Q-04, December 25, 2013) (АРИАДНЦ –Административный регламент по приему документов и обращению для использования архивных документов для научно-исследовательских и иных целей (НАУ, решение № Q-04, 25.12.2013));
- 11) LCCR – Law On Consideration of Citizens' Requests, September 30, 2015 (ЗРОГ -Закон о рассмотрении обращений граждан от 30.09.2015 г.);
- 12) LPS – Law On Public Service, July 21, 2000 (ЗГС -Закон о государственной службе от 21.07.2000 г.)

**The Archive of Political Documents of the Office of the President of Azerbaijan Republic was created in 1991 after the dissolution of the Communist Party of Azerbaijan SSR and the fall of the Soviet Union. The Archive of the Political Documents of the Central Committee of the Communist Party of Azerbaijan (the former Azerbaijani Branch of the Institute of Marxism-Leninism, later Azerbaijani Institute of History of the Party)**

**became the basis for the named archival institution.**

Between October 1991 and June 2007, the Archive was subordinate to the Main Archives Department of the Cabinet of Ministers of AR (that further became the National Archive Department), but was later excluded from its structure and transferred under the supervision of the Office of the President of Azerbaijan Republic. Today, it contains the records of Komsomol and the Communist Party of Azerbaijani SSR, the library of the Azerbaijani Institute of History of the Party, records of the revolutionary movement (including the documents of the anti-communist parties), personal archives of the veterans of the revolution, etc.

The Archive has 2 functioning reading halls and is in the process of digitalizing and systematizing the records, while the researchers actively work there.

The Archive is interesting for the researchers of the Soviet period, first of all because it contains the materials about the oppositional groups inside the Communist Party, analytical records of the CheKa-OGPU-NKVD that were sent as the response to the requests of the Central Committee of the Communist Party of Azerbaijan, which illustrate the struggle of the population of Azerbaijan with the policy of the Communist Party.

The correspondence between the party and the retributive bodies in the period, when a politically based expulsion from the party used to cause repressions and vice versa, when the political repression used to cause expulsion from the party, is also valuable for the researchers. And so are the documents on party rehabilitation, often posthumous, of the former communists convicted in the Stalin's period. The archive also contains the records concerning party control of the repressive state bodies themselves.

It is worth mentioning that due to its subordination to the Office of the President of Azerbaijan Republic, the administration of the Archive does not decide who can be granted access to the archival records, but it is up to the Office of the President, in other words, the state authorities. This can explain why foreigners and individual researchers have difficulties accessing the Archive.

Today, most of the records have not been digitalized yet and the reference information aids as well as the archival records are not available online on the Archive's website.

**Contact information:**

**Bakışəhəri, Azadlıqprospekti 161**

**(+99412) 562-18-74**

[contact@presarchive.gov.az](mailto:contact@presarchive.gov.az)

Evaluator's Name and Surname: Eldar Zeynalov

Organization: Human Rights Center

Evaluation finished on: August 1, 2018

Signature:

