

THE LAW ON ARCHIVES

1998.01.02

Ulaanbaatar

CHAPTER ONE

General provisions

Article 1. Purpose of this law

1.1. The purpose of this law shall be to regulate matters relating to the use, retrieval, preservation and security of archive documents, a fund of National archives and its composition, and establish the principles, management and structure of State archives in Mongolia.

Article 2. The legislation on archives

2.1. The legislation on archives is comprised of the Constitution of Mongolia, this law and other relevant legislation, which is consistent with this law.

2.2. If an international treaty to which Mongolia is a party is not consistent with this law, then the provisions of the international treaty shall prevail.

Article 3. The documents of the archives and their classification

3.1. The "documents" of the archives are all those documents that need to be preserved to be used for cognition, politics and science and which are in permanent storage in the archives.

3.2. The documents shall be classified in to the uniquely valuable, valuable, ordinary.

3.3. The National archives shall establish an index of documents in the archives that are uniquely valuable, valuable and ordinary.

Article 4. A fund of archives

4.1. A "fund of archives" means archive documents that have been preserved as a complex of documents correlated by logic and derivation with each other.

Article 5. Archives

5.1. The archives are an organization and or entity with the duty to receive, preserve and protect archival documents to be used by others in accordance with the procedure specified in this law.

Article 6. The fund of National archives and its composition

6.1. The fund of Mongolian national archives shall consist of all archive documents that have social, political, economic and cultural significance for the life of the Mongolian people, their historical development and for scientific research. State archives shall analyze selections of documents and decide whether or not they relate to the composition of the fund of National archives.

6.2. The fund of the National archives of Mongolia shall be under state protection irrespective of the type or source of origin, sectional relationship, type of the information supplier, storage or ownership.

6.3. The fund of Mongolian National archives shall be divided in to the two parts: State and non-State.

6.4. The fund of State archives shall consist of the following documents:

6.4.1. archive documents of the Mongolian President, National Security Council, State Ih Hural and other bodies accountable to it, Government, ministries, agencies, and local self-governing bodies;

6.4.2. archive documents of the Constitutional Court, Court, and Prosecutor's office;

6.4.3. archive documents of organizations within the state budget, wholly and partially state-owned legal entities;

6.4.4. archive documents of political parties and coalitions, which have seats in the State Ih Hural;

6.4.5. archive documents of parties, non-governmental and religious organizations transferred to the state archives;

6.4.6. private documents transferred to the state archives;

6.4.7. archive documents that are created and bought by the state by its own capital and that are presented for preservation by domestic and foreign organizations and citizens;

6.4.8. transcripts of State archives considered as original documents.

6.5. The fund of non-State archives shall consist of the following documents:

6.5.1. archive documents of non-governmental organizations;

6.5.2. archive documents of political parties and religious organizations;

6.5.3. archive documents of private business entities;

6.5.4. archive documents of business entities and organizations with foreign investments;

6.5.5. personal documents.

Article 7. *Right to own archival documents*

7.1. The right of the owner of archive documents shall be protected by law.

7.2. Documents of the fund of State archives shall be State property.

7.3. Documents of the fund of non-State archives shall be the property of the legal entities referred to in paragraph 6.5. of this law.

7.4. If the owner organization has fully achieved its mission and/or the citizen has died and there is no statutory and inherited heir, the fund of the non-State archives shall be transferred and stored in the relevant State archives and become State property.

7.5. If archive documents that are uniquely valuable and/or valuable are in a position to be lost or damaged or if the owner refuses to transfer them voluntarily, on request of the State archives the Court shall decide whether to transfer ownership of the archival documents.

CHAPTER TWO

Principles, management and structure of activities of the State archives and their rights and duties

Article 8. *General principles of the activities of the State archives*

8.1. State archives shall maintain its activities under the following principles:

- 8.1.1. be open to the public;
- 8.1.2. be united and centralized;
- 8.1.3. be independent from political parties;

Article 9. *Right of state organizations to keep official work and archives*

9.1. State Ih Hural shall have the following rights relating to the maintenance of official writings and archives:

- 9.1.1. to determine State policy regarding the maintenance of official writings and archives.
- 9.1.2. to decide matters pertaining to the transfer of ownership rights of documents relating to the fund of State archives to others.

9.2. The Government shall have the following rights relating to the maintenance of official writings and archives:

- 9.2.1. to enforce and monitor legislation on the maintenance of official writings and archives;
- 9.2.2. to establish a general regulation, in accordance with the law, on the maintenance and monitoring of official writings and archives, storing, furnishing and using documents and information saved in a special carrier and/or installed in a memory;
- 9.2.3. to take unified measures to finance the improvement of the maintenance of official State writings and the preservation and protection of the archives fund;
- 9.2.4. to give permission for documents of the State archives to be taken abroad temporary.

9.3. The member of the Government responsible for the archives shall have the following rights:

- 9.3.1. to organize the enforcement and implementation of the legislation and decisions of the Government on the maintenance of official writings and archives;
- 9.3.2. to appoint and remove the Director of the National Central Archives;
- 9.3.3. to appoint and remove the Senior Inspector and inspectors of the State office monitoring the maintenance of State official writings and archives;

9.4. Agency shall have the following rights relating to the maintenance of official writings and archives:

- 9.4.1. to organize activities to enforce the legislation on the maintenance of official writings and archives by its sub-offices and to monitor their implementation;
- 9.4.2. to submit annual reports about the composition, modification of and adjustments to documents relating to the fund of State archives;
- 9.4.3. to provide support for conducting unified statistics on State and non-State archive documents.

9.5. Governors of the aimag, capital, soum and district shall have the following rights regarding the maintenance of official writings and archives:

- 9.5.1. to organize activities to enforce legislation and State policy on the maintenance of official writings and archives in their respective territories and to monitor their implementation;
- 9.5.2. to organize and provide support for conducting unified statistics on State and non-states archives documents as well as provide relevant information and reports.

Article 10. *Management of State archives*

10.1 The Government agency responsible for the archives - the National Central Archives (hereinafter referred to as "the National archives") shall implement State policy on archives and coordinate the activities of the archives using by professional methodology throughout the territory of the country.

10.2. The Agency shall be guided in its activities by this law and other relevant laws.

Article 11. *Duty of the National archives*

11.1. National archives shall have the following duties:

11.1.1. to establish and conform with unified methodological principles and standards the maintenance of official writings and archives, their preservation, protection, use and retrieval of the fund of the National archives in Mongolia;

11.1.2. to organize activities to implement legislation on the maintenance of official writings and archives throughout the country;

11.1.3. to approve and implement regulations on the activities of State archives;

11.1.4. to provide professional assistance and coordinate the activities on preservation, use, protection and retrieval of archival documents of State organizations at all level;

11.1.5. to provide the State archive with professional staff and train them in their specialties;

11.1.6. to keep State records about documents in the archival fund and to maintain a unified information network on their content, composition and location;

11.1.7. to conduct a unified policy on staff, material supplies and activities of the State archives;

11.1.8. to develop cooperation with foreign countries and international organizations on archival matters;

11.1.9. to organize activities to discover, reproduce and/or purchase archives documents in foreign countries that are relevant to the culture and history of Mongolia.

Article 12. *Structure of the State archives*

12.1. The structure of State archives shall be comprised of National archive and aimags' and capital city's archives.

Article 13. *National archive*

13.1. National archive shall be the state central archive with rights and duties to store and use permanently and gather documents related to the state history throughout the country irrespectively of the type of documents and sectional relationship.

Article 14. *Branch offices of the National archive*

14.1. National archive shall have the following branch offices:

14.1.1. documentation center on geology

14.1.2. documentation center on geodesy and cartography;

14.1.3. documentation center on citizens;

14.1.4. weather and environment information center;

14.1.5. others;

Article 15. *Rights and duties of State archives*

15.1. State archives shall have the following rights and duties:

15.1.1. to collect, select and investigate archive documents, which have significance for history and scientific research;

15.1.2. to retrieve funds;

15.1.3. to store archive documents in a designated building in accordance with the appropriate/special instructions;

15.1.4. to reinstate and renew archival documents;

15.1.5. to reproduce documents that are uniquely valuable and valuable;

15.1.6. to categorize and classify documents that are received by the archives and to establish archives funds from these documents;

15.1.7. to maintain statistical records on archive documents;

15.1.8. to establish an information reference fund exhibiting the content and composition of the

archival documents;

15.1.9. to study, promote and publish archival documents;

15.1.10. to utilize the archival documents of others;

15.1.11. to provide methodological and professional assistance to organizations establishing archives funds and to monitor the implementation of legislation on archives;

15.1.12. to store and save archival documents in the memory of a special carrier and/or computer.

Article 16. *Appointment and remove the management of State archives*

16.1. The Director of the National Central Archives shall be appointed and removed by the Government member responsible for archives based on the recommendation of the head of the National Archives.

16.2. The directors of branches of the National Central Archives shall be appointed and removed by the relevant head of the government agency on the recommendation of the head of the National Archives.

16.3. The directors of the aimags and capital city's archives shall be appointed and removed by the aimags and capital city's governor upon consultation with the head of the National Archives.

Article 17. *Financing of the State archive*

17.1. Activities of the State archive shall be financed by the state and local budgets.

17.2. The source of capital to supply the State archives with designated buildings, equipment, and techniques and to purchase archives documents that are uniquely valuable and valuable shall be reflected every year in the State and local centralized budgets.

Article 18. *Support of non-State archives*

18.1. Upon the request of an owner the State archives shall provide methodological and professional advice and organize training on the preservation, protection, retrieval and use of archival documents of non-State organizations relating to the fund of the National archives.

18.2. Upon the request of a possessor of non-State archive documents, in order to ensure their safety the documents may be transferred to the State archives for preservation.

CHAPTER THREE

Protection, preservation, retrieval and
use of archival documents

Article 19. *Protection of archival documents*

19.1. Archives security shall guarantee the reliable protection of the fund of the National archives from loss and/or damage by natural disaster, fire, flood and unforeseen danger, attacks and/or other unexpected consequences.

19.2. Business entities and organizations other than those engaged in archival services shall be prohibited a place in the building housing of the National archives.

19.3. The owner and possessor of documents acquired by contract shall be responsible for the safety of documents relating to the fund of the National archives.

19.4. Organizations referred to in paragraphs 6.4.1, 6.4.2 and 6.4.3 of this law shall be responsible for the placement and safety of the archival documents originated in the process of maintaining official writings and for transferring the documents to be preserved permanently by the State archives within the period prescribed by this law.

19.5. National Central Archives shall be under State protection.

19.6. The member of the government responsible for the archives shall approve a regulation on fire safety of the State archives' fund and the National archives and the State fire department shall supervise its enforcement.

19.7. The documents of the State archives shall be preserved in designated buildings, special shelves and bookcases.

19.8. For protection, copies of archive documents that are uniquely valuable and valuable shall be made and preserved separately from the original documents.

19.9. Documents that are uniquely valuable and valuable related to the fund of the National archives are prohibited from being destroyed or transferring to another's possession without the proper authorization of the National archives and State archives.

19.10. The State archives shall purchase any documents of national interest that are being sold by non-State archives.

19.11. Original archive documents relating to State property shall be not privatized, sold and/or given away as a present (gift).

19.12. Original documents transferred for permanent preservation in the State archives shall not be removed from the archives building.

Article 20. *Preservation of archives documents*

20.1. The documents of the fund of State archives shall be classified and preserved in unified form as archives fund, compilation and safeguarding units in order to provide probability to use in accordance with the national interests, establish unification and provide safety.

20.2. Only the National Central Archive, capital city and aimags' archives shall have the right to preserve permanently the documents of the State archival funds.

20.3. The organizations referred to in paragraphs 6.4.1, 6.4.2 and 6.4.3 of this law shall have the right to preserve the documents of the State archives for the period provided in Article 23 of this law.

20.4. Every organization shall have its own archives so as to enforce standards and regulations for maintaining official writings and archives, and transferring to the State archives after the fixed period prescribed by this law selected documents to be preserved permanently, receive documents, founded during maintenance of state official writings, from the organizing entities and register, classify, and ensure their safety and use in management's activities.

20.5. Organization archives shall be graded as sub-archives and first-level depending upon the peculiarity of the activity, importance and composition of the documents.

20.6. The courts, prosecutor's office and external relations, defense, national security and police departments may have sub-archives to centralize preservation of the original agreements, contracts and relevant documents related to the compilation of court cases, investigations, natural defense, and national security.

20.7. The documents described in this section shall be centrally preserved in the sub-archives by period as prescribed in paragraph in 23.1.12 of this law. Sub-archives shall have the same status as State archives.

Article 21. *Retrieval of the archives*

21.1. The fund of National archives shall be entitled to retrieve the documents arising from the activities of the organizations referred to in paragraph 6.4 of this law.

21.2. The archives of the aimags and capital city shall be retrieved by the documents of the local administrative organizations, locally owned legal entities and legal entities with local ownership.

21.3. The National archives shall approve regulations for retrieving archive funds by scope and content, composition or by various lists of names of the documents preserved permanently in the State central archives.

21.4. In the National interest, individual persons and legal entities may transfer to the National archives archival documents under State protection.

21.5. If State organizations or State-owned industries are terminated, reorganized and/or privatized, their

documents shall be transferred for preservation to the relevant State archives.

21.6. The archives of the museums, libraries, non-State organizations shall be prohibited to be retrieved from the original documents relating to the funds of the State archives.

Article 22. Maintenance of state official writings

22.1. The officer responsible for the maintenance official writings of State and non-State organizations and business entities shall have the following duties:

22.1.1. to supervise maintenance official writings in conformity with established regulations and standards;

22.1.2. to preserve documents in secure condition and ensure their safety;

22.1.3. to compile the records by classifying them according to the list of the names of maintained documents, to put the official writings in order according to established procedures, and to transfer the fully-field documents to the archives of organizations after the period for preservation is over.

22.2. Information and documents saved and/or kept in the memory of a special carrier shall have the same value as original archival documents and matters relating to their utilization, preservation and improvement shall be conducted in accordance with regulations approved by the Government in accordance with this law.

Article 23. Duration for preservation of the documents of funds

of the State archives in organizational archives

23.1. The duration for the preservation documents in the archives of an organization that have historical and scientific value and are transferred to the State archives shall be accounted from the first day of January of the following the compilation at the documents and be fixed as follows for:

23.1.1. the President and his seal office - 20 years;

23.1.2. the National Security Council - 30 years;

23.1.3. the State Ih Hural (parliament), its seal office - 20 years;

23.1.4. the Constitutional Court - 20 years;

23.1.5. the Government of Mongolia and its Secretariat - 20 years;

23.1.6. other bodies accountable to the State Ih Hural - 15 years;

23.1.7. Ministries and agencies of government - 15 years;

23.1.8. State-owned and partially State owned legal entities and bodies within the state budget - 10 years;

23.1.9. local administrative and self-governing bodies - 8 years;

23.1.10. project documents of principal organizations - 20 years;

23.1.11. documents relating to the science, technology and patents of principal organizations - 15 years;

23.1.12. the designated archives of respective organizations - 40 years;

23.2. Original copies of the movies, photographs and sound and visual recordings, which are financed from the State budget, shall be transferred to the relevant State archives within a year.

Article 24. Statistics of the archival documents

24.1. All documents of the State and non-State archives shall be included in the state-unified statistics. The National archives shall approve a regulation for requiring the unified statistics to be kept by the funds.

24.2. Unified statistics on documents relating to the fund of the State archives shall be compiled once in 4 years.

Article 25. Use of archival documents

25.1. Persons, business entities and organizations may use documents of the State in accordance with

procedures established by the National archives.

25.2. Citizens and legal persons shall have rights to use archival documents as follows:

25.2.1. to obtain a copy and reference from archival documents;

25.2.2. to review and study in the reading room;

25.3. The archives, at its own initiation, may promote archival documents through use of the mass media.

25.4. Citizens and legal persons shall pay a service fee using archival documents of the State archives in accordance with procedures established by the National archives.

25.5. Business entities, organizations and persons shall have the right to use without a service fee document they have transferred to the State archives.

25.6. Others may use documents of private origin that are preserved in the State archives under contract by permission of the owner and/or possessor.

25.7. Documents in the archives relating to State and other secrets and protected by law shall be permitted to be used by the public after 30 years.

25.8. Documents relating to the national security and which have significance for State interests shall be made available for use by the public after 50 years, and documents relating to the private life of a citizen and/or to his/her property shall be available for use by the public after 70 years.

25.9. A person and/or an organization who wishes to publish documents from a State archive shall obtain permission from the State archives and the State archives shall inspect the conformity of the published documents to the originals.

Article 26. *Travel aboard of archival documents*

26.1. Unless specified otherwise in international treaties signed by Mongolia, original documents of the State archives and documents that are uniquely valuable, valuable of the non-State archives shall be prohibited to be taken aboard.

26.2. Whether documents referred to in paragraph 3.2 of this law may be taken abroad for a temporary period shall be decided in accordance with the law on the protection of items of the historical and cultural value.

CHAPTER FOUR

Other provisions

Article 27. *Liability for breaches of this legislation*

27.1. Archivists and/or other persons in breach of this legislation on archives shall bear criminal and administrative responsibility depending upon their culpability, the nature of their offence, and the amount of damage caused as a result of the breach.

Chairman of the State Ih Hural of Mongolia R. Gonchigdorj

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Mongolia