

LAW OF GEORGIA

ON THE NATIONAL ARCHIVAL FUND AND THE NATIONAL ARCHIVES

Chapter I - General Provisions

Article 1

This Law determines the legal status of the National Archival Fund and the National Archives of Georgia, as well as the principles of referring documents to the National Archival Fund and issues regarding their preservation and use.

Article 2

The main objectives of this Law are to:

- a) determine archives management principles and an archives management system in Georgia;
- b) determine the main principles of preserving, replenishing, accounting and using the documents of the National Archival Fund;
- c) (deleted - 20.12.2011, No 5571).

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 3

1. The National Archival Fund is a collection of documents which are of historical, religious, scientific, political, economic, cultural, state and/or public value and which can be found in the territory of Georgia, regardless of the type of media carrying the document. Documents which are preserved in other states and which, under the international agreements of Georgia, shall be returned or transferred to Georgia, also belong to the National Archival Fund.

2. The State shall ensure the replenishment, storage, preservation and proper use of the National Archival Fund.

3. The documents of the National Archival Fund, regardless of the place and time of their creation, the place of their storage, the form of ownership and the type of media carrying them (tangible and/or electronic), shall be stored permanently.

4. The list of documents of the National Archival Fund which are subject to storage as electronic media shall be defined by an order of the Minister of Justice of Georgia. Documents which are not included in the above list shall be stored as tangible and electronic media.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art. 103

Article 4

State and local self-government bodies, as well as institutions, organisations and enterprises which, in the course of their activities, create documents (including secret documents) intended for transfer to the National Archival Fund, shall preserve, process, account, and conduct an annual value assessment examination of all documents in accordance with the procedures for keeping records and for the operation of archives of institutions, which shall be approved by an order of the Minister of Justice of Georgia ('the Minister').

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Article 5

1. Documents created in the ordinary course of activities of state bodies or state institutions are the possession of the State, documents created in the ordinary course of activities of self government bodies are the possession of self-government units, and documents created or legally acquired by natural or legal persons are the possession of those persons.

2. The documents of the National Archival Fund that are owned by the State or self-government units may not be alienated.

3. The documents of the National Archival Fund with no owner shall be transferred to the State or to the National Archives.

Chapter II - Managing Archives



Article 6

1. In Georgia, the archives shall be managed, and record-keeping practices shall be improved, and the National Archival Fund shall be developed, by the Legal Entity under Public Law called the National Archives of Georgia ('the National Archives') operating within the governance of the Ministry of Justice of Georgia ('the Ministry').
2. The National Archives shall ensure the replenishment of the National Archival Fund, the centralised accounting of documents, including in electronic forms, the description of documents, the formation and permanent update of an electronic base of documents, the conservation and restoration of damaged documents, the creation of an insurance fund for documents of special value, and free access to the documents of the Archival Fund within the limits determined by the legislation of Georgia. Using the documents of the National Archival Fund, the National Archives of Georgia prepares booklets, brochures, and other publications, including electronic, with the right to further sell them in compliance with the procedure determined by the legislation of Georgia.
3. The National Archives shall have the right to exercise state control and supervision over the accounting, preservation and storage of all documents (including documentary monuments of cultural heritage) of the National Archival Fund, regardless of the place of their storage.
4. The National Archives shall ensure the observance of record-keeping procedures and shall supervise compliance with this Law.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Article 7

The Ministry shall:

- a) ensure logistical and organisational support for the National Archives and its territorial offices;
- b) draft and issue normative acts regulating the system of the National Archives and its operation;
- c) exercise other powers provided for by the legislation of Georgia.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Article 8

1. The structural units of the National Archives are the Central Office and the Central Archives.
2. The National Archives manages archives through its territorial offices, the Regional and the Local Archives.
3. The National Archives of Georgia is headed by a Director General who is appointed and may be dismissed by the Minister.
4. Deputy Directors General of the National Archives are appointed and may be dismissed by the Minister.
- 4¹. Employees of the National Archives, except for the Director General, shall be appointed on the basis of a competition. The procedure for conducting a competition is defined by an order of the Minister.
5. The statute of the National Archive shall be approved by the Minister.
6. In cases provided for by the statute, the Director General of the National Archives may delegate his/her powers in compliance with the procedure determined by the legislation of Georgia.
7. Staff lists and cost estimates shall be approved by the Director General of the National Archives in agreement with the Ministry.
8. Funds for logistical and organisational support for the National Archives shall be provided from the State Budget and other revenues defined by the legislation of Georgia.
9. The National Archives may carry out economic activities within its functions and use its revenue funds for expanding its logistical resources, improving the quality of the storage and preservation of documents, paying additional remuneration to employees, and for other purposes provided for by this Law and the statute of the National Archives.
10. The National Archives has its own seal with the state coat or arms of Georgia and its own bank account.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 4465 of 22 March 2011 – website, 1.4.2011

Article 9

1. The territorial offices of the National Archives are the Regional and the Local Archives. The service areas of the Regional and Local Archives shall be defined by an order of the Minister.



2. The territorial offices shall permanently preserve documents of local origin and importance of the National Archival Fund and shall manage archives in the territory where they operate.

3. The territorial offices are headed by directors who are appointed and may be dismissed by the Director General of the National Archives.

4. The statutes of the territorial offices shall be approved by the Director General of the National Archives.

5. Funds for logistical support for the territorial offices shall be provided from the State Budget and other revenues defined by the legislation of Georgia.

6. The territorial offices have their own seals with the state coat of arms of Georgia.

7. The legitimacy, rationality and efficiency of activities carried out by the territorial offices shall be assessed by the National Archives.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.07.2008, Art.103

Article 10

In the Autonomous Republics of Abkhazia and Ajara, archives management functions are performed by relevant bodies within the executive authorities. Within the scope of the above bodies, their archives management tasks and functions are defined by this Law and the relevant legislation.

Chapter III - Compiling the National Archival Fund

Article 11

1. Documents shall be referred to the National Archival Fund by the Documents Value Assessment Commission of the National Archives after the approval of the result of the value assessment examination of documents.

2. Documents shall be selected, processed and subjected to a value assessment examination in compliance with the procedure for keeping records and for the operation of the archives of institutions.

Article 12

1. The National Archival Fund shall be replenished with documents which are:

- a) created in the course of the activities of state and local self-government bodies and legal entities under public law;
- b) transferred to the State on the basis of legal succession;
- c) transferred into ownership of the State as a gift, on a testamentary, purchase, or other legal basis;
- d) created in the course of the activities of political organisations;
- e) created in the course of the activities of legal entities under public law, regardless of their form of ownership;
- f) owned by natural or legal persons.

2. Documents under Article 12(1) of this Law shall undergo a value assessment examination to be further referred to the National Archival Fund.

3. Referring documents to the National Archival Fund does not entail a change of ownership.

Article 13

1. State and local self-government bodies, legal entities under public law, as well as state institutions, organisations and enterprises shall, at their own expense, select and process documents created in the course of their activities.

2. The State shall ensure that documents under Article 12(b) and (c) of this Law are selected and processed.

3. Regardless of their form of ownership, public organisations, political unions and legal persons shall, at their own expense, select, process and subject the documents in their ownership to a value assessment examination, whereas the documents owned by natural persons shall be subject to the same examination at the expense of the National Archives.

3¹. Subjects under paragraph 3 of this article may select, process and subject their documents to a value assessment examination through legal entities under private law accredited by the National Archives on the basis of agreements with these entities. The accreditation procedures and criteria, and the amount of accreditation fee, shall be defined by the Minister. Annually, before 31 December, accredited legal entities under private law shall provide the National Archives with information on the selection, processing and value assessment examination of documents during the year.

4. If there are reasonable grounds for believing that a document is of special value, an agreement between the owner of the document and the National



Archives may provide for partial or full coverage of expenses by the National Archives for the value assessment examination of the document.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No3809 of 12 November 2010 – LHG I, No 65, 26.11.2010, Art.411

Chapter IV - Storage and Preservation of Documents of the National Archival Fund

Article 14

1. The documents of the National Archives Fund shall be permanently stored by the National Archives and its territorial offices, and by the relevant bodies of the Autonomous Republics of Abkhazia and Ajara.

2. The following entities shall have the right to permanently store the documents of the National Archival Fund:

a) the Ilia Chavhavadze National Parliamentary Library of Georgia;

b) the Archives of the Georgian National Academy of Sciences;

c) the Legal Entity under Public Law called the Korneli Kekelidze Institute of Manuscripts operating within the governance of the Ministry of Education and Science of Georgia;

d) the Legal Entity under Public Law called the National Museum of Georgia and the other museums operating within the governance of the Ministry of Culture and Monument Protection of Georgia, as well as the Legal Entity under Public Law called the George Chubinashvili National Research Centre for Georgian Art History and Heritage Preservation;

e) the Legal Entity under Public Law called the National Environmental Agency within the system of the Ministry of Environment and Natural Resources Protection of Georgia, which stores the documents of the Geological Fund and the documents of the National Fund of Hydrometeorology and Environmental Pollution;

e¹) authorised legal entities under public law determined by an order of the Minister of Internal Affairs of Georgia;

e²) the State Security Service of Georgia;

f) the Legal Entity under Public Law called the Georgian National Agency for Standards and Metrology within the system of the Ministry of Economy and Sustainable Development of Georgia, which stores the documents of the National Information Fund;

g) private archives that store all documents, except for those created in the course of the activities of state and local self-government bodies;

h) the Legal Entity under Public Law called the State Agency of Oil and Gas within the system of the Ministry of Energy of Georgia, which stores documents containing initial geological, geophysical and geochemical information in the field of oil and gas, data on the interpretation of this information, and production data and other documents related to them.

2¹. The storage and preservation of the documents of the National Archival Fund by private archives shall be controlled by the National Archives. The rules of operation of private archives shall be defined by an order of the Minister.

3. If a person under paragraph 2 of this article refuses to permanently store a document of the National Archival Fund, he/she shall transfer the document to the National Archives. Expenses related to the transfer of the document shall be paid by the State.

4. Public organisations, political unions, legal persons, regardless of their form of ownership, as well as natural persons, may store their documents that have been referred to the National Archives Fund, provided that they ensure their preservation.

5. The conditions for the storage and preservation of the documents of the National Archival Fund shall be defined by the National Archives and approved by an order of the Minister.

6. Persons under paragraph 2(a–f) of this article may not alienate the documents of the National Archival Fund.

7. Only copies of the documents of the National Archival Fund may be alienated. The conditions of the alienation of documents shall be defined by the National Archives.

Law of Georgia No 201 of 15 July 2008 – LGH I, No17, 28.7.2008, Art.125

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 4070 of 15 December 2010 – LGH I, No 74, 24.12.2010, Art.460

Law of Georgia No 4396 of 11 March 2011 – website, 17.3.2011

Law of Georgia No 4469 of 22 March 2011 – website, 1.4.2011

Law of Georgia No 5141 of 25 October 2011 – website, 31.10.2011



Law of Georgia No 6161 of 8 May 2012 – website, 25.5.2012

Law of Georgia No 6539 of 22 June 2012 – website, 4.7.2012

Law of Georgia No 457 of 25 March 2013 – website, 5.4.2013

Law of Georgia No 3968 of 8 July 2015 – website, 15.7.2015

Law of Georgia No 4549 of 25 November 2015 – website, 28.12.2015

Article 15

1. The holder of a document of the National Archival Fund shall store and preserve it.
2. The documents of the National Archival Fund may not be destroyed.
3. If the holder of a document of the National Archival Fund fails to store and preserve the document, it will be transferred to the National Archives for deposit on the basis of a certificate issued by the National Archives Commission. The decision of the Commission may be appealed in compliance with the procedure determined by the legislation of Georgia.
4. If the holder of a document of the National Archival Fund violates, intentionally or negligently, the conditions of storage and preservation of the documents of the National Archival Fund, the National Archives may file a lawsuit in court for the seizure and transfer of the document to the National Archives.
5. If a document of the National Archival Fund is lost, damaged or transferred to a new place of storage, the holder (owner) of the document shall inform the National Archives thereof.
6. Failure to fulfil the provisions of paragraphs 2, 4 and 5 of this article shall entail liability under the legislation of Georgia.

Article 16

Any natural or legal person may transfer his/her document to the National Archives for deposit. The National Archives shall accept a document of the National Archives Fund for deposit if the holder (owner) cannot ensure its preservation.

Article 17

1. For the purpose of the temporary storage of the documents of the National Archival Fund, within state or local self-government bodies, or legal entities under public or private law, independent structural subdivisions may be established, or one of the structural subdivisions may be tasked with storing such documents. The documents of the National Archival Fund shall be stored in compliance with the procedures developed by the National Archives and approved by an order of the Minister.
2. State and local self-government bodies, as well as other entities, shall ensure the storage and preservation of the documents of the National Archival Fund before these documents are transferred to the National Archival Fund and its territorial offices.
- 2¹. Bodies/institutions that, in the course of their activities, create documents of the National Archival Fund, shall transfer such documents to the National Archives both in electronic and tangible form.
3. Maximum periods for the storage of documents by entities under paragraph 1 of this article shall be approved by an order of the Minister.
4. If the documents are exposed to the risk of being lost or damaged, they shall be transferred immediately to the National Archives for storage until such risk no longer exists.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Article 18

1. The holder of a document of the National Archival Fund or, in the case of the death of a natural person or in the case of the reorganisation of an organisation/institution, the heir of the owner or the legal successor of the organisation/institution, shall notify the National Archives and/or its territorial office of his/her/its name and the place of storage of the document. An heir or a legal successor shall ensure the storage and preservation of a document in compliance with the procedures developed by the National Archives and approved by an order of the Minister.
2. If legal entities where documents of the National Archival Fund are stored are liquidated, the liquidators shall ensure the free access of representatives of the National Archives to these documents. Expenses for processing and transferring the documents to the National Archives shall be paid by the liquidators.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103



Article 19

The storage and preservation of the documents of the National Archival Fund shall be financed from the following sources:

- a) the State Budget;
- b) the owner;
- c) grants awarded by international organisations;
- d) donations;
- e) other sources allowed by the legislation of Georgia.

Article 20

In matters related to the preservation of the National Archival Fund, tax privileges, municipal service fees, and other benefits, are determined by the relevant legislation.

Chapter V - Processing and Centralised Accounting of the Documents of the National Archival Fund

Article 21

1. The documents of the National Archival Fund, regardless of the place of their storage, shall be subject to centralised accounting. The documents are accounted as funds (collections) and storage units. The centralised accounting of the documents of the National Archival Fund shall be performed by the National Archives.
2. A person who stores a document of the National Archival Fund shall process it and complete a form in order to render the document for centralised accounting.
3. The procedure for the centralised accounting of documents and the form of a certificate on the centralised accounting of documents shall be developed by the National Archives and approved by an order of the Minister. Institutions entitled to permanently store the documents of the National Archival Fund shall submit to the National Archives data on the documents in the prescribed form and within the prescribed period.

Chapter VI - Using Documents of the National Archival Fund

Article 22

1. Access to the documents of the National Archives Fund is free, except as provided for by paragraph 4 of this article and Article 23(1) of this Law. Persons concerned may find and familiarise themselves with a document or a copy of a document of the National Archival Fund, and take an excerpt from a document, and use the information service of the National Archives. The procedure for granting access to state-owned documents shall be developed by the National Archives and approved by an order of the Minister, whereas the procedure for granting access to documents owned by a natural or a legal person shall be prepared by the respective person. Persons concerned who have been granted access to a document shall be able to familiarise themselves with the document.
2. The amount of fee for services provided by the National Archives, and the procedure and conditions for the payment of the fee, and the types and terms of services, shall be determined by an ordinance of the Government of Georgia.
3. Copies of documents of the National Archival Fund may be temporarily used for exhibition or other purposes. The original documents may be used for exhibition purposes under the procedure determined by the Minister.
4. Access shall be restricted to the following documents of the National Archival Fund:
 - a) documents containing state secrets, for the period determined by the Law of Georgia on State Secrets;
 - b) documents containing personal data on citizens, except for documents related to the ownership rights of citizens, as well as materials of criminal cases, for 75 years after they have been created, unless a shorter period of time is established by agreement between the National Archives and the persons whom these materials directly concern.
5. Personal data on persons shall be issued in accordance with paragraph 4(b) of this article and the General Administrative Code of Georgia.

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 1921 of 3 November 2009 - LHG I, No 35, 19.11.2009, Art. 231

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011



Article 23

1. A person may demand from the National Archives the protection of his/her documents from use or public disclosure for the period determined by the person, which shall not exceed 75 years from the creation of the documents.
2. A demand under paragraph 1 of this article may also be made in the event of the alienation or the transfer of documents for deposit.

Article 24

Liability for the distortion of the content of or the forging of documents of the National Archival Fund shall be determined by the legislation of Georgia.

Article 25

When publishing a document of the National Archival Fund, the place of its storage and/or the name of the owner of the document shall be specified.

Article 26

A person storing a document of the National Archival Fund shall issue a certified copy of the document and a certificate or an excerpt from the document on the basis of an agreement with the person concerned.

Chapter VII - Disposing of Documents of the National Archival Fund

Article 27

Persons, except for those under Article 14(2) of this Law, may dispose of (sell, or give away as a gift, or alienate in any other form) their documents that have been referred to the National Archival Fund, unless otherwise provided for by this Law.

Article 28

1. The owner of a document of the National Archival Fund shall give preliminary notice to the National Archives of the alienation terms before alienating the document and, after the document has been alienated, he/she shall notify the National Archives of the new owner of the document.
2. Persons who carry out business activities related to the documents of the National Archives Fund shall submit the data on such documents to the National Archives.
3. If a person sells his/her document, the National Archives shall have a priority right to buy the document.
4. Transactions entered into in violation of the requirements of this article shall be deemed void.

Article 29

Decisions to take the documents of the National Archival Fund abroad temporarily shall be made by the Ministry in agreement with the Ministry of Culture and Monument Protection of Georgia.

Law of Georgia No 1921 of 3 November 2009 - LHG I, No 35, 19.11.2009, Art. 231

Law of Georgia No 4549 of 25 November 2015 – website, 8.12.2015

Chapter VIII - (Deleted)

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 30 (Deleted)

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011



Article 31 (Deleted)

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 32 (Deleted)

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Chapter IX - (Deleted)

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 33 (Deleted)

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 34 (Deleted)

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Article 35 (Deleted)

Law of Georgia No 1458 of 16 July 2009 – LHG I, No 20, 28.7.2008, Art.103

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

Chapter X - International Cooperation**Article 36**

1. For the purpose of developing archive-keeping, the cooperation of the National Archives with relevant institutions of other states and international organisations may involve exchanging the documents of the National Archival Fund with them and granting foreign citizens or legal persons or international organisations access to the documents of the National Archival Fund, in compliance with the procedure determined by this Law.

2. Original documents of the National Archival Fund may be exchanged with other states only in compliance with the procedure determined by the legislation of Georgia.

Chapter XI - Liability for Violations of this Law**Article 37**

Liability for violation of this Law is determined by the legislation of Georgia.

Article 38

1. Within a month after this Law enters into force, the Government of Georgia shall ensure:

a) the introduction of the relevant amendment to the Statute of the Ministry of Justice, which is approved by Ordinance No 70 of the Government of



Georgia of 30 August 2004 on the Approval of the Statute of the Ministry of Justice of Georgia;

b) the transfer of relevant property to the Legal Entity under Public Law called the National Archives of Georgia operating within the governance of the Ministry of Justice of Georgia, in compliance with the procedure determined by the legislation of Georgia.

2. Within three months after this Law enters into force, the Minister of Justice of Georgia shall:

a) issue the following orders:

a.a) on the Approval of the Statute of the Legal Entity under Public Law called the National Archives of Georgia;

a.b) on the Procedure for Keeping Records and for the Operation of the Archives of Institutions;

a.c) on the Maximum Periods for the Temporary Storage of the Documents of the National Archival Fund in Institutions;

a.d) on the Procedure for the Centralised Accounting of the Documents of the National Archival Fund;

a.e) on the Procedure for Granting Access to State-owned Documents of the National Archival Fund;

b) ensure the compliance of subordinate acts in force with this Law.

3. Within a month after this Law enters into force, the Minister of Finance of Georgia shall ensure the introduction of the amendments to Order No 136 of the Minister of Finance of Georgia of 15 March 2005 on Treasury Codes for Budget Revenues.

4. In compliance with the requirements of the Organic Law of Georgia on Local Self-Government and for the purpose of facilitating the operation of local archives, local self-government units shall ensure the financing of local archives, i.e. the local territorial offices of the National Archives of Georgia, before 1 January 2010.

5. The executive authorities shall ensure the allocation of funds from the State Budget for the years 2008-2013 for the purpose of the centralised accounting of the documents of the National Archival Fund and the creation of an insurance fund.

Chapter XIII - Final Provisions

Article 39

The following shall be considered repealed upon the entry into force of this Law:

a) the Law of Georgia of 2 May 1995 on the National Archival Fund (the Gazette of the Parliament of Georgia, No 27-30, 1994-1995, p. 75);

b) Order No 1 of the Chairperson of the State Archival Department of 12 February 2001 on the Approval of tariffs of paid services to be provided to institutions, organisations, enterprises, or citizens by the state archives and the Scientific-technical Processing Office, which are subordinate to the State Archival Department of Georgia.

Article 40

This Law shall enter into force from 1 January 2007.

President of Georgia

M. Saakashvili

Tbilisi

29 December 2006

No 4205-RS

Annex (deleted)

Law of Georgia No 5571 of 20 December 2011 – website, 28.12.2011

