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Assessment of the Openness of State Archives

Country: **Ukraine**

Archival Institution: **Central State Historical Archives of Ukraine in Kiev**

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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 archival 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>Foreigners and stateless persons have the same rights of access to the archival documents as Ukrainian citizens (the Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 15, Part 5, and “Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”, ratified by the Decree of the Ministry of Justice of Ukraine № 2438/5, November 19, 2013, Sections II, III).</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: a Score: 4</p>	<p>Equal access for every researcher is stipulated by law and the internal regulations of the Archive. The archival institutions have the right to refuse the access only to the persons admitted legally incapable by the court, persons, who grossly violated the rules of using the archival documents, underage persons (The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16).</p>
1.1.3	4	<p>Access to the Archive reading room procedures:</p>	<p>Answer: a Score: 4</p>	<p>Procedure of access to the reading room is equal for everyone, despite of their citizenship; no special</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>procedures for the foreigners are stipulated (in particular, see “Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”, Sections II, III).</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 Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 15, Part 7 and “Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”, Section III, Point 8.</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: 3</p>	<p>The categories of persons, the Archive has the right to refuse the access are listed in the Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16, Part 2 and persons with conviction are not included in it.</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>Answer: a) Score: 3)</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>		
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</p> <p>b) is free of charge for digital copies, but paper copies require payment – 0,5</p> <p>c) is not free of charge – 0</p>	<p>Answer: a)</p> <p>Score: 4</p>	<p>The law does not stipulate this payment for this service, it is absent in the “List of the Paid Services That Can Be Provided by Archival Institutions That Get Financed form the State Budget”.</p>
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</p> <p>b) The grounds for restricting access to files or finding aid are granted to the Archive by the law – 0.75</p> <p>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)</p> <p>Score: 3</p>	<p>Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16.</p>
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</p> <p>b) No – 0</p>	<p>Answer: a)</p> <p>Score: 2</p>	<p>Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16.</p>
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>	<p>Answer: a)</p> <p>Score: 2</p>	<p>“Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”, Section IV. The exception is made for</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 		the unique archival documents, their originals may be issued for temporary use outside archives (Point 2, Part 2).
1.1.11	3	<p>Responsibility for the illegal usage of the personal data lies:</p> <ol 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 data illegally, share the responsibility – 0.5 c) Only upon the Archivist - 0 	<p>Answer: a) Score: 3</p>	The Law of Ukraine “On Protection of Personal Data” (2010). Article 14, Point 3.
1.1.12	2	<p>Declassified fonds, files or records that have been already published (with accordance to the Law or subordinate</p>	<p>Answer: b) Score: 0</p>	There is no such point in the legislation. On practice, no cases

		<p>legal act) may not be re-classified:</p> <p>a) No - 1 b) Yes - 0</p>		<p>of re-classification have ever occurred.</p>
1.1.13	4	<p>Declassified fonds, files, or records that have not been published may be re-classified:</p> <p>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>	<p>Answer: c) Score: 0</p>	<p>There is no such point in the legislation. On practice, no cases of re-classification have ever occurred.</p>
1.1.14	4	<p>Formerly classified fonds, files, or records cannot be destroyed:</p> <p>a) Cannot be destroyed – 1 b) Can be destroyed – 0</p>	<p>Answer: a) Score: 4</p>	<p>According to the Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 6 (which also includes the archival documents that have been declassified) only the duplicated documents (replicated copies of one document stored in the same institution), documents of temporary terms of custody, as well as the documents that lack their document information – can be excluded as a result of the expertise; whereas it is prohibited to destroy any of the documents of the National Archival Fonds without prior expertise.</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>Answer: a) Score: 4</p>	<p>According to the Part 7, Article 15 of the Law of Ukraine “On State Secrets”, after termination of provided terms of classifying of material information media and in case of increase or decrease of defined by The State Expert on Secrets secrecy rate of such information or cancellation</p>

		b) Based on the request of a citizen or a legal entity - 0.5		of decision on referring of it to state secret, heads of public authorities etc. are obliged within six months to ensure change of secrecy stamp or declassifying of these material secret information media.
1.1.16	4	Classification of the fonds, files, or records after the termination of the statutory period: 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	Answer: c) Score: 0	According to the Part 2, Article 13 of the Law of Ukraine “On State Secrets”, The State Expert on Secrets can make a conclusion on extension of term of referring it to state secret.
1.1.17	1	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: a) No – 1 b) Yes – 0	Answer: a) Score: 1	According to the Part 3, Article 15, of the Law of Ukraine “On the National Archival Fund and Archival Institutions”, it is prohibited to attribute to state and other provided by the law secret information about place of keeping documents of the National Archival Fund, owned by the State, territorial communities, as well as to create secret archives for keeping such documents.
1.1.18	3	It is inadmissible by law to hide the existence of classified records: 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	Answer: a) Score: 1	The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 15, Part 3.
1.1.19	2	The Archive provides social and legal notices from the records included in the fonds of the repressive state institutions: a) Provides for everyone - 1		-

		<ul style="list-style-type: none"> 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 		
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> <ul style="list-style-type: none"> a) Yes – 1 b) No – 0 		-
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> <ul style="list-style-type: none"> 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 		-
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> <ul style="list-style-type: none"> a) Is not obligated if it meets the terms of storage – 1 b) Is obligated – 0.25 	<p>Answer: a) Score: 1</p>	The Law of Ukraine "On the National Archival Fund and Archival Institutions", Articles 8, 9.
1.1.23	2	<p>The legislation recognizes the existence of private archives and provides the protection and autonomous management of their records:</p> <ul style="list-style-type: none"> a) Recognizes, but does not have control over their activity – 1 	<p>Answer: b) Score: 1</p>	The Law of Ukraine "On the National Archival Fund and Archival Institutions", Articles 32, 33.

		b) Recognizes, but has control over their activity – 0,5 c) No – 0		
Maximum amount of points to receive in benchmark indicator group N1.1: 72 Amount of points relevant to the current archive: 62 Received points: 50 Percentage (%): 80.65%				

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	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: a) Yes – 1 b) No – 0	Answer: a) Score: 4	The Law of Ukraine “On State Secrets”, Article 8, Parts 3, 4.
1.2.2	3	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: 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	Answer: c) Score: 1.5	The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16, Part 4.
1.2.3	3	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: a) 30 years or less - 1	-	Not stipulated by the law.

		<p>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>	<p>The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16, Part 4.</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: a) Score: 2</p>	<p>According to the Law of Ukraine “On Information”, the restriction is applied to the access to the information and not to the document.</p>
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 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 b) Such information does not constitute information with limited access, but only upon consent of the individual – 0.5</p>	<p>Answer: c) Score: 0.5</p>	

		c) Such information constitutes information with limited access or relevant law doesn't foresee this principle – 0.25		
1.2.7	3	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: a) Is obligated – 1 b) Can provide an oral explanation – 0.25 c) Is not obligated – 0	Answer: a) Score: 3	The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 15, Part 7.
1.2.8	4	The Law on Personal Data Protection does not apply to the archives or fonds of repressive state institutions: a) Does not apply – 1 b) The law does not contain a relevant provision – 0.25 c) Applies – 0	-	
<p>Maximum amount of points to receive in benchmark indicator group N1.2: 24 Amount of points relevant to the current archive: 17 Received points: 12.5 Percentage (%): 73.53%</p>				

1.3 Archive services

#	Social Importance Index	Indicator	Final Score	Relevant Article of the Law (if applicable)
1.3.1	3	The following is defined by the law or subordinate legal acts: 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.	Answer: c) Score: 1.5	“List of the Paid Services That Can Be Provided by Archival Institutions That Get Financed from the State Budget” Ratified by the Statute of the Ministers Cabinet of Ukraine.

		<ul 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 		
1.3.2	3	<p>The main services provided by the Archive are:</p> <ul 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. <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 	<p>Answer: a) Score: 3</p>	Statute “On the Central State Historical Archives of Ukraine in Kiev”.
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 	<p>Answer: c) Score: 0.5</p>	The Law of Ukraine “On Applying of Citizens”, Article 20.

		c) 11 or more working days – 0.25		
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> <p>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>	<p>Answer: a) Score: 2</p>	<p>According to the Point 4.2.1 of the “Work Regulations of the Archival Institutions of Ukraine” social-legal notes are provided 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> <p>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>	<p>Answer: a) Score: 2</p>	
1.3.6	3	<p>Discounts defined by the law or subordinate legal acts on the provision of social-legal notices apply to:</p> <p>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.</p> <p>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>	<p>Answer: a) Score: 3</p>	

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

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> <p>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>	<p>Answer: a) Score: 3</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> <p>a) Yes – 1 b) The prices are higher for the foreign citizens – 0</p>	<p>Answer: a) Score: 3</p>	
<p>Maximum amount of points to receive in benchmark indicator group N1.3: 21 Amount of points relevant to the current archive: 21 Received points: 18 Percentage (%): 85.71%</p>				

2. Website

#	Social Importance Index	Indicator	Final Score	Link
2.1	3	<p>The Archive has a multilingual website:</p> <p>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</p>	<p>Answer: b) Score: 0.75</p>	<p>http://cdiak.archives.gov.ua/</p>

2.2	3	<p>The Archive website contains archive related legislation:</p> <p>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</p>	<p>Answer: b) Score: 2.25</p>	-
2.3	3	<p>The Archive website explains the types of services it offers (or it is possible to find answers in the FAQ section of the website):</p> <p>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</p>	<p>Answer: b) Score: 2.25</p>	-
2.4	3	<p>The Archive website provides information about the access procedure for the researchers, working hours and working rules:</p> <p>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>	<p>Answer: b) Score: 2.25</p>	-
2.5	2	<p>The Archive website contains a list of archival fonds (or a guide book) with the following key information:</p> <p>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);</p>	<p>Answer: c) Score: 1</p>	-

		<p>4. Language(s) of the information stored in the fonds;</p> <p>5. Location of fonds;</p> <p>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;</p> <p>7. Status: classified/declassified.</p> <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 information is present – 0.25</p> <p>e) There is no list of the archival fonds - 0</p>		
2.6	3	<p>The Archive website provides the 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>	<p>Answer: a) Score: 3</p>	-
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>	<p>Answer: d) Score: 0.75</p>	-

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 b) It is possible to either request or receive these documents – 0.75 c) The Archive website does not provide this ability – 0</p>	<p>Answer: b) Score: 2.25</p>	-
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 b) It is not possible – 0</p>	<p>Answer: b) Score: 0</p>	-
2.10	3	<p>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:</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>	<p>Answer: b) Score: 2.25</p>	-
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</p>	<p>Answer: b) Score: 2.25</p>	-

		<p>access to the public information and their contact information.</p> <p>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</p> <p>b) Only 3-4 categories of information are available – 0.75</p> <p>c) Only 1-2 categories of information are available – 0.25</p> <p>d) None of the above information is available – 0</p>		
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> <p>1) Forms and samples of administrative complaints.</p> <p>2) Information on the rules of appeal.</p> <p>3) Information on the annual budget of the Archive.</p> <p>4) Information about the income received by the Archive through its archival services.</p> <p>5) Information about public procurement.</p> <p>6) Information about the Archive assets, including the transfer and use of property.</p> <p>a) All 6 (or more) categories of information are available – 1</p> <p>b) Only categories 1 through 3 are available – 0.5</p> <p>c) Only categories 1 through 2 are available – 0.25</p> <p>d) None of the above information is available – 0</p>	<p>Answer: b) Score: 1.5</p>	-
<p>Maximum amount of points to receive in benchmark indicator group N2: 35 Amount of points relevant to the current archive: 35 Received points: 20.5</p>				

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> <p>a) It is prohibited to demand any other documents from 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>	<p>Answer: a) Score: 2</p>	
3.2	4	<p>Individuals can get remote access to the archive via e-mail (or special form on website):</p> <p>a) Yes – 1</p> <p>b) No – 0</p>	<p>Answer: b) Score: 0</p>	
3.3	2	<p>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):</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>Answer: a) Score: 2</p>	
3.4	4	<p>Waiting time after requesting access as a researcher in the Archive is:</p> <p>a) Archive provides access in short order, the same day, after the confirmation of</p>	<p>Answer: a) Score: 4</p>	

		<p>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>		
3.5	3	<p>The number of weekly working hours of the Archive reading room is:</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>Answer: a)</p> <p>Score: 3</p>	
3.6	3	<p>The number of days per year when the reading rooms are closed (excluding weekends and public holidays):</p> <p>a) 0-12 working days – 1</p> <p>b) 13-31 working days – 0.75</p> <p>c) more than 31 working days – 0.5</p>	<p>Answer: c)</p> <p>Score: 1.5</p>	
3.7	4	<p>The Archive grants fully adapted environment for disabled people to work in the reading room:</p> <p>a) Yes – 1</p> <p>b) The Archive is partly adapted – 0,5</p> <p>c) No – 0</p>	<p>Answer: c)</p> <p>Score: 0</p>	
3.8	3	<p>Rules of conduct for the researchers are available in the reading rooms in printed or electronic format:</p> <p>a) Available – 1</p> <p>b) Unavailable – 0</p>	<p>Answer: b)</p> <p>Score: 0</p>	
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> <p>a) The Archive provides the researchers with the relevant</p>	<p>Answer: a)</p> <p>Score: 3</p>	

		documentation to be read and signed – 1 b) The reading room does not practice this procedure – 0		
3.10	3	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: a) Available – 1 b) Unavailable – 0	Answer: b) Score: 0	
3.11	4	Access to finding aid documents in the reading room is available: 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 b) The following day – 0.5 c) More than one day later – 0.25	Answer: a) Score: 4	
3.12	4	Finding aid documents are available in an electronic searchable format in the reading room: a) 76-100% of finding aid documents are in electronic searchable format – 1 b) 51-75% of finding aid documents are in electronic searchable format – 0.75 c) 26-50% of finding aid documents are in electronic searchable format – 0.5 d) Finding aid documents are available in electronic but scanned and unsearchable format – 0.25 e) Finding aid documents are not available in electronic format – 0	Answer: e) Score: 0	
3.13	1	The archivists share draft inventories of fonds with the researchers if the final	Answer: a) Score: 1	

		<p>versions are lacking (if this does not damage these documents):</p> <p>a) Yes – 1 b) No – 0</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 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 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 d) There is no possibility to receive scanned records in the reading room – 0</p>	<p>Answer: d) Score: 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 b) Available for a lower price than scanning - 0.5 c) Available for the price of scanning – 0.25 d) It is not possible - 0</p>	<p>Answer: d) Score: 0</p>	
3.16	3	<p>Waiting time after a researcher orders a record:</p> <p>a) 0-24 hours – 1 b) 1-2 working days – 0.75 c) 3-4 working days – 0.5</p>	<p>Answer: a) Score: 3</p>	

		d) more than 5 working days – 0.25		
3.17	3	Number of records a researcher can order simultaneously: a) more than 20 files – 1 b) 11-20 files – 0.75 c) 6-10 files – 0.5 d) 1-5 files – 0.25	Answer: c) Score: 1,5	Point 3, Section II and “Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”.
3.18	3	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: a) This option is available – 1 b) This option is unavailable – 0	Answer: b) Score: 0	
3.19	3	A researcher can submit online requests for the files that can be picked up in the reading room after a pre-determined period: a) This option is available – 1 b) This option is unavailable – 0	Answer: b) Score: 0	
3.20	2	The cost of copying² one page of a record (in a standard time limit) is: 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	Answer: a) Score: 2	
3.21	2	The cost of copying³ one photo (in a standard time limit) is: 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	Answer: a) Score: 2	
3.22	3	Discounts defined by the law or the subordinate legal act on the paid	Answer: b) Score: 2,25	

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.

		<p>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. <ol style="list-style-type: none"> a) Discounts apply to all 9 groups – 1 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> <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, 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: a) Score: 3</p>	
3.24	2	<p>Researchers can use stationary computers in the Archive reading room:</p>	<p>Answer: b) Score: 0</p>	

		<p>a) Yes – 1 b) No – 0</p>		
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> <p>a) Yes – 1 b) No – 0</p>	<p>Answer: a) Score: 2</p>	
3.26	1	<p>The Archive reading room has internet access:</p> <p>a) Yes – 1 b) No – 0</p>	<p>Answer: b) Score: 0</p>	
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 b) The Archive has a microfilm collection, but does not offer a microfilm reader – 0</p>	<p>Answer: a) Score: 2</p>	
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; 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</p>	<p>Answer: d) Score: 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>		
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: b)</p> <p>Score: 1</p>	
3.30	2	<p>After the copies of records are ordered a researcher has to wait for:</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>Answer: d)</p> <p>Score: 0.5</p>	
3.31	2	<p>Number of record copies a researcher can order simultaneously:</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>Answer: a)</p> <p>Score: 2</p>	
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</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>	<p>Answer: b)</p> <p>Score: 3</p>	

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</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>Answer: c) Score: 0</p>	
3.34	4	<p>The period of time defined by the subordinate legal act for the restoration of the damaged records or files is:</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>Answer: a) Score: 4</p>	<p>The Law of Ukraine “On the National Archival Fund and Archival Institutions”, Article 16, Part 1 and “Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities”, Section II, Point 12.</p>
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</p> <p>b) The Archive does not provide such a service – 0</p>	<p>Answer: a) Score: 1</p>	
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</p> <p>b) Proxy researchers are selected by the Archive – 0.25</p>	<p>Answer: a) Score: 1</p>	
3.37	4	<p>Publication rights and terms:</p>	<p>Answer: a) Score: 4</p>	<p>“Regulations for use of documents of the National Archival Fond of Ukraine,</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>which belong to the state and territorial communities”, Section II, Point 13, sub-item 6.</p>
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Maximum amount of points to receive in benchmark indicator group N3: **105**

Amount of points relevant to the current archive: **105**

Received points: **55.25**

Percentage (%): **52.62%**

Maximum points to receive in all benchmark indicator groups:	257
Maximum amount of points relevant to the current archive:	240
Overall received points:	156.25
Percentage of overall openness:	65.10%

Evaluator's commentary:

1.1.19-1.1.21, 1.2.8: In the legislation of Ukraine the term “repressive agencies” is identical to the term “repressive agencies of Soviet era”. Accordingly, Part 3, Article 2 of the Law of Ukraine “On the National Archival Fund and Archival Institutions” indicates that “the access to the archival information of the repressive agencies is regulated by the Law of Ukraine “On access to Archives of Repressive Agencies of Totalitarian Communist Regime of 1917-1991””. This is also indicated in the definition of the term “repressive agencies” in Part 1, Article 2 of the Law of Ukraine “On access to Archives of Repressive Agencies of Totalitarian Communist Regime of 1917-1991”. So if we consider this term as it is defined, then the Central State Historical Archives of Ukraine in Kiev does not contain any documents of the repressive agencies. In the same time, the Archive contains files of the Department for Protecting the Public Security and Order (Rus.: *Okhranka / Охранка*) of the Ministry of Internal Affairs of the Russian Empire, which can also be considered as repressive agencies. But keeping in mind the legislative interpretation mentioned above, as well as the fact that the restrictions of the access that occurred in certain periods after Ukraine obtained its independence in 1991 were applied to the documents of the Soviet institutions and never to the documents of the institutions of the Russian Empire, we decided to use the definition given in the legislation in the process of evaluation of the Archive. So the Archive does not contain any fonds of the repressive agencies using this definition.

Section 2. The website of the Central State Historical Archives of Ukraine in Kiev (CSHAUK) is available on the following address: <http://cdiak.archives.gov.ua/index.php>

3.5 The reading room is open on weekdays at 9:00 - 17:45.

3.6 One day in a month is a sanitary day, the reading hall was closed in August (22 weekdays) and also was closed for the researchers during 7 days due to some thematic activities held there.

The Archive's website needs considerable modifications and updating. For instance, the site does not have English version, which makes it difficult to use for people, who don't know Ukrainian. English version of the scientific finding aid is not available neither online, nor in the reading room of the Archive.

The lack of technical equipment in the CSHAUK is also a problem. There is only one computer in the reading room, while the Archive's employees do not allow to use it for access the scientific finding aid online, etc.

The employees of the CSHAUK are currently working on digitalization of its fonds, still only minor part of the archival files is available in digital format.

The Archive's reading hall is used not only by it direct purpose but also for various thematic activities, and because of this it is unavailable for the researchers on these days.

One of the problem that the CSHAUK has in common with the other archives of Ukraine, is that is it almost inaccessible for people with disabilities. For instance, there are no ramps at the entrance and the stairs, neither special equipment for people with locomotor apparatus, visual impairment etc.

The access to the archives in Ukraine is generally satisfactorily. Nevertheless, the Ukrainian archival legislation needs amendment and codification – disambiguation. In particular, there is no prohibition on destroying former secret fonds, files and archival documents. Neither there is a legislative regulation stipulating the time period that has to pass from the moment of death of a person in order for the restrictions on personal data to be withdrawn.

The ambiguities of the legislation concerning the possibility to make copies of the archival documents using the researcher's own device make a very serious problem. According to the Point 5, Article 20 of the Law of Ukraine "On the National Archival Fund and Archival Institutions" and Point 13, Section II of the "Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities" the researchers have the right to make copies of the documents also using their own technical devices. Despite of this, the CSHAUK's employees limit this right, referring to the subordinate legal acts (particularly, to Ratified by the Statute of the Ministers Cabinet "List of the Paid Services That Can Be Provided by Archival Institutions That Get Financed form the State Budget" and interpretations of the State Archive Service of Ukraine) and maintaining the argument that copying should be paid for. The Decree № 2059/5 of the Ministry of Justice of Ukraine "On Alteration to the Decree № 2438/5 of the Ministry of Justice of Ukraine "On Regulations for use of documents of the National Archival Fond of Ukraine, which belong to the state and territorial communities" (19.11.2013)" passed in June 27, 2018 has aggravated the situation. This Decree significantly restricts the ability of the researchers to make copies themselves. At the moment several researchers, representatives of the scientific institutions and civil society organizations are striving for cancellation of the Decree № 2059/5. Introduction of the practice of copying the archival documents using the researcher's own devices is necessary for the enhancing the access to the archives in Ukraine.

Evaluator's Name and Surname: Ihor Chernichenko

Organization: Kharkiv Human Rights protection Group, Historian

Evaluation finished on: September 2018

Signature:

