

©

ATLANTI

32/2



International
Scientific Review
for Contemporary
Archival Theory
and Practice

Trieste - Maribor 2022



ALMA MATER
EUROPAEA
ECM



ARCHIVAL STUDIES

ON ALL STUDY LEVELS

ARCHIVAL STUDIES

BA

I Bologna cycle
Undergraduate study programme

**ARCHIVES AND RECORDS
MANAGEMENT STUDIES**

MA

II Bologna cycle
Graduate study programme

ARCHIVAL SCIENCES

PhD

III Bologna cycle
Doctoral study programme



INTERNATIONAL INSTITUTE
FOR ARCHIVAL SCIENCE
TRIESTE - MARIBOR

ALMA MATER EUROPAEA
- EUROPEAN CENTER MARIBOR

©ATLANTI +

International Scientific Review for Contemporary Archival Theory and Practice

32/2

- Editor-in-Chief:** **Peter Pavel Klasinc**
(International Institute for Archival Science Trieste – Maribor, Alma Mater Europaea – European Center Maribor, Slovenia)
- Managing Editor:** **Manja Konkolič**
(Alma Mater Europaea – European Center Maribor, Slovenia)
- Associate Editors:** **Živana Hedžbeli**
(Croatian State Archives Zagreb, Croatia), IIAS member
- Mikhail V. Larin**
(Historical and Archival Institute of the Russian State University for Humanities (RGGU, Moscow, Russia), IIAS member)
- Elisabeth Scögggl-Ernst**
(Styrien States Archives, Graz, Austria), IIAS member
- Grazia Tatò**
(International Institute of Archival Science Trieste/Maribor, Trieste, Italy), IIAS member
- Reviews Editor:** **Manja Konkolič**
(Alma Mater Europaea – European Center Maribor, Slovenia)
- Head of the Editorial Board:** **Ludvik Toplak**
(Alma Mater Europaea – ECM, Maribor, Slovenia, European Academy of Sciences and Arts, Salzburg, Austria)
- Journal Manager:** **Katarina Pernat**
(Alma Mater Europaea – European Center Maribor, Slovenia)
- Technical Editor:** **Anja Prša**
(Alma Mater Europaea – European Center Maribor, Slovenia)

© ATLANTI + as the International Scientific Review for Contemporary Archival Theory and Practice is a peer-reviewed journal containing original scientific papers published two times a year by International Institute for Archival Science Trieste – Maribor. The journal is co-published by Alma Mater Europaea – European Center Maribor. The publisher resumes no responsibility for the contents of the reports. The authors are fully responsible for the contents.

Annual subscriptions are € 240 /print & online for institutions, and € 90/print & online for individuals. For more information, please visit our website at www.iias-trieste-maribor.eu.

The figure of Atlant taken from:
ATLAS NOUVEAU, Contenant toutes les parties du monde, Ou sont exactement Remarquées les Empires, Monarchies, Royaumes, Etats, Republiques etc. Par Guillame d'Isle, a Amsterdam, Chez Jean Covens & Corneille Morties, 1733.

Editorial Board

Jedrť Vodopivec Tomažič (Alma Mater Europaea - ECM, Maribor, Slovenia), **Gianni Penzo Doria** (Università degli Studi dell'Insubria, Varese, Italy), **Martin Stürzlinger** (Archiversum, Vienna, Austria), **Marcus Schmalzl** (Bavarian State Archives, Munich, Germany), **Joachim Kemper** (City and Monastery Archives, Aschaffenburg, Germany), **Pavel A. Kyung** (All-Russian Scientific and Research Institute of Records and Archives Management, Moscow, Russia), **Magdalena Marosz** (University of Pedagogy, Krakow, Poland), **Svetlana Usprcova** (State Archives of the Republic of North Macedonia, Skopje, North Macedonia), **Branka Doknić** (Archives of Yugoslavia, Belgrade, Serbia), **Ivan Martinović** (State Archives of Montenegro, Cetinje, Montenegro), **Robert Nahuet** (Library and Archives Canada, Ottawa, Canada), **Luciana Duranti** (University of British Columbia, Vancouver, Canada), **Azem Kožar** (University of Tuzla, Tuzla, Bosnia and Herzegovina), **Izet Šabotić** (University of Tuzla, Tuzla, Bosnia and Herzegovina), **Hrvoje Stančić** (University of Zagreb, Croatia), **Bogdan Florin Popovici** (National Archives of Romania, Brasov, Romania), **Andrei Rybakou** (Belarusian Research Institute for Documentation and Archival Science, Minsk, Belarus), **Loan Thi Tran** (Hanoi University of Home Affairs, Hanoi, Vietnam), **Ana-Felicia Diaconu** (University of Bucharest, Romania), **Yolanda Cagigas Ocejo** (University of Navarra, Spain), **Dimitri Brunetti** (Università degli Studi di Udine, Italia), **Dieter Schlenker** (Historical Archives of the European Union, Italy), **Stefano Allegranza** (University of Bologna - Italy), **Pekka Henttonen** (Tampere University - Finland), **Ildikó Szerényi** (National Archives of Hungary), **Yaqoob Salim Khalfan Al-Mahrouqi** (NRAA, Maskat, Sultanat Oman)

Editorial Office Address

International Institute for Archival Science Trieste - Maribor,
Via La Marmora 17, Trieste, Italy,
tel.: +39 040 39 00 20, fax: +39 040 98 800 33,
e-mail: info@iias-trieste-maribor.eu
Alma Mater Europaea - European Center Maribor, Slovenia,
Slovenska 17, 2000 Maribor,
tel: +386 59 333 077,
e-mail: info@almamater.si.

Contacts

Peter Pavel Klasinc, peter.klasinc@almamater.si

Number of copies

300 copies



IIAS since 1985

**ATLANTI+ are included in the multidisciplinary bibliographic database
with SCOPUS citation indexes.**

TABLE OF CONTENT

Peter Pavel Klasinc FOREWORD OF THE EDITOR-IN-CHIEF	7
Dieter Schlenker HOW ARCHIVES CONTRIBUTE TO THE FORMATION OF A COMMON EUROPEAN MEMORY AND IDENTITY	9
Ildikó, Szerényi INDEXING USING ARTIFICIAL INTELLIGENCE AND INVOLVING VOLUNTEERS AT THE NATIONAL ARCHIVES OF HUNGARY (NAH)	15
Manja Konkolič POSSIBLE SOLUTIONS REGARDING THE ACCESS AND MANAGEMENT OF DOCUMENTS CONTAINING CLASSIFIED DATA	24
Grazia Tatò ARE ARCHIVES HARMLESS HISTORICAL SOURCES?	43
Adriano Buzzanca CULTURAL BOND UNDERLYING THE CONSERVATION AND ENHANCEMENT OF HISTORICAL MEMORY	47
Gregor Petrič THE ARCHIVIST FACING THE CHALLENGE: CLASSIFICATION AND ARCHIVING OF TATTOOS AS SPECIFIC FORMS OF ARCHIVAL DOCUMENTS	57
David Gajić VALORISATION AND APPRAISAL OF DIGITAL CORPORATE RECORDS IN INSOLVENT COMPANIES DURING THE FINANCIAL CRISIS (2008-2018)	68
NOTES FOR CONTRIBUTORS	79

FOREWORD OF THE EDITOR-IN-CHIEF

In this issue of *Atlanti+* 32/2, we are publishing papers that show that archival science is an independent, academic, multidisciplinary and interdisciplinary science. The topics differ from each other, but they all bring together scientific research results and efforts regarding the expansion of knowledge and insights in the field of archival theory and practice. Thus, we follow contributions that are related to the issues of applying the principles of the protection of archival material at all levels, while at the same time the topics connect the issues of collective memory both at the national and international level. In this issue, we are particularly interested in the creative approach important for collective memory in Europe, i.e. among European nations. The activity of archives regarding the use of archival material is important, and it raises the question of whether this is always applied objectivity. Modern approaches to the usage of artificial intelligence in archives are already showing their results, and are mainly reflected in the preparation of inventories of archival material or the creation of various indexes or informative aids.

Lately, we archivists have been dealing with issues related to dignity with regard to the personal activities of archivists, as well as dignity in archival theory and practice. Both findings are based on the implementation of legal regulations; those that determine the operations of archives, as well as those that determine the dignity associated with consideration, respect, and mutual understanding. All this stands for a *"modus vivendi"* (way of life) created between archivists and users and practitioners in archival services.

All of this is related to compliance with legal regulations, legal material protection, and above all, it must be based on the awareness that dignity in archival theory and practice also means favourable conditions for the preservation of archival material as cultural heritage in the national and international environment.

Most fitting for this is the Latin saying *"Cuiuslibet in arte sua credendum"*, which means that (everyone should be trusted in his own art), and I should also add that everyone should be trusted in our archival science.

Assoc. prof. dr. Peter Pavel Klasinc, Archival councillor

Dieter Schlenker¹

HOW ARCHIVES CONTRIBUTE TO THE FORMATION OF A COMMON EUROPEAN MEMORY AND IDENTITY

Abstract

Archives preserve primary sources handed down from the past to give insight into the visions, strategies, negotiations, decision-making, and actions of organisations and individuals. By preserving and making accessible these documents, they serve in (re)constructing memory and shaping the identities of people.

While the concepts of national memory and identity have received scholarly attention, particularly in relation to World War II and the Holocaust, the application of the two terms to the political sphere of the European Union and the definition of a common memory and identity are more complex. The Historical Archives of the European Union plays a key role in the definition of both, a European memory and identity. It provides relevant and authentic primary sources that are the basis for understanding and building a common European memory and identity.

Key words: Archives, vision, strategies, memory, reconstruction, identity.

1 Dieter Schlenker, Director, Historical Archives of the European Union, European University Institute, Florence, Italy, assistant professor at the AMEU ECM

INTRODUCTION

Archives preserve primary sources handed down from the past and produced by individuals or by organisations as direct records of their actions. They contribute, thus, to the formation of a collective memory. The concept of national memory has received broad scholarly attention and has been reflected in scholarly studies and debates about World War II and the Holocaust (Sierp, 2014). Looking at the European level, the concept of common memory is rather complex, similar to the debate about a common European identity. A specific European self-perception of collective characteristics, such as language, culture, religion, or ethnicity, thus a common identity, is challenging to define and only has a short history reaching back to the post-war period of Western European reconstruction (Wintle, 2011).

Archives play a role in the construction, or better recovery and reconstruction of collective memory. The Historical Archives of the European Union play a key role in providing relevant and authentic primary sources for building a common European memory and, thus, in contributing to the formation of a European identity.

EUROPEAN MEMORY AND IDENTITY

The discussion on the concepts of memory and identity related to European integration is complex. The historical foundation of European integration was described in the 1950 Schuman Declaration as the will of the European peoples to overcome war and destruction on a continent shaken by atrocities and destructive wars caused by extreme nationalism. This became the main historical reference for European integration in the aftermath of World War II and throughout the Cold War period (Sierp, 2014). The limitations and shortcomings of this single reference became evident after the Fall of the Berlin Wall in 1989 and the subsequent enlargement period towards Central and Eastern Europe in the 1990s and early 2000s (De Angelis, 2014).

Further to the historical reference, European integration has faced other issues in response to the concepts of identity and memory. The European Union lacks a common language, a shared tradition, and a common history. Its citizens joined the Union with a backpack of national, regional, and local identities, which they could not ignore for the sake of a new European one (Radeljic, 2014). While scholars consider the European Union as geographically well-delineated and economically and to a certain extent politically integrated, its citizens have rather low emotional ties to the new transnational entity (Hroch, 2012). The persistent relevance of national, regional, and local identities created a dilemma for the European Union. The levels of solidarity and tolerance in a multicultural European setting remained weak due to the lack of a single voice and the mix of intergovernmental and supranational decision-making processes. The national element may, at any moment, gain over the European, whenever the economic or political climate necessitates positioning (Hroch, 2012; Radeljic, 2014).

“The fact that we are not talking about Europe in terms of the United States of Europe, but rather in terms of the role and goodwill of individual EU member states, has made the existing attempts to promote European identity in every possible form – not matter whether by various European representatives and respective official documents or the public – open to speculation and, depending on occasion, abuse.” (Radeljic, 2014, 17)

Other scholars tend to have a more positive view, seeing “quite strong sources of common European identity” (Pedersen, 2008) on a large cultural scale and shared ideas in

Europe of societal ways of living. The terms of identity and memory would then refer rather to a common culture of democracy, solidarity, and to the unique European cultural heritage (Pedersen, 2008). At the same time, we have to bear in mind that the value of democracy was not the first-hour driver for European integration in the original designs of the Paris and Rome Treaties. There, the executive level of the new supranational entity was particularly strong compared to the new parliamentary body, which only in the 1970s started to become a powerful democratic voice (Strath, 2013). The value of peace was a strong driver at the beginning of the European integration process, but then faded in the 1960s as new fields became more relevant, such as the geographical expansion through enlargements, defence, and security, and more importantly the transformation from economic to political entity (Sierp, 2014). Only in the 1980s the peace element came back during the Delors presidencies. This was manifested in the introduction of the 9 May Europe Day celebrations and the discussion of European values of democracy, liberty, equality, solidarity, justice, and rule of law in the 1990s (Sierp, 2014).

The idea of a European memory and identity was politically useful and necessary to complement European integration. During the Copenhagen European Summit of 14–15 December 1973, the Heads of EC member states signed for the first time a common declaration referring to the concept of European identity. The declaration was prepared in view of the first enlargement towards the United Kingdom, Ireland, and Denmark, and set a policy framework for the EC's foreign relations. It defined key elements of a common European identity, such as peace and cultural diversity, and reiterated the common values of democracy, rule of law, social justice, and human rights (European Communities, 1973). Since 1979, the directly elected European Parliament took over the main role as driver in defining and building a conceptual framework of European identity (De Angelis, 2014; Pedersen, 2008).

Clearly European integration has a fundamental impact on the lives of citizens in Europe. The common market and the opening of borders provided numerous new economic, political, social, and cultural opportunities. It also triggered not only a large public support for European integration, but also a sound basis for defining a common European identity (Kuhn, 2015).

THE ROLE OF THE ARCHIVES

Archives are the product of administrations of public or private organisations and the individuals that work therein. EU administration comprise officials that come from different European countries and enter the institutions with distinct educational and cultural background. Once working for the EU, they shape transnational policies for the European Union under the 'acquis Communautaire' and have over time become part of the specific and unique European administrative culture (Brachem, 2015). While their individual identity may remain grounded in national ethos, norms and routines, they nonetheless assume a new hybrid, a transnational identity (Connaughton, 2015).

The archives produced by EU institutions are the carriers of the collective and individual memory of these administrations. The written legacy of the institutions and the individuals that work therein provides the relevant authentic and reliable primary sources for the discovery, recovery, and reconstruction of memory (Hedstrom, 2010; Brown, 2013). The Historical Archives that preserve these documents are, therefore, a place of European memory. The tripartite concept of archives as place, entity and set of documents crystalizes a common memory and a common heritage for European citizens (Den Boer et al., 2012).

The documents preserved and made accessible at the Historical Archives of the European Union comprise the workings of the first supranational European Coal and Steel Community established with the Paris Treaty of 1951 with seat in Luxemburg and Strasburg. The institutions created under the Paris Treaty of 1951 were the European Parliament, the Council, the Court of Justice, and the High Authority under President Jean Monnet. The Rome Treaties of 1957 established two additional organisations: the Economic and Social Committee and the European Investment Bank. In the 1970s, the European Court of Auditors was added, and finally, in 1998, the European Central Bank in Frankfurt started its operations.

For the first 30 years, the archival documents were kept on premise for filing, internal consultation, and use. With the Council Regulation 354/83 of 1983, the Community institutions decided to open these archives to the public after a period of 30 years. In 1984, the European Commission signed an agreement with the European University Institute, thus establishing the Historical Archives of the European Communities in Florence as single and central preservation and access point for the historical documents of EU Institutions. The 10 kilometers of paper files deposited in Florence today comprise the documentary heritage of the EU institutions, bodies, and agencies.

The mission of the Archives defined in Council Regulation 354/83 is to preserve and make publicly accessible the historical archives of EU institutions. The ownership on the material remains with the producing institution. By opening their archives and moving them to a single location, the EU institutions raise the public knowledge of the institutional decision-making processes and operations in the European Union and create a place of memory and identity for the united Europe.²

The specific role of the historical archives of EU institutions in providing sources to recover and reconstruct the memory of European integration was already present in the decision of Commission President Jenkins to open the EU archives to the public. History professors at the European University Institute were not only in favour but lobbied actively for the archival deposit in Florence. They also defined the larger strategic objective for the Archives in the collection, preservation, and public access not only of institutional but also of private archives of all those organisations and individuals that have made an important contribution to European integration.³

Furthermore, the international research community grouped by the European Commission in 1982 under the name of the "Groupe de liaison des professeurs d'histoire contemporaine" actively promoted the opening of the archives as the central memory of European integration. More than 300 archival holdings have been deposited in Florence, comprising more than 600.000 archival files, 70.000 photographs and audio-visual recordings, as well as 1.000 interviews produced in a variety of European oral history programmes. Its operations are ruled by Council Regulation 354/83 in its last amendment of 17 March 2015 (EU Regulation 496/2015), which made the deposit of historical archives mandatory for EU institutions, bodies and agencies. A few years earlier, in 2012, the Italian State reinforced its key support for the Archives as place of memory of European integration by making available the prestigious renaissance Villa Salviati.

2 Historical Archives Study. PA Management Consultants, November 1977, Commission of the European Communities. Study commissioned by the DG IX Personnel and Administration, Historical archives working party chaired by Nicola Bellieni IX/2130/77, HAEU, EUI-736, Christopher Audland. Right Place – Right Time. Stanhope 2004, and Jean-Marie Palayret, « Privacy et raison d'Etat versus Transparency et légitimité démocratique. Evolution et révolution en matière d'accès aux documents des institutions européennes », *Revue des Archives fédérales suisses*, cahier 14, printemps 2003 p. 73-79.

3 Notes of Prof. Peter Ludlow, 8 October 1979 and 12 February 1980, HAEU, EUI 812.

CONCLUSION

The archival heritage on European integration comprises rich and diverse collections from EU institutions and numerous organisations and individuals in Europe. These archives provide the unique memory of a complex puzzle of different initiatives launched in European integration in the political, social, economic, cultural, and educational spheres. The supranational Community model has been the most ambitious and successful project of European integration. With the Treaty of Maastricht in 1992, in the aftermath of the Fall of the Berlin Wall, the Communities became the European Union, which integrated in the coming years various Central and Eastern European countries. As single and central preservation and access point to these documents, the Historical Archives of the European Union provides unique resource for the recovery and reconstruction of a common European memory and identity.

REFERENCE LIST

- Brachem, J.C. & M. Tepe. (2015). Shared Values for a European Administrative Identity? A cross-national analysis of government employees' basic human values. In: F. Sager & P. Overeem Patrick (Eds), *The European Public Servant. A shared administrative identity?* (pp. 245–272). Colchester: ECPR Press.
- Brockmeier, J. (2015). *Beyond the Archive – Memory, Narrative, and the Autobiographical Process*. Oxford University Press.
- Brown, C. (2013). Memory, identity and the archival paradigm: introduction to the special issue. *Archival Science* 13, 85–93.
- Checkel, J. T. & P. J. Katzenstein. (2009). *European Identity (Contemporary European Politics)*. Cambridge University Press.
- Connaughton, B. (2015). Developing a Hybrid Identity? The Europeanisation of Public Servants at the Continent's Far West. In F. Sager & P. Overeem (Eds), *The European Public Servant. A shared administrative identity?* (pp. 199–217). ECPR Press.
- De Angelis, E. (2014). The EU's Historical Narrative and Enlargement to Eastern Europe. In: Radeljić, B. (ed.), *Debating European Identity: Bright Ideas, Dim Prospects* (pp. 79–114). Bern: Peter Lang AG.
- Den Boer, P., Duchhardt, H., Kreis, G. & W. Schmale (Eds.). (2012). *Mythen und Grundbegriffe des europäischen Selbstverständnisses. Band 1*. De Gruyter Oldenbourg.
- Declaration on European Identity. (1973). *European Communities, Bulletin of the European Communities* 12, 118–122. Luxembourg: Office for official publications of the European Communities. http://www.cvce.eu/obj/declaration_on_european_identity_copenhagen_14_december_1973-en-02798dc9-9c69-4b7d-b2c9-f03a8db7da32.html.
- Henry, B. & A. Loretoni (eds.). (2004). *The Emerging European Union: Identity, Citizenship, Rights*. Pisa: Edizioni ETS.
- Hroch, M. (2012). Zwischen nationaler und europäischer Identität. In: Den Boer, P., Duchhardt, H., Kreis, G. & W. Schmale (Eds.), *Mythen und Grundbegriffe des europäischen Selbstverständnisses. Band 1* (pp. 75–87). De Gruyter Oldenbourg.
- Kuhn, T. (2015). *Experiencing European Integration: Transnational Lives and European Identity*. Oxford Scholarship Online.
- Pedersen, T. (2008). *When Culture becomes Politics: European Identity in Perspective*. Aarhus University Press.

- Radeljić, B. (2014). Debating European Identity. In: Radeljić, B. (ed.), *Debating European Identity: Bright Ideas, Dim Prospects* (pp. 1–20). Bern: Peter Lang AG.
- Radeljić, B. (ed.), *Debating European Identity : Bright Ideas, Dim Prospects* (pp. 1–20). Bern: Peter Lang AG.
- Sager, F. & P. Overeem (Eds). (2015). *The European Public Servant. A shared administrative identity?* ECPR Press.
- Sierp, A. (2014). *History, Memory, and Trans-European Identity: Unifying Divisions*. London Routledge.
- Spiering, M. & M. Wintle. (2011). *European Identity and the Second World War*. Palgrave Macmillan.
- Strath, B. (2013). Cleaning up after European identity: the consequences of a failed political strategy. In: R. McMahon (Ed.), *Post-identity? Culture and European integration* (pp.105–121). London Routledge.
- Wintle, M. (2011). Ideals, Identity and War: the Idea of Europe 1939-1970. In M. Spiering & M. Wintle (eds.), *European Identity and the Second World War* (pp. 1–18). Palgrave Macmillan.

TYPOLOGY: 1.01 Original scientific research

Ildikó, Szerényi¹

INDEXING USING ARTIFICIAL INTELLIGENCE AND INVOLVING VOLUNTEERS AT THE NATIONAL ARCHIVES OF HUNGARY (NAH)

Abstract

Purpose: *The pilot project detailed in this article covers the text recognition of a set of hand-written 19th century archival documents by artificial intelligence and with the help of volunteers.*

Method/approach: *The work started at the archives with the creation of a handwriting recognition model. The paleographical volunteers were tasked with testing this model, validating and correcting the words transcribed by the algorithm.*

Results: *In addition to handwriting recognition, the greatest benefit of this pilot project in Hungary was the huge social activity it generated. The project created a cooperating community of volunteers that will continue to work together in the future. The database, which has a great importance to genealogists as well, will be made available to the public by the National Archives of Hungary in autumn 2022.*

Conclusions/findings: *The high number of volunteers and the huge amount of work they completed surpassed all expectations and was a pleasant surprise for the archival sector. Preparations for the next similar project using artificial intelligence have already started.*

Key words: *Artificial Intelligence, transcribing, volunteers, HTR, census, European Digital Treasures Project*

1 Ildikó Szerényi, National Archives of Hungary (NAH), 1014 Budapest, Bécsi kapu tér 2-4, szerenyi.ildiko@mtl.gov.hu, IIAS member

1. INTRODUCTION

From January 2020, the Databases Online portal (www.adatbazisokonline.hu), available free of charge and operated by the NAH, provides researchers with a renewed, more user-friendly interface and it is supported by visual elements. At present the constantly expanding research site contains more than 3 million text pages, images and audio material. The database collection currently includes around 70 individual databases; however, the site is much more than just a set of databases. The common search interface with a renewed search engine allows you to run simple and complex searches quickly and easily, providing highly accurate results. Searches are based primarily on the finding aids and content extracts produced by archivists and in ever-increasing numbers, on indexed digitised documents. Until very recently, text-searchable databases have in most cases been created using OCR (Optical Character Recognition) technique in case of printed or typewritten archival material. The indexing of handwritten archival records until 2021 meant human processing, which due to limited available capacity, proved to be less feasible in quantitative terms.

Most of the documents preserved in Hungarian archives are handwritten, as the use of typewriters in state offices became widespread only at the beginning of the 20th century. The NAH were the first archives in Hungary to make use of the possibilities offered by artificial intelligence. This innovative project was implemented with the involvement of volunteers and social collaboration, which also highlights the novelty and creativity of the project.

The use of artificial intelligence in a public collection environment is not entirely new in Hungary, as the NAH has previously used software processing and reading assistance, for example, to index the *Hungarian prisoners of the Soviet camps* (In Hungarian: Szovjet táborok magyar foglyai) database. However, the use of TRANSKRIBUS handwriting recognition software for this purpose can be considered an innovation. In Hungary, the Digital Humanities Centre of the Petőfi Literary Museum (PLM) – the department has since been integrated into the National Széchényi Library – was the first to start testing it. In January 2021, the staff of the Petőfi Literary Museum and the PLM Digital Humanities Centre held a workshop, where Eszter Mihály and Kata Szűcs, digital humanities experts of the PLM shared their experiences of using the TRANSKRIBUS software with the NAH staff.

The framework for the practical application of Handwritten Text Recognition (HTR) in archives was provided by the international project called *European Digital Treasures* (www.digitaltreasures.eu), in which the national archives of Malta, Norway, Portugal and Spain collaborated.

2. ARCHIVAL DOCUMENTS USED

During the preparation phase, based on uniform criteria, each of the archives participating in the project decided on which documents they would process. The selection of archival records with a uniform structure, a uniform time frame and, as far as possible, a uniform handwriting was intended to help the efficiency of machine handwriting recognition. In addition, the needs of researchers were also a major consideration. Based on the selection criteria, in Malta emigration registers, in Norway address registers, in Portugal pardon applications, and in Spain passport registers were processed by volunteers under the guidance of archivists. In Hungary, the 1828 census (reference code: HU MNL OL N 26, official name: Census ordered on the basis of Act VII of 1827) was chosen for this purpose. The selection of the records was significantly influenced by the favourable reception of the 1715 and 1720 censuses, which had been processed previously by archivists at NAH.

The digital version of the 1828 census consists of about 170,000 image files and contains the census sheets of 53 administrative units (counties) and the free royal towns. The census was created in the 19th century to measure the taxpaying capacity of the population, and thus summarises names and economic data in tabular form. There were no uniform spelling rules and guidelines at the time, which, in addition to the handwritten recording of data, makes transcription even more difficult, and the peculiarities of the Hungarian language can also be observed in the documents.

Nomen Jurisdictionis		Nomen												
1 ^o	2 ^o	3 ^o												
Nomina Contribuentium	Habitatio	Ex his sunt												
		Circus	Cultus	Populini	Subpopulini	Franci	PHIL.	Ellen.	Seres	Junilite	Optices	Mercatores	Quantores	
		N	u	m	r	a	r	a						
1. János Hejzsi	2	-	-	1	-	-	-	-	-	-	-	-	1	-
2. János Klapcs	2	-	-	1	-	-	-	-	-	-	-	-	-	-
3. Márton Bajna	2	-	-	1	-	-	-	1	-	-	-	-	-	-
4. Dániel Kozák	4	-	-	1	-	-	1	-	-	-	-	-	-	-
5. Mihály Lengyel	3	-	-	1	-	-	-	2	-	-	-	-	-	-
6. János Lajos	3	-	-	1	-	-	-	2	-	-	-	-	-	-
7. Dániel Klapcs	3	-	-	1	-	-	1	-	-	-	-	-	-	-
8. Mihály Kozák	4	-	-	1	-	-	1	-	-	-	-	-	-	-
9. Dániel Balazs	3	-	-	1	-	-	-	1	-	-	-	-	-	-
10. Márton Kézai	8	-	-	-	1	-	-	2	2	1	-	-	-	-
11. János Boros	2	-	-	1	-	-	-	1	-	1	-	-	-	-
12. János Lajos	1	-	-	1	-	-	-	-	-	-	-	-	-	-
13. Mihály Boros	3	-	-	1	-	-	-	1	-	-	-	-	-	-
14. János Boros	2	-	-	1	-	-	-	1	-	-	-	-	-	-
15. János Lajos	3	-	-	1	-	-	-	-	1	-	-	-	-	-
16. János Lajos	2	-	-	1	-	-	-	-	-	-	-	-	-	-
17. János Lajos	4	-	-	1	-	-	1	-	-	-	-	-	-	-
18. János Lajos	4	-	-	1	-	-	-	2	-	-	-	-	-	-
19. János Lajos	4	-	-	1	-	-	1	-	-	-	-	-	-	-
20. Dániel Lajos	8	-	-	1	-	-	1	-	-	-	-	-	-	-
Lajos	69	-	-	17	2	1	3	12	1	3	3	3	-	-

Picture 1: A page of the 1828 census (Reference code: HU MNL OL N 26)

3. THE VOLUNTEER PROGRAMME

In a crowdsourcing project, each member of the crowd contributes only a small part to the overall task, but as the many small parts come together to form a big whole, the end result adds significant value to the activity. The volunteer programme of the international project in Hungary lasted 6 weeks, from 1 October to 15 November 2021. The recruitment of volunteers started primarily on social media, namely on the Facebook page of the NAH, and it spread rapidly among genealogists through the world wide web with shares. By the time the institution published the call on its website and in the press, around a hundred people had already applied. The application was therefore closed within two or three days. Hungary coordinated the largest number of contributors among the participating countries. Such great interest was certainly also due to the fact that the task could be done online, at any time, from anywhere.

The NAH did not select the volunteers, all applicants were given the opportunity to participate in the project, but at the same time the volunteers had the opportunity to test their own skills. In the form of a quiz for beginners and advanced volunteers, visitors

could test their ability to read the names of the census. They also filled in a questionnaire as part of the pre-registration process, answering questions such as whether they had experience in transcription and in genealogy. With this method the archives managed to reach people who were already familiar with archival research. Though there was no restriction on the level of education of the applicants, it can be stated that mostly qualified people with foreign language skills decided to apply. The opening event took place in the main building in Budapest, though the closing event could only be held online due to the pandemic situation. Both events were streamed live by the archives, and the recordings were also available for viewing. Each volunteer undertook to transcribe a minimum of 50 pages, that is to say 1000 names. A total of 70 applicants completed the programme, of which 24 asked for additional pages again and again.

For volunteers from different backgrounds, participating in the professional archival work was a double challenge: they had to prove themselves both in terms of information technology and palaeography. In terms of social background, it was mainly intellectuals and recent retirees with experience in genealogy and indexing who joined the work. The average age was 50.9 years. Looking at the geographical distribution, we find people living in both small villages and larger towns. Thus, the opportunity for flexible working was also taken advantage of by Hungarians living and working in different parts of the world. Hungarians from Transylvania and Transcarpathia, Hungarians living/working abroad from Italy, the United States, the United Kingdom and Sweden participated in the programme.

3.1 THE WORKFLOW

The work was started by two archivists who transcribed 400 pages of names from different municipalities on Transkribus. The data was sent to Transkriptorium, an IT company at the Technical University of Valencia in Spain. The Spanish computer scientists used the data to create a handwriting recognition model and ran it on a subset of the 1828 census, that is to say on about 30% of the census sheets. Once the NAH received this data from Spain, the 70 volunteers recruited earlier were also involved in the workflow, which at this point included a verification phase. Thus, with the involvement of human resources, the transcription carried out by the handwriting recognition software was checked, corrected or approved. The software, thus perfected, was finally run over the entire census file, creating the final result, a searchable, online publishable database of the 1828 census.

Volunteers worked on a designated, easy-to-use, user-friendly interface created by Transkriptorium, which had an automatic save function. The site was accessible to contributors with a username and password.

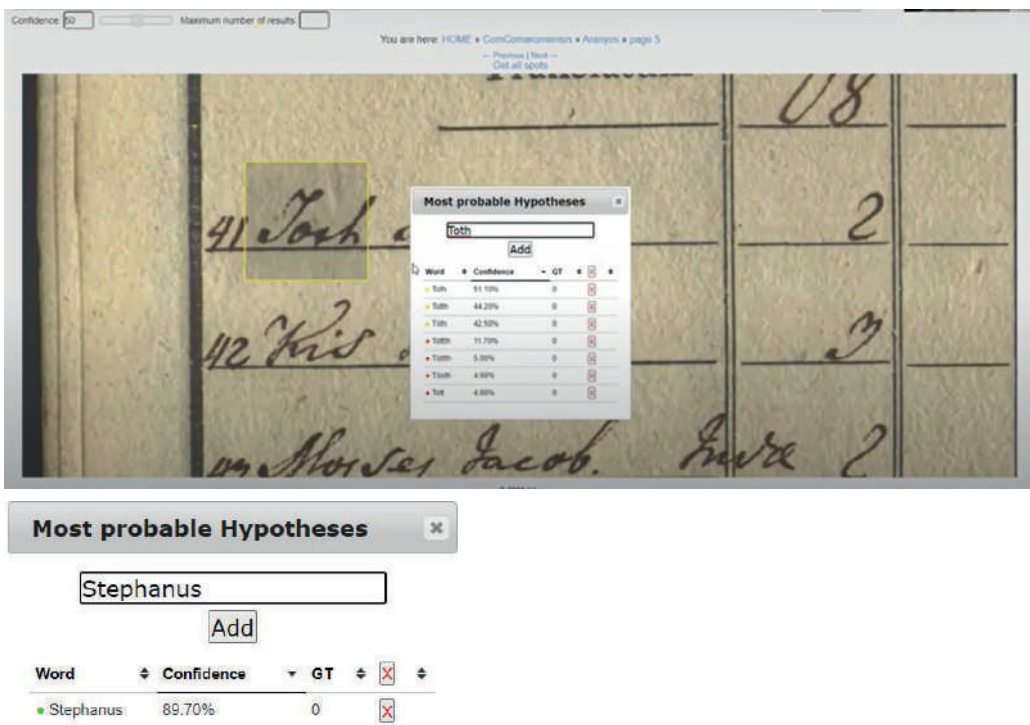
Many people may wonder why the census records of the free royal towns provided a large part of the records to be checked by the volunteers. The census rolls of the free royal towns are representative of the whole archival material, as they cover the whole territory of historical Hungary and their writing is sufficiently varied to serve as a sample for the whole documentary material. Volunteers were given the opportunity to choose the municipalities they wished to check, which was particularly encouraging. Most genealogists have a strong emotional attachment to their place of birth and their immediate surroundings, and are often very familiar with the names of their own geographical region. Volunteers navigated and worked in a folder structure that reflected the structure of the original records, and the archives were able to provide at least partial access for each person to check the names of the people in the settlements of their choice. Beyond the free royal towns, however, partial verification of the census records of certain counties was eventually carried out, thanks to the outstanding enthusiasm of some volunteers who, after completing the basic 50-page dossier, asked for and were given additional tasks. Extra work was typically undertaken by more experienced genealogists.

3.2 TRAINING THE ALGORITHM

The archives were eager to receive the processed documents back from Spain, which showed the extent to which the software could recognise handwritten 19th century names after 400 pages of training. The results were generally satisfactory, yet further improvements to the software were expected after the volunteer validation.

The transcribed words were surrounded by text boxes, which marked the area of the page to which the transcription belonged. The text boxes varied in colour, different colours indicated different probabilities of transcription. The colour codes were as follows: green represented high, yellow medium and red low probability. In the case of a grey text box, the algorithm did not suggest any transcription. The blue colour code became the colour of GT (Ground Truth), once a word was selected as the correct solution, the text box changed to blue, indicating that there was nothing more to do with the word and the solution was final.

By clicking on the text boxes, the transcription suggestions for that word were displayed, along with a percentage of how the algorithm rated the transcription of that word. The software did surprisingly well with transcribing common first names, often recognising words/names with a probability of 90-95%. In these cases, the volunteers' only task was to approve the solution offered. In more difficult cases, they had to look through a longer list and select the correct transcription, which could appear in fifth position or even later. In some cases, they had to provide the correct solution on their own. Volunteers had the opportunity to skip some of the more difficult words. The aim was not to find the solution to every word, but to make sure that the one they chose was the right one. Only then can the software be trained correctly.

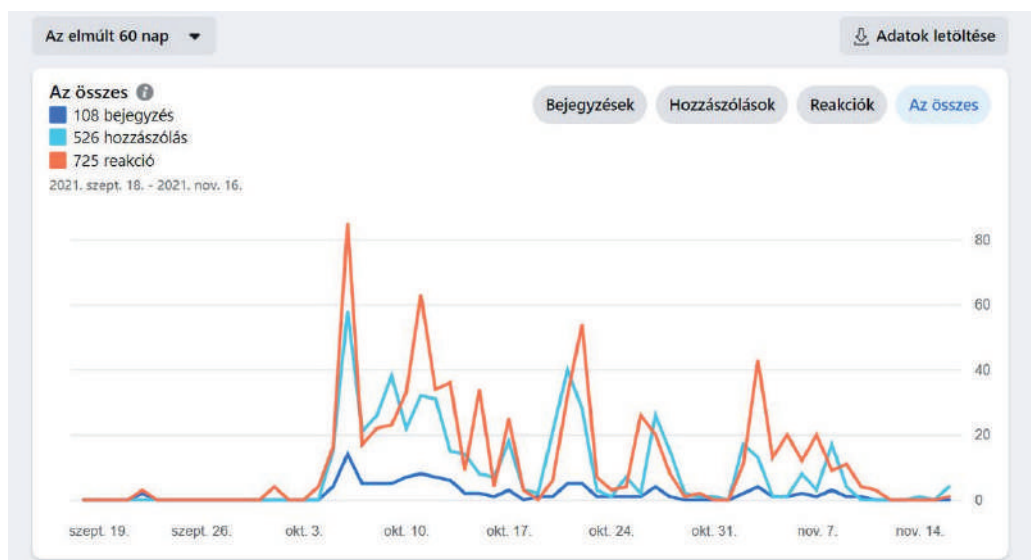


Picture 2: Part of the platform provided by Transkriptorium for GT (Ground Truth) selection

The work of the volunteers was constantly monitored by the archivists on the online work platform, and once the work had started, they checked individually that everyone had understood the task. The work done by volunteers exceeded all expectations in terms of quantity. 70 active volunteers checked a total of 6,787 pages and 13,5740 names in the six weeks available. The oldest was a 78-year-old lady who alone checked 309 pages. After the work was completed, spot checks were carried out in the archives and after minor corrections, the new data was sent to Spain so that the Spanish IT specialists could run it on the full census once the model had been perfected.

3.3 SUPPORTING MATERIAL

The archives supported the work of the volunteers throughout the programme by providing them with professional support materials. How the platform works and the information about the tasks to be carried out by the volunteers were summarised in a Task Guide by Ildikó Szerényi. In addition, a *Paleographic Example Booklet (Paleográfiai Példatár (1828))²*, – a *Help for reading and transcribing the names in the 1828 national census* – was also published by the NAH on its website, on a special subpage dedicated to the EDT project. Volunteers also received up-to-date, interactive help in a private Facebook group called *Volunteers of the 1828 Census*, where informal discussions, comments and playful posts were published. Over the six weeks, the group generated 108 posts, 526 comments and 725 reactions, which shows an extraordinary level of activity.



Picture 3: Screenshot of activity in the private Facebook group called *Volunteers of the 1828 Census*

3.4 FEEDBACK

It is of utmost importance for the National Archives of Hungary to maintain a good relationship with the research community. To reach this goal, the archives asked volunteers for feedback on their experiences and opinions. The questionnaire was filled in by 50 people who rated the programme on a scale of 1 to 5, with the overall programme scor-

2 Szerényi, I., Kántás, B., H. Németh, I., & Szatucsek, Z. (2021). *Paleográfia példatár (1828)*. Az 1828. évi országos összeírásban szereplő nevek kiolvasásához és átírásához. (I. H Németh & Z. Szatucsek, Eds.). Budapest: Magyar Nemzeti Levéltár.

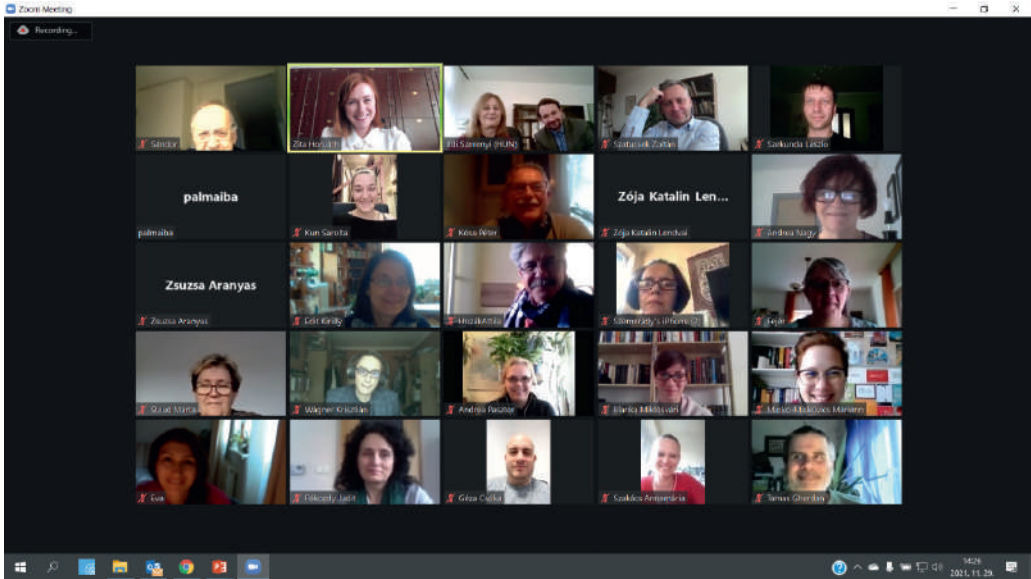
ing 4.82 points and the Facebook group activities scoring 4.47 points. The vast majority would like to participate in similar activities in the future.

3.5 PRIZES

As its name suggests, volunteering is essentially work done for no financial reward. However, the NAH from the beginning intended to honour the work of volunteers, since they had supported the cause of Hungarian culture in a selfless way, sacrificing their free time and performing high-quality work. Taking all this into account, at the end of the programme, the archives offered a DNA test, and historical magazine subscriptions as prizes among the volunteers who participated in the programme. These prizes were won by many. In addition, as a special prize, the 5 most hard-working and outstanding professionals were awarded with various souvenirs. Each participant received a commemorative card with their name on it.



Picture 4: Gift pack and certificate of appreciation presented to volunteers



Picture 5: Screenshot of the Volunteer Closing Ceremony (Zoom meeting) dated 11. November 2021.

3. EXPERIENCES

Within this project, the NAH combined the new technology of artificial intelligence with crowdsourcing in an innovative way to serve multiple social goals simultaneously. As with all pilot projects, there were of course difficulties in indexing the 1827 national census. The uncertainty created by the pandemic was a challenge from the beginning. Basically, a team of people who were complete strangers to each other, had to work together in a team. Social media, however, was a great help, as the private Facebook group served as the main communication forum for volunteers and archivists from completely different places of residence to meet.

During the workflow, when volunteers validated the transcriptions made by the algorithm, although everyone worked in a folder designated to them, all users were able to access all pages. This situation could only have been changed by IT improvements, which would obviously have had budgetary implications. The experience gained from this work shows that some volunteers would have requested exclusive access to their folders, so the Archives will consider the feasibility of this in future projects.

In the European Digital Treasures project, the institutions in each participating country initially planned to employ between 20 and 25 volunteers per country, and the number of archival professionals involved in the project was set accordingly. However, the NAH soon faced a huge and unexpected over-subscription. As already mentioned, in the space of two or three days, around 100 people applied during the pre-registration process, of whom 70 completed the programme. The institution offered all applicants the opportunity to participate, and although the higher than expected number of volunteers was welcome, their coordination also meant an additional challenge for the archivists.

The archives were also surprised by the high number of applicants. The 'anytime, anywhere', individual time-scheduled approach emphasised in the call for applications certainly played a role in attracting a large number of interested people. At the same time, the popularity of genealogy in Hungary also explains the high level of interest from the

Hungarian side. The NAH has been developing its databases and services for many years, building its relations with the public, organising workshops, events and lectures at national level. Relying on the experience gained over the years and the appreciation of volunteering, 70 volunteers enthusiastically completed the programme. The greatest benefit of this pilot project from the Hungarian side was social activity.

As for the effectiveness of handwriting recognition, it can be stated as a conclusion, that an improvement could be shown for all the manuscript collections of the participating countries as a consequence of re-training the algorithm. However, this improvement was not always as significant as expected from the quantitative data. The question arises as to whether it is more efficient to rely on the large amount of data produced by crowdsourcing processes or to concentrate resources on producing higher quality GT. Considering all the results reported here, the latter may be the preferable alternative.

The project also considered equal opportunities aspects, as the task, which could be done from home and required practically only an active internet connection and a computer, could be done by anyone from anywhere, without any quantitative and temporal restrictions. The volunteers, mostly of senior age, included several people with mobility problems and one hearing impaired person who was able to communicate and work as a full member of the group thanks to the detailed information material published online and the virtual communication channel (mailing list, Facebook group, chat) that was constantly available.

Although the voluntary project was originally a national social initiative, it eventually extended beyond national borders, with the participation of many Hungarian citizens living abroad or permanently abroad. We can therefore say that the love for Hungarian culture and history, the desire to preserve the common past and to carry out some kind of useful community activity for this purpose united people regardless of their age and geographical location, so that by the end of the project not only a cultural and historical product was created, but also a real human community based on mutual support, which strengthened social cohesion and whose cooperation is expected to continue in the future.

REFERENCES

- Kahle, P., Colutto, S., Hackl, G., & G. Muhlberger. (2017). Transkribus - A Service Platform for Transcription, Recognition and Retrieval of Historical Documents. *2017 14th IAPR International Conference on Document Analysis and Recognition (ICDAR)*. <https://doi.org/10.1109/icdar.2017.307>.
- Plüss, R., & C. Sieber. (2020). Digitalisierungsprojekte des Staatsarchivs Zürich mit Einsatz von Machine-Learning-Verfahren. *ABI Technik* 40(3), 218–228. <https://doi.org/10.1515/abitech-2020-2018>.
- Rabus, A. (2019). Recognizing Handwritten Text in Slavic Manuscripts: a Neural-Network Approach Using Transkribus. *Scripta & E-Scripta* 19, 9–32. <https://www.ceeol.com/search/article-detail?id=793865>.
- Rothballer, M. (2021) *Transkribus. Erfahrungsbericht zu maschinellem Lernen und Handwritten Text Recognition in der Heimat- und Familienforschung*. <https://archivalia.hypotheses.org/124394>.
- Tomić, M., Grzunov, L., & M. Dragija Ivanović. (2021). Crowdsourcing transcription of historical manuscripts: Citizen science as a force of revealing historical evidence from Croatian Glagolitic manuscripts. *Education for Information* 37(4), 443–464. <https://doi.org/10.3233/efi-211555>.

Manja Konkolič¹

POSSIBLE SOLUTIONS REGARDING THE ACCESS AND MANAGEMENT OF DOCUMENTS CONTAINING CLASSIFIED DATA

Abstract:

Purpose: *In this paper, we will present the methods and forms of marking classified data, physical, organizational and technical measures, as well as mandatory components of procedures for the protection of classified data, which must be taken into account by those who work with such documentary material when establishing a system of measures and procedures for the protection of classified data. This is especially important for the organisations that deal with public security, defence, foreign affairs or intelligence and security activities of the state, because classified information is defined as a fact or means from their working area, which must be protected from uninvited persons for reasons specified in the law. The challenges of accessing archival material containing the aforementioned data are also presented.*

Method/approach: *We used a review of relevant literature and a comparative method to compare access to archival material containing classified information in three European countries.*

Limitations: *The research is limited to the area of access to and management of documents that contain the mark "confidential" in the Republic of Slovenia. For comparison, we limited ourselves to three European countries, namely: Hungary, Germany and the Czech Republic.*

Results: *It is believed that different countries treat access to archival material containing classified and sensitive information differently. We can also note that some countries restrict access to archival material containing the aforementioned data and condition access on the anonymization of personal and sensitive data.*

Findings/Applicability: *Some solutions are provided regarding access and handling of documents containing classified information.*

Keywords: *legislation, documentary material, documents, classified information, security.*

1 Manja Konkolič, Master in security, Faculty of criminal justice and security studies, University of Maribor, doctoral student of Archival sciences at Alma Mater Europaea, konkolic.manja@gmail.com

1 INTRODUCTION

Every democratic society relies on the rights of access to data and information of state bodies, because when it is lost, public trust and legitimacy are called into question. Nevertheless, each country must ensure a comprehensive national security, i.e. sovereignty in its territorial area, security of citizens, critical infrastructure, state institutions, etc. In doing so, the state also uses a system of classified data, because in this way it can ensure that the security of the previously mentioned elements is not jeopardized (Prezelj and Tarman, 2015). The Resolution on the National Security Strategy of the Republic of Slovenia (2019), which is a fundamental document in the field of national security, does not directly mention the tasks of the classified data protection system, but emphasizes the importance of classified data in the field of national security.

Žirovnik, (2005, 1) emphasizes that certain information and data must be subject to a certain legal regime, since there are legitimate interests and benefits to limiting their general accessibility and usefulness. Prezelj and Tarman (2015, 688-689) point out that the principle of public work and accessibility to data and information of state bodies and holders of public authority cannot apply absolutely and without limits. In this regard, the most important question is in which cases, in what manner and under what conditions it is permissible to withhold certain data and information from the public. Certain data and information, created or existing in state bodies must be marked as classified in order to protect certain state interests and benefits, thereby significantly limiting their accessibility. To protect secrecy, the state must establish instruments that protect the state's privacy from the public and actual or potential adversaries. When the state is allowed to protect secrecy, it is also necessary to ensure sufficiently strong levers that make it impossible and difficult to abuse this institution.

The operationalization of the protection of state secrets is carried out with a comprehensive system of marking, protection, access and control over classified data (Brezovšek and Črnčec, 2004).

2 SECRECY AND CLASSIFIED INFORMATION

Brezovšek and Črnčec (2004) believe that secrecy is not something unknown, but quite the opposite. Its contents are known things that its "owner" (individual, institution or state) cannot or does not want to make available to the general public. Secrecy therefore means the existence of known facts about social, security, defence, economic and other data and information entrusted to an individual or institution for use and protection. Trbovšek (2004) adds that due to the existence of different, often conflicting interests, institutions hide them from the public consciously, in an organized and formalized fashion.

Anžič (1997, 156) believes that the word secrecy (slo. tajnost) is taken from other Slavic languages. Considering that the use of the term secrecy in Slovenian regulations increased under the influence of the Yugoslav legislation, where the term "secret" was used, the concept of secrecy is often equated with the concept of secret in the Slovenian state. Dictionary of Slovenian Literary Language (SSKJ) also separates the two terms, but in the part where it is essential for the work of the state administration, it allows equal use of both and does not give preference to one or the other.

Brezovšek and Črnčec (2007, 96) do not agree with the statement, but partially reject it and believe that "SSKJ clearly defines secret as a synonym of secrecy. In its second meaning, mystery is synonymous with secrecy. It is a secret: what one knows, what is entrusted to him and must not be told to others. Business, official, and military secret is illustrated as an example" (Brezovšek and Črnčec 2007, 95). Anžič (1997) believes that

it is important not to equate secrecy in the sense of protecting what is known and inaccessible to the general public with the concept of mystery, which is something incomprehensible, inexplicable, never discovered and represents a mystery. There is a danger that the principle of privacy for the state would prevail over the principles of legality and constitutionality, therefore "a state governed by the rule of law must carefully protect the concept of secrecy, even under criminal law, and rarely use it, and even then, according to predetermined legal conditions and frameworks." From another point of view, secrecy can be a good, if those who should protect it and prevent the outflow of information and data that can endanger the interests of individuals, institutions, and the state (Anžič 2000, 854).

The main purpose of classified information is to protect the vital interests of the country. The disclosure of this would endanger and harm the interest of the country and its national security and may even threaten its existence. A complete system for handling classified information must be established. In addition to the technical, physical, and organizational measures established for the implementation of the protection of classified data, special attention must be paid to the rules of access to classified data (Brezovšek and Črnčec, 2004).

In the Classified Information Act (ZTP, 2006, 2020), classified information is a fact or means from the sphere of activity of an agency relating to public security, defence, foreign affairs or the intelligence and security activities of the state which, for reasons defined in this Act, must be protected against unauthorised persons and which has been defined and marked as confidential in accordance with this Act. This Act represents the uniform security minimum according to which certain data, important for the security and interests of the country, must be treated. It is also a prerequisite for the establishment of a national system for the protection of classified data.

3 CLASSIFIED INFORMATION IN DOCUMENTARY MATERIAL

Confidential and classified information appears in written sources and oral communication. From the archival point of view, a written source that preserves cultural value over a longer period of time is all the more important. The importance of confidential data in documentary and archival material indicates that all things, events, and contents are not freely accessible to various interested groups or individuals, but the principle applies that authorized individuals may be informed of important information and data, when those are marked as such. This is the essence of confidentiality protection (Lavrič, 2008).

The information is determined to be confidential under the conditions and in the manner specified by the Classified Information Act (ZTP, 2006, 2020), by an authorized person. Every classified information or every document containing classified information must be marked with the level of confidentiality and information about the authority, if this is not already clear. Only those persons who have permission and need to become familiar with this information in order to perform their function or work tasks have the right to access classified data. The Classified Information Act (ZTP, 2006, 2020) also stipulates that no one may obtain classified information earlier and to a greater extent than is necessary for the performance of his job duties or function.

In order to ensure the legal and safe handling of classified data, the Confidential Data Act (ZTP, 2006, 2020) stipulates that all authorities and organizations must establish a system of procedures and measures for the protection of classified data that corresponds to a certain level of secrecy and prevents their disclosure to unauthorized persons. The protection of classified data includes:

- procedures and measures related to persons who have access to classified information,
- familiarizing users with the measures and procedures for safeguarding classified data,
- the method of marking the levels of secrecy and the protection of documents and media containing classified information,
- physical, organizational, and technical measures for the protection of premises in which classified data is handled as well as equipment used to handle classified data,
- procedures and measures for secure transmission, reproduction, storage, and destruction of classified data,
- protection of the communication and information infrastructure, which is used to manage classified data,
- control and recording of accesses to classified data and transmission of this data,
- procedures and measures in case of security incidents and other forms of endangering the confidentiality, integrity, and availability of classified data, and
- control over handling and protection of confidential data.

4 MANAGEMENT OF DOCUMENTARY MATERIAL CONTAINING CLASSIFIED INFORMATION

When managing documentary material, it is important that procedures are carried out in a timely and correct manner. Work processes must be described in an internal act (e.g. in the instructions on the management of documentary material).

Žumer (2008, 26, 129-130) states that the management of documentary material includes the following management procedures: organization and implementation of procedures for receiving electronic and classic mail, opening mail, checking the validity of electronic signatures, receiving stamp impressions, sorting and classifying materials by function, determining the number of documents, signing and assigning material for resolution, recording documents, cases and files, resolving cases, keeping a diary, sending mail and storing documentary material in business and at work for both natural and legal persons. In the Republic of Slovenia, this is governed by regulations harmonized with international ISO standards, resolutions of the Council of Europe, recommendations of the European Commission and modern requirements of information science. All regulations are harmonized with each other.

4.1 DOCUMENTATION SECURITY

Documentation security defines a unified system of determining and marking classified information, transferring, duplicating, recording, destroying, and archiving, as well as the procedure in case of misuse of classified information. The legal basis that is taken into account here are the regulations in the field of classified data and the regulations dealing with handling of documentary and archival material in general. Organizational measures for dealing with classified data are interwoven with physical and technical measures for the protection of classified data, and together they form a comprehensive system of protecting classified data, the aim of which is to prevent access by unauthorized persons and to have the traceability of data throughout their lifetime.

State authorities are responsible for data security. Sources of threats to classified information are an integral part of the broad spectrum of threats to any country. In modern society, they are completely different than they were in the past (Office of the Government of the Republic of Slovenia for the Protection of Classified Data).

4.2 DETERMINING THE LEVER OF SECRECY

The authorized person determines the level of secrecy of the information:

- when data is created,
- at the beginning of the task that will result in classified information,
- if with merger of non-classified data information is produced that needs to be protected.

The minimum level of secrecy is determined, which still ensures the protection of data necessary for the protection of interests or the security of the state.

A document consisting of data with different secrecy levels shall be assigned at least the same level of secrecy and durability validity as the data with the highest level or the longest period of secrecy.

The amendment of ZVDAGA-A from 2014 brought changes to Articles 65 and 66, which regulate the legal basis of access to archival material containing secret information according to the Secret Information Act, tax secrets and personal data. The term "data relating to state and public security, defence, foreign affairs or the intelligence and security activities of the state or its economic interests" from Article 65 is replaced by the term "classified data according to the Act on Classified Data", as the content covers, but at the same time they do not allow any other information that is not formally secret to be declared inaccessible. Archival material that contains classified information according to the applicable Secret Information Act or tax secrets and the disclosure of which to an uninvited person could cause harmful consequences for the security of the state and other persons or for their legal interests becomes accessible, as a rule, 40 years after its creation, if with designated as inaccessible by the sender.

The regime of exceptional access to public archival material in public archives at a time when it is not yet accessible to the public is defined. The Government of the Republic of Slovenia may, on the basis of the opinion of the archive commission and upon fulfillment of legal conditions, grant a scientific research organization, researcher or journalist exceptional access to material containing classified information or tax secrets, if the use of such material is unavoidably necessary to achieve a scientific goal and public the interest in disclosure outweighs the public interest in keeping that information unavailable. Also, the archive commission can grant exceptional access to archive material containing personal data to the specified users, if they meet the prescribed conditions. In the event that archival material contains such secret data, data on tax secrecy and personal data, the government decides on exceptional access based on the opinion of the archive commission (Kremenšek, 2014).

Lavrič (2008) points out that the fundamental principle of protecting confidential data is precisely ensuring their inaccessibility to persons who are not entitled or authorized to access them. Klasinc (2016) adds that the Act on the Protection of Personal Data and the Act on Secret Data (both often with different names) are important for research into projections of access to archival material, because they began to have a strong influence on the operation of archives, and above all on the procedures for use of archival material. This is also reflected in national archival laws, such as the Slovenian Act on the Protection of Archival and Documentary Materials and Archives (ZVDAGA, 2006, 2014).

MARK	CRITERIUM – Possible adverse consequences
TOP SECRET (ST)	Disclosure <u>would threaten</u> vital interests of RS
SECRET (T)	Disclosure <u>could seriously harm</u> the security and interests of RS
CONFIDENTIAL (Z)	Disclosure <u>could</u> harm security and interests of RS
INTERNAL (I)	Disclosure <u>could harm</u> operations of the body

Table 1: Possible consequences of disclosure of classified information; Source: Office of the Government of the Republic of Slovenia for the Protection of Confidential Data

A change or revocation of secrecy can be made by an authorized person when conditions for secrecy no longer need to be met. This must be done in writing and an assessment of possible adverse consequences must be attached. Consequently, the original classification markings are crossed out, a new marking of the classification level or revocation is indicated below or above the old marking, and a reference to the written explanation of the revocation or changes in classification is given. Everyone who has accepted or has access to classified information is also notified in writing.

Classified information can end on a certain date, with the occurrence of a certain event, with the passage of a certain time, with the revocation of secrecy, with the passage of time determined by the law governing archival material.

Classified data is reviewed by an authorized person who assesses the need for its confidentiality, namely:

- TOP SECRET – once a year,
- SECRET, CONFIDENTIAL, INTERNAL – every 3 years.

If the conditions for the protection of classified data in the system for recording classified data are not met, the content of classified data cannot be discerned from individual entries, and documents marked with a level of secrecy are not scanned into the system for recording classified data. The authority also keeps a list of views for classified information for SECRET and TOP SECRET groups, which contains the document number, date, classification level and number of the copy or copy of the document containing the classified information, the name and surname of the person who became familiar with the classified information, date and time of familiarization, signature of the person who became familiar with the classified information.

The distribution may only be administered to persons who have the appropriate permission to access classified information and who must become familiar with the classified information in order to perform a function or work task. If it is not possible to determine the recipient of the classified information from the address, the distribution is ordered by the head of the authority or organization, a person who has written authorization or the head of an organizational unit, for his work area. The distribution list can be created for individual documents or for documents that belong to a common content area and contains at least the designation of the authority/organization/organizational unit, content area or document number and recipients of classified information.

Documents containing classified information are transferred/sent in a double envelope, the inner envelope contains the classification code, the document number, addressee and sender information, and other important markings; outer envelope is made of solid, opaque, impermeable material, without classification markings; the outer envelope may be replaced by a locked or sealed case, box or bag - when transferring outside the security area.

When the classification level is marked as INTERNAL – the transfer is made by:

- the courier service,
- via own transfer network,
- by registered mail with return receipt.

When the classification level is marked as CONFIDENTIAL or higher – the transfer is made by:

- via own transfer network,
- the courier service.

4. 3 STORAGE AND MAKING OF DOCUMENTS

According to Article 39 of the Classified Data Act (ZTP, 2006, 2020), classified data must be stored by the authorities in a way that ensures that only persons who have permission to access classified data and who need the data to conduct their work tasks or functions, have access to this data.

According to the Regulation on the Protection of Classified Information, documents with confidential information must be marked in a visible place with the type of secrecy and the level of confidentiality. All document attachments must also have the same designation. When creating a document that contains information that is "state secret" or "official secret", or marked as "strictly confidential", the number of copies in which it was made (written, printed, drawn, reproduced) and to whom it was given/sent is indicated on the original. Each copy of such a document must have its own registration number.

Documents marked "state secret" and "official secret - strictly confidential" are kept in locked security cabinets that are technically protected or in locked safe deposit boxes unless they are under the direct control of the employee to whom such material was assigned. Documents classified with a lower level of secrecy are kept in locked security cabinets.

Classified INTERNAL information can be managed in the administrative area. Classified information marked as CONFIDENTIAL or higher can only be managed and stored in a designated, visibly designated area, which, depending on the way the classified information is handled, is classified in security area of 1st or 2nd degree (Level I or Level II).

A level I security area is a marked area in which classified information of the CONFIDENTIAL or higher level of secrecy can be managed, so that the very entry into the security area allows access to this information. Level II security area is a marked area in which classified information of the CONFIDENTIAL level or higher levels is treated in such a way that the mere entry and movement in this area does not yet allow access to this data.

Around Security levels I and II or on the route leading to such a security area, an administrative area is established, which can include all the business premises of the authority. Such an area requires a visibly defined space in which the authority can control the entry or movement of persons and vehicles. In administrative areas only data, classified with INTERNAL level may be stored and processed, and security procedures and measures must ensure that only persons who have confirmed in writing that they are familiar with the regulations governing the handling of classified data have access to this data. These persons must familiarize themselves with this information in order to perform work tasks.

To enter a level I security zone, a person is issued a special permit by the head of the body or organization in which the security zone is located. The special permit can also be issued by a person authorized in writing by the head of the body or organization.

The entry and exit of persons into security areas and the access of vehicles must be controlled. All entries and exits must be recorded.

After the creation of a confidential document marked "state secret" or "official secret" - "strictly confidential", all auxiliary materials that were created during the creation document (e.g., matrices, calculations and charts, sketches, test, or failed printouts, etc.) must be destroyed through a special procedure with appointed committee.

Documents containing classified information are archived in accordance with the regulations governing archival activity. Archivists who work with documents containing confidential and secret information know and apply the relevant articles of the Classified Information Act, and Protection of personal data Act, and ensure that there is no abuse when using archival material. Each archive usually formulates its own work regulations, which the archivist must know well, and which usually specifically define the handling of archival material stored by a particular archive.

The Regulation on administrative operations distinguishes between three collections of documentary material: Collection of unresolved cases, in which the cases are kept until their solutions. They are usually kept in the departments where the cases are resolved. They can also be kept in the main office but separately from the current and permanent collection of documentary material.

The current collection of documentary material (Archive at hand) is a space in which resolved cases and documents for the current year and two more years after the final resolution are kept. Organizations usually keep it in their head office or business premises. They can have several Archives at hand.

The fourth point of Article 183 of the Regulation on Administrative Operations (2005) emphasizes that the employee who resolves the case must, before filing it in the current collection of documentary material, eliminate unnecessary materials such as copies, duplicates, auxiliary forms, blank forms, etc. Draft documents are not allowed to be excluded, as they reflect the way in which the final documents in the case were created. Electronic material is stored as a current collection in a computer information system with hardware and software.

The permanent collection of documentary material (archive) is a collection of finally resolved cases and closed records, as well as material that the organization must keep in accordance with regulations or business needs for more than two years. According to regulations and standards, the permanent collection or archive of an organization is the space, equipped with computer information system, in which documentary material is kept together with records, which the organization must keep for more than two years. Documentary material is kept in the permanent collection until the expiration of the storage period, when the material can be removed and destroyed, or until the material is opened and handed over to the competent archive (Žumer, 2008, 210).

Regulations on the protection of data secrecy, privacy protection and personal data protection, meaning that documents contain secret, protected, and personal data, must be:

- marked accordingly,
- stored separately from the rest of the documents,
- specially protected (ZAL, 2022).

5 ACCESS TO CLASSIFIED INFORMATION

One of the key criteria for accessing classified data is the need to know that an individual or organization has, to perform their tasks. Another criterion for accessing confidential data is the security clearance of individuals.

This is about determining the will to keep classified data and related risks.

In Slovenia, all persons who have access to confidential data for the purpose of performing tasks or functions at their workplace must be properly screened (with the exception of some statutory exceptions and for the "internal" level, where basic training and signing of a declaration on the protection of confidential data is sufficient) (Secret Information Act, 2006). This means that in the security screening process, a person's loyalty, reliability, and credibility are checked, with the aim of granting or withholding permission to access classified information. The security screening process deals with aspects of personal character and circumstances that could lead to the emergence of potential security problems. The above criteria for accessing classified information also have an exception. According to the Confidential Information Act (ZTP, 2006: Article 3), precisely defined categories of persons can access secret data without an access permit: the President of the Republic, Prime Minister, Member of Parliament, State Councillor, Mayor and Municipal Councillor, Minister and Head of Government Service, who is directly responsible to the prime minister, ombudsman and his deputy, governor, deputy and vice governor of the central bank, member of the court of audit, judge, president and member of the state audit commission, state prosecutor, state attorney general and information officer (Prezelj and Tarman, 2015, 695-696).

Access to classified data is enabled with the cumulative fulfilment of at least two conditions. These conditions are permission to access classified data and compliance with the *need to know* principle. The key factor in protecting confidential data is the human (Brezovšek and Črnčec, 2004).

The amendment of ZVDAGA-A from 2014 brought changes to Articles 65 and 66, which regulate the legal basis of access to archival material containing classified information according to the Classified Information Act, tax secrets and personal data. The term "data relating to state and public security, defence, foreign affairs or the intelligence and security activities of the state or its economic interests" from Article 65 is replaced by the term "classified data according to the Act on Classified Data", as the content suggests, but at the same time they do not allow any other information that is not formally classified to be declared inaccessible. Archival material that contains classified information according to the applicable Classified Information Act or tax secrets and the disclosure of which to an uninvited person could cause harmful consequences for the security of the state and other persons or for their legal interests, becomes accessible as a rule, 40 years after its creation, if designated as inaccessible by the sender.

The regime of exceptional access to public archival material in public archives at a time when it is not yet accessible to the public is defined. The Government of the Republic of Slovenia may, on the basis of the opinion of the archive commission and upon fulfilment of legal conditions, grant exceptional access to material containing classified information or tax secrets to a scientific research organization, researcher or journalist, if the use of such material is unavoidably necessary to achieve a scientific goal and if the public interest in disclosure outweighs the public interest in keeping that information unavailable. Also, the archive commission can grant exceptional access to archival material containing personal data to the specified users, if they meet the prescribed conditions. In the event that archival material contains such secret data, data on tax secrecy and personal data, the government decides on exceptional access based on the opinion of the archive commission (Kremenšek, 2014; Hajtnik, 2022).

Lavrič (2008) points out that the fundamental principle of protecting confidential data is precisely ensuring their inaccessibility to persons who are not entitled or authorized to access them. Klasinc (2016) adds that the Act on the Protection of Personal Data and the Act on Confidential Data (both often with different names) are important for research

into projections of access to archival material, because they began to have a strong influence on the operations of archives, and above all on the procedures for use of archival material. This is also reflected in national archival laws, such as the Slovenian Act on the Protection of Archival and Documentary Materials and Archives (ZVDAGA, 2006, 2014).

The user using archive material must sign a statement before using this archive material that:

- he is aware of his obligations and restrictions regarding the use of data from Article 65 of this Act, which he would be made aware of in case of access to archival material based on Articles 66 and 68 of this Act,
- is aware of his obligations and restrictions regarding the use of data from Article 65 of this Act, which he might encounter when using archival material that has not otherwise been marked as inaccessible by the sender, or that contains personal data,
- will protect the data obtained in this way in accordance with this Act and legislation in the field of personal data protection, protection of confidential data, tax and professional secrets, and
- that he is aware that the misuse of the specified data is sanctioned in the Criminal Code and other regulations and that he assumes all material responsibility for the misuse of the specified data.

Levels of secrecy TP	Handling TP	Staff	Safekeeping TP	Transferring TP
TOP SECRET	Security Level I or II	Permission to access classified information of the level TOP SECRET	Safe with at least anti-burglary level III.	Own transmission network
SECRET	Administrative area, Security Level I or II	Permission to access classified information of the level SECRET	Safe with at least anti-burglary level II.	Own transmission network
CONFIDENTIAL	Administrative area, Security Level I or II	Permission to access classified information of the level CONFIDENTIAL	Safe with at least anti-burglary level II.	Own transmission network
INTERNAL	Administrative area	Basic training and signed declaration of familiarity with regulations.	Office cabinet or metal cabinet.	Minimum: recommended with return receipt.

Table2: Handling, access, storage and transmission of documents containing classified information by classification level; (Source: Office of the Government of the Republic of Slovenia for the Protection of Classified Data).

5. 1 COMPARISON OF SOME CRITERIA FOR THE PRESERVATION AND MANAGEMENT OF THE MATERIAL OF THE FORMER INTELLIGENCE AND SECURITY SERVICES IN THE EU

Country	Storage	Legal basis	Access to archival material
Federal Republic of Germany	Yes / 1990 / Office of the Federal authorized representative for the archival services, national security in the former GDR	Law / 1991/2012	Monitored persons: restriction of access to sensitive personal data of "third" persons (anonymization) researchers: restriction of access to sensitive personal data (anonymization), but at the same time exceptional access without anonymization is also regulated (e.g. researchers, employees of the Office; after the last amendment of the law access to non-anonymized material is also provided to "external" academic researchers); otherwise, the term of inaccessibility of the said data is 30 years after the death of the individual.
Czech Republic	Yes / 2008 / Institute for studying totalitarian regimes and Archive security	Law / 2007	Availability of all material to all users without anonymization.
Hungary	Yes / 1997 / 2003 / Historical archive Hungarian National security	Law / 1997 / 2003	Accompanied persons: limited access to personal data of "third" persons (anonymization) researchers (need special license researcher): limited access to sensitive personal data (race, nationality, religion...) according to the formula 30-90-60. Early access to this data is possible with special permits competent authority. Especially sensitive personal data (health status, addictions, sex life) victims of the regime are inaccessible until the period of inaccessibility expires after formulas 30-90-60). Access to other sensitive personal data (race, nationality, religion) possible before expiration deadline 30-90-60 in case of special approvals. The researchers sign the statement on data protection.

Table 3: Comparison of some criteria for the preservation and management of the material of the former intelligence and security services in the EU (Source: Ministry of Culture, 2013)

6 LEVELS OF CLASSIFIED INFORMATION IN THE EUROPEAN UNION

The Council Decision on security regulations for the protection of classified EU data sets out the basic principles and minimum security standards for the protection of EU classified data. These principles and standards apply to the Council and its General Secretariat and must also be respected by Member States in their work with EU classified information.

There are four levels of classified data in the EU: EU Top Secret, EU Secret, EU Classified, EU Restricted.

Très Secret UE /EU Top Secret: information and material the unauthorised disclosure of which could cause exceptionally grave prejudice to the essential interests of the European Union or of one or more of the Member States.

Secret UE /EU Secret: information and material the unauthorised disclosure of which could seriously harm the essential interests of the European Union or of one or more of the Member States.

Confidentiel UE /EU Classified: information and material the unauthorised disclosure of which could harm the essential interests of the European Union or of one or more of the Member States

Restreint UE /EU Restricted: information and material, the unauthorized disclosure of which could be disadvantageous to the interests of the European Union or one or more member states.

The Organization for Joint Armament Cooperation, a European defence organization, has three levels of classification: OCCAR Secret, OCCAR Classified and OCCAR Restricted.

ECIPS, the European Centre for Information Policy and Security, has four levels of security information, COSMIC (Top Secret), EC-Secret, EC-Classified and EC-Committees (Decision on Security Rules for the Protection of Classified Information in the EU, 2013).

The Council Decision on security regulations regulates several ways to protect this data, including personal security, physical security, data handling, information security, industrial security or the ways in which classified EU data is exchanged between EU institutions or between the EU and third countries and international organizations.

The Slovenian regulation differs from the EU regulation, which effectively exempts classified data of the three highest levels of confidentiality from the general legal regime of access and stipulates that they can only be disclosed with the consent of the author (Prepeluh Magajne, 2011).

7 ARCHIVING CLASSIFIED INFORMATION

The Regulation on the Protection of Classified Data states that classified data shall be kept in accordance with the deadlines set by the regulations governing the handling of documentary and archival material. After the retention period has expired, they are removed and destroyed, unless they are designated as archival material in accordance with the regulations governing the handling of documentary and archival material. When handing over archival material with classified information to the competent archive, the regulations governing the field of archival activity are taken into account.

The Act on the Protection of Documentary and Archive Material (ZVDAGA, 2006, 2014) specifies that public legal entities must hand over public archival material to the archive no later than 30 years after the creation of the material, including material:

- which contains confidential information in accordance with the law,
- which is specially protected as confidential, if the law or the rules of procedure of a state body or a body of a self-governing local community stipulate it.

On the basis of Article 40 of the ZVDAGA (2006, 2014), archival material can also be taken over later for professional reasons, e.g., if the public legal entity still needs the material for operational activities.

Until the public archival material is handed over to the competent archive, the regulations governing access to public information, protection of confidential data, protection of personal data, business and tax secrets and other regulations shall apply with regard to access and use of archival material, regardless of the time of creation of the material, except for archival material of public legal entities, which, in accordance with Article 62 of this Act, ensure their own protection of archival material.

7.1 CODE OF ETHICS

The Archives Code (ICA, 1996), which was adopted at the 13th International Archives Congress in Beijing in 1996, states that archivists must respect the accessibility and confidentiality of information and operate within the limits of the relevant legislation.

They need to ensure that corporate and personal privacy and national security are protected without data destruction, especially with computer records where addition and deletion of data is widespread practice. They must respect the privacy of the individuals

who created the material or are the subject of that material, especially those who cannot decide on its use or destruction.

They must justify the trust placed upon them for the common good and avoid using their position to take unfair advantage of themselves or others.

They must refrain from actions that would harm their professional integrity, objectivity, and impartiality. They must not take personal advantage, either financial or otherwise, to the detriment of institutions, users, and colleagues. Archivists may not collect original documents or engage in trading with them for their own benefit. They must avoid activities that would create the appearance of conflicting interests in public opinion. Archivists may use their institution's material for personal research and publication, provided they do so under the same conditions as other users of the same material. They may not disclose or use information obtained in their work with material whose accessibility is restricted. Their private interest in research and publication must not interfere with the performance of their professional or administrative duties, which are their work obligations. When archivists use their institution's materials, they must not use their knowledge of unpublished researchers' findings without first informing them of their intention. They may write reviews and commentaries on the work of others in their fields, including works based on material from their institutions. Archivists must not allow archivists to interfere with their work and responsibilities.

7. 2 PROVISIONS

The ten stipulations or principles written in the archival professional code cover all relationships that arise in all phases of handling archival material. In them, we find all the principles of archival professional conduct in their most general form, and they can therefore also be considered the ten archival stipulations. We highlight those, relating to classified information.

The third provision requires that archival material must not lose its authenticity during professional processing, use and storage (protection). In the explanation of the provision, it is said that even conservation and restoration interventions must not harm the authenticity of the material. If, for example, the authenticity of the material is not guaranteed due to the confidentiality of the data, the archives must inform the users who study the archival material or the archive fund that has been reduced in this way. If the authenticity of the material is temporarily compromised due to secrecy, it is necessary to inform the users when such a situation will change.

The seventh provision refers to the protection of confidential and personal data, within the framework of the relevant legislation. In archives, it is necessary to protect all forms of privacy and state secrets found in the content of the archival material they store. They must take special care to protect the privacy of persons who cannot decide on the use or destruction of documents containing their privacy. In order to protect such data, archive material must not be destroyed. The interpretation of the provision particularly points to the danger of destroying electronically (computerized) recorded data, as it is quite easy to destroy them.

Those, responsible for declassification, such as employees of the creator of the material whose material is to be reviewed for declassification, must ensure a professional and timely review of the material for declassification.

General restrictions apply to all archival material and, depending on the institution's field of activity, include the protection of personal data and privacy, security, data protection on investigative procedures or law enforcement, trade secrets and national security. However, the scope and duration of the general restrictions must be clear.

7.3 DESTRUCTION OF DOCUMENTARY MATERIAL

The destruction of unnecessary documentary material is a prescribed procedure for the elimination or destruction of documentary material that has passed the prescribed retention periods, is no longer relevant to the institution's operations or is not designated as archival material. Unnecessary documentary material is submitted to the commission for direct raw material commission processing with a record of destruction. The institution itself is fully responsible for the destruction of documentary material. The record of destruction, in which the material is only tentatively listed, is kept permanently. The regulation on administrative operations stipulates that the material for which a record of elimination was drawn up must be destroyed within 15 days and that such destruction must ensure the unreadability of any secret or personal data, for which the said commission records the destruction of the documentary material in writing. The procedure for destroying documents labelled "official secret" - "confidential" and "official secret" - "internal" is determined by the superior.

Documents containing TOP SECRET classified information may only be destroyed in the EU central register. These documents can only be destroyed by record, in accordance with the "three person" rule. Certificates of destruction and documentation of distribution are kept in the EU register for at least ten years from the date of destruction.

Documents containing classified information classified as SECRET are destroyed by the competent EU registries. Certificates of destruction and documentation of distribution shall be kept in the EU register for at least three years from the date of destruction. Documents containing classified information classified as CONFIDENTIAL are destroyed by competent EU registries. Certificates of destruction and documentation of distribution are kept in the EU register in accordance with Slovenian regulations in the field of secret data. Documents containing classified information of the INTERNAL classification level are destroyed by the competent EU registries or the user if this is permitted by Slovenian regulations in the field of classified data (Office of the Government of the Republic of Slovenia for the Protection of Classified Data).

It is worth reminding that the 3rd indent of Article 259 of the Criminal Code (KZ-1, 2012) states that anyone who illegally alienates, destroys, or conceals archival material, or renders it unusable, shall be punished with imprisonment from three months to three years.

In relation to the release of classified information, Article 260 of the Criminal Code (KZ-1, 2012) states that an official or other person who, contrary to their duties to protect classified information, communicates or hands over classified information to someone or otherwise enables them to them, or collects such information in order to hand it over to an uninvited person, shall be punished by imprisonment for up to three years.

Anyone who unlawfully obtains confidential information in order to use it unjustifiably, as well as anyone who publishes such information publicly without permission, shall be punished in the same way.

A person who fulfils the signs of a criminal act from the first paragraph of this article shall not be punished if it is secret information that reveals an illegal interference with human rights or fundamental freedoms, other constitutional or legal rights, serious abuse of power or authority, or other serious irregularities in the exercise of authority, public powers or the performance of a public service, and the act is not done out of self-interest and does not threaten people's lives or have serious or irreparable harmful consequences for the security or legally protected interests of the Republic of Slovenia.

Regardless of the provision of the second paragraph of this article, whoever publicly publishes, acquires, transmits, or possesses classified information with the intention of disclosing it to the public is not punished, if, depending on the circumstances of the case, the public interest after the disclosure of the classified information prevails over the public interest after maintaining its secrecy, and if the action does not directly endanger the life of one or more persons.

If the act referred to in the first paragraph of this article was implemented out of self-interest, or if the publication directly endangered people's lives, or if the publication had serious or irreparable adverse consequences for the security or legally protected interests of the Republic of Slovenia, the perpetrator shall be punished with imprisonment of up to eight years.

If the act referred to in the first paragraph of this article is committed due to negligence, the perpetrator shall be punished with imprisonment of up to one year.

8 CONCLUSION

In order to protect certain data and information, it is necessary to limit their general availability and usability. In other words: classified information is defined by all regulations as an exception to free access to information of a public nature, as it is necessary to ensure the public security of the country and thus the entire nation. Based on this, the state is determined to protect certain information and data with classified information. The method and extent of protection is defined in more detail in the Classified Information Act (ZTP, 2006, 2020) (*lex specialis*) and in some by-laws. In accordance with the Classified Information Act (ZTP, 2006, 2020), certain information can be classified as secret if it cumulatively meets the material and formal conditions.

The material condition dictates that information can be classified as secret only if it is so important that its disclosure would cause, or could clearly cause, harmful consequences for the security of the country or for its political or economic benefits, and at the same time, in terms of its content, to public safety, defence, foreign affairs or intelligence and security activities of state bodies of the Republic of Slovenia, or refers to systems, devices, projects and plans or scientific, research, technological, economic and financial matters that are important for the aforementioned goals. One can deduct from this definition that the disclosure must (at least potentially) cause a certain type of damage and that certain fundamental interests of the state or society as a whole must be threatened. The formal criterion further dictates that the information must be designated as secret by an authorized person, in the manner of and according to the procedure specified in the ZTP (2006, 2020), and in doing so, the level of its secrecy (top secret, secret, confidential or internal) must be appropriately marked in relation to possible harmful consequences, which would arise from its disclosure. While formal criteria do not cause problems in practice, more attention is paid to material criteria. The terms "public security", "defence", "foreign affairs" and "intelligence-security activity" are indeed very flexible and are therefore often used (or misused) by authorities to arbitrarily conceal information that is not in the interest of certain layers of power. The information must not be designated as secret in order to conceal a committed crime, abuse or misuse of authority or any other illegal act or conduct (Prepeluh Magajne, 2011).

Classified documents must become available to the public when the data protection expires in accordance with the original determination of their classified state; when the data in them no longer meet the legal conditions for the determination of being "clas-

sified" and are declassified by the authorities themselves; with the expiration of the time specified for archival material and archives; or when a certain level of "classified" is withdrawn at the request of an individual because the information in the document was defined as classified in violation of the law.

Nowhere, however, is it possible to completely protect classified information. Therefore, for the sake of clarity and transparency, it is necessary to approach this comprehensively and systematically.

The first condition can be defined as the human factor. All persons who have access to confidential data for the purpose of performing tasks or functions at their workplace must be properly screened. This means that the person's loyalty, reliability, and credibility are checked during the security check process, with the aim of issuing or withholding permission to access classified information. Such screening process deals with aspects that concern personal character and circumstances that could lead to the emergence of potential security problems. A person is therefore expected to have an elevated level of integrity and a moral-ethical stance. It is also necessary to be aware of criminal liability, as the release of classified information is punishable by a prison sentence of up to three years.

The second condition is that the instructions and regulations governing documentation operations with confidential data, including classified documents, are strictly followed. In this way, the confidentiality issue will also be raised and the system of protecting classified data will be consistently implemented, as well as the belief of the leakage of secret data to the public.

Given that with the development of information technologies and the related development of information processing, which can be easily intercepted and changed, digital records of data need to be protected only when they are processed and transmitted through communication and information systems. For this purpose, new technical and security requirements for cryptographic solutions have also appeared. They need to be developed and implemented, but they must be in accordance with European directives.

Novak (2019) writes that in the context of archival theory and practice, archival experts have developed several methods and procedures for data management over time. Their solutions are mainly based on practical experience of manually managing quantities of preserved archival material or related records about it. It also notes that formalized and established procedures are a prerequisite for data management in archives.

In relation to access to archival material containing classified information, an amendment to the Act on Amendments to the Act on the Protection of Documentary and Archival Material and Archives was adopted in 2014. It brought some innovations in relation to the concept of confidential data, namely that data relating to state and public security, defence, foreign affairs or intelligence security activities of the state or its economic interests" from Article 65 of ZVDAGA (2006, 2014) are replaced by the term "confidential data according to the Confidential Data Act", as they are covered in terms of content, but at the same time they do not allow any other data that is not formally confidential to be declared inaccessible. Archival material that contains confidential data, business or tax secrets becomes accessible 40 years after its creation, while public archival material with sensitive personal data becomes generally accessible 75 years after its creation, or 10 years after the death of the person to whom it relates. Exceptionally, the Government of the Republic of Slovenia may, based on the opinion

of the archives commission and upon fulfilment of legal conditions, grant exceptional access to a scientific research organization, researcher or journalist to material containing classified information or tax secrets, if the use of such material is unavoidably necessary to achieve the scientific goal and the public interest in disclosure prevails over the public interest in the inaccessibility of this data. Also, the archive commission can grant exceptional access to archival material containing personal data to the specified users, if they meet the prescribed conditions. In the event that archival material contains such secret data, data on tax secrecy and personal data on exceptional access, the government decides on the basis of the opinion of the archives commission.

Novak (2016) warns that Article 65 of the ZVDAGA (2006, 2014) regulates the deadlines for the inaccessibility of archival material, namely for public archival material in public archives that contains classified information or tax secrets or personal data, as well as for archival material in public archives that was created before the constitution of the Parliament of the Republic of Slovenia, before May 17, 1990. Modern requirements for managing sensitive data in archives, which arise from the needs and requirements of the information society, can no longer be realized simply by limiting access to such data at the level of archival material. By systematically changing the status of this type of data, archival practice may unknowingly violate the rights defined by law, which arise from the protection of sensitive data. Remediation of the resulting damage, especially in view of the large amounts of metadata in electronic form, can represent large losses, especially of human potential in the archives.

If we compare Germany, the Czech Republic and Hungary, we can see that only the Czech Republic has free access to all archive material for all users. Germany on the other hand has restrictions regarding access (namely: limited access to sensitive personal data, extraordinary access without anonymization is also regulated, e.g. researchers, office employees, and after the last amendment to the law, access to non-anonymized material is also enabled » external" academic researchers). Archival material containing the above data becomes accessible 30 years after the death of the individual. In Hungary, access to personal data and personal sensitive data (race, nationality, religion, etc.) is limited. In exceptional cases access to the material is permitted. Researchers sign a data protection declaration.

We note that different countries treat access to archival material containing classified and sensitive information differently. We can also note that some countries restrict access to archival material containing the aforementioned data.

The entire archival legislation must be harmonized in accordance with international legal acts that are directly applicable and with which individual legal acts of the member states of the European Union must also be harmonized. It makes sense to regulate the anomaly in this area systematically, it is necessary to involve the archival profession and good practices.

REFERENCES

- Anžič, A. (1997). *Varnostni sistem Republike Slovenije*. Ljubljana: Uradni list RS.
- Anžič, A. (2000). Tajnost: vrednota in zlo. *Teorija in praksa* 37(5): 849 - 863.
- Brezovšek, M. & Črnčec, D. (2004). Tajnost v demokraciji. *Teorija in praksa*, 41, (3-4).
- Council decision on the security rules for protecting EU classified information, (2013/488/EU), (2013). *Official Journal of the European Union* 56. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:274:0001:0050:EN:PDF>

- Hajtnik, T. (27. 9. 2022). Zakonodaja, ki obravnava osebne, tajne in zaupne podatke. *Forum Media*. <https://www.e-dokumentacija.si/vsebine/predpisi-in-terminologija/varstvo-tajnosti-zasebnosti-in-osebnih-podatkov/zakonodaja-ki-obravnavava-osebne-tajne-in-zaupne-podatke/zakonodaja-ki-obravnavava-osebne-tajne-in-zaupne-podatke/>
- Kazenski zakonik (KZ-1). (2012, 2015, 2016, 2017, 2020, 2021). Uradni list RS, (50/12 – uradno prečiščeno besedilo, 6/16 – popr., 54/15, 38/16, 27/17, 23/20, 91/20 in 95/21).
- Klasinc, P., P. (2016). Nekaterne projekcije dostopnosti in uporabe arhivskega gradiva. In I. Fras (ed.), *Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja, Popisovanje arhivskega gradiva: 15. zbornik mednarodne konference [Radenci, 13. - 15. april 2016]*(pp. 81–90). Maribor: pokrajinski arhiv Maribor.
- International Council on Archives (ICA). (1996). *Kodeks etike*. https://www.ica.org/sites/default/files/ICA_1996-09-06_code%20of%20ethics_SL.pdf.
- Kremenšek, M. (24. 2. 2014). *Ali bo referendum o arhivski noveli?* Inslov-info. <https://www.inslovinfo.si/medijsko-sredisce/v-srediscu/113476>.
- Lavrič, T. (2008). Zaupni podatki v dokumentarnem in arhivskem gradivu. V: S. Tovšak (ur.), *Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja*. Zbornik referatov z dopolnilnega izobraževanja (pp. 41–51). Maribor: Pokrajinski arhiv Maribor
- Ministrstvo za kulturo. (2013). *Predlog Zakona o spremembah in dopolnitvah Zakona o varstvu dokumentarnega in arhivskega gradiva ter arhivih (ZVDAGA-A)*. http://arhiv2014.skupnostobcin.si/fileadmin/sos/datoteke/pdf/Barbara/PREDLOGI_PREDPISOV/Kultura/2013/ZVDAGA_29_5_2013.pdf
- Novak, M. (2019). Methods og linear and hierarchical sequences in archives. *Atlanti +*, 29-(1), 26-40.
- Novak, M. (2016). Klasična in nova paradigma varovanja občutljivih podatkov v arhivih. *Atlanti*, 26(1), 55–63.
- Prepeluh Magajne, U. (2011). Tajni podatki. *Komentar Ustave Republike Slovenije*. <https://e-kurs.si/komentar/tajni-podatki/>.
- Prezelj, I. & Tarman, M. (2015). Sistem varovanja tajnih podatkov v Republiki Sloveniji v luči demokratičnega zagotavljanja nacionalne varnost. *Teorija in praksa* 52(4). http://dk.fdv.uni-lj.si/db/pdfs/TiP2015_4_PrezeljTarman.pdf.
- Resolucija o strategiji nacionalne varnosti Republike Slovenije. *Uradni list RS*, (59/19).
- Trbovešk, F. (2004). *Varnostni in pravni vidiki varnostnega preverjanja oseb*. Magistrsko delo. Ljubljana: Fakulteta za podiplomske državne in evropske študije.
- Urad vlade za varovanje tajnih podatkov. (2022). <https://www.gov.si/drzavni-organi/vladne-sluzbe/urad-vlade-za-varovanje-tajnih-podatkov/>
- Uredba o varovanju tajnih podatkov. (2022). *Uradni list RS*, (50/22).
- Uredba o upravnem poslovanju. (2018, 2020, 2021, 2022). *Uradni list RS*, (9/18, 14/20, 167/20, 172/21, 68/22, 89/22 in 135/22).
- Zakon o varstvu dokumentarnega in arhivskega gradiva ter arhivih (ZVDAGA). (2006, 2014). *Uradni list RS*, (30/06 in 51/14).
- Zakon o spremembah in dopolnitvah Zakona o varstvu dokumentarnega in arhivskega gradiva ter arhivih. (2014). *Uradni list RS*,(51/14).
- Zakon o tajnih podatkih. (2006, 2010, 2011, 2020). *Uradni list RS* (50/06 – uradno prečiščeno besedilo, 9/10, 60/11 in 8/20).

- Zgodovinski arhiv Ljubljana (ZAL). (2022). *Upravljanje z dokumentarnim gradivom v stalni zbirki*. <https://www.zal-lj.si/project/upravljanje-z-dokumentarnim-gradivom-v-stalni-zbirki/>.
- Žirovnik, J. (2005). Dostop do tajnih podatkov v zvezi NATO in EU ter v izbranih tujih zakonodajah. V B. Lobnikar (ed.), *Zbornik prispevkov [Elektronski vir] / 6. slovenski dnevi varstvoslovja, Bled, 2.-4. junij* (pp. 1–15). Ljubljana: Fakulteta za policijsko-varnostne vede.
- Žumer, V. (2008). *Poslovanje z zapisi. Upravljanje in hramba dokumentarnega gradiva, klasifikacijski načrt za razvrščanje gradiva z roki hrambe in elektronska hramba gradiva v digitalni obliki*. Ljubljana: Planet GV.

TYPOLGY: 1.01 Original scientific research

Grazia Tatò¹

ARE ARCHIVES HARMLESS HISTORICAL SOURCES?

Abstract

Purpose: *In this paper we outline the approach to the study of archival sources, also in comparison with other cultural assets such as museums, and identification of the particularities and specific difficulties of documentary sources.*

Method/approach: *It is necessary to deepen the characteristics of archival sources as a cultural asset, and to study them in an ethically correct way the historical events and societies of the past.*

Results: *respect for what the sources tell us ethically, commit us to research and compare different documentation produced by different subjects. From the comparison between the sources and with the help of the tools produced by the archivists, we will be able to bring out the testimonies that will allow us to have an objective overview of reality.*

Conclusions/findings: *the work of archivists and scholars intersect and support each other; the elaboration of correct and objective research tools is fundamental, as it is fundamental to follow the red thread that connects the documentary sources preserved in different conservative subjects and coming from different producers.*

Key words: *archives, history, archival sources, research, subjects.*

1 Ph.D., prof Professor formerly Director of the State Archives of Trieste and Gorizia, Deputy Director of IIAS Trieste, Italy, graztat@gmail.com.

1. PURPOSE

In the recent extraordinary general assembly of ICOM (International Council of museums) held in Prague this year, the new definition of museum was approved, the result of a long participatory process involving 126 Committees around the world. Thus, Art. 3 of the ICOM Statute

A museum is a not-for-profit, permanent institution in the service of society that researches, collects, conserves, interprets and exhibits tangible and intangible heritage. Open to the public, accessible and inclusive, museums foster diversity and sustainability. They operate and communicate ethically, professionally and with the participation of communities, offering varied experiences for education, enjoyment, reflection, and knowledge sharing.

How can this change affect and affect archives? Certainly, we are in a different cultural field, and we are talking about goods with very different characteristics and consequently of operators with professional training with different cuts. Therefore, the word *different* often recurs here, but we must also underline how much it brings us closer and unites us in this definition.

Therefore, the museum is a permanent non-profit institution at the service of society, which carries out research, collects, conserves, interprets and exhibits tangible and intangible heritage. This definition could well refer at least in part to the Archives which are certainly a permanent non-profit institution and at the service of the society, they carry out research, and here the differences begin: the Archive does not collect or exhibit, except temporarily and occasionally during documentary exhibitions and the preserved cultural heritage. Then we must ask ourselves if it interprets it and possibly in what way. We will come back to reflect on this point later.

Again: Open to the public, accessible and inclusive, museums promote diversity and sustainability. They operate and communicate ethically and professionally and with the participation of communities, offering diversified experiences for education, pleasure, reflection, and knowledge sharing. It seems to me that this second part of the definition of a museum can also be valid for the Archives, perhaps adding the fundamental offer to scholars of the possibility of directly accessing documentary sources without the intermediation of what has been elaborated and interpreted by others? I would rather say why shouldn't we? The closure of individual cultural assets towards others is certainly harmful, just as the closure towards other scientific fields and from the respectful encounter between different institutions can only result in enrichment, when approached without fear and in respect of each one's fields. So, what can we take from other cultural goods and what can we give to them?

2. METHOD/APPROACH

Here it is appropriate to take a step back and reflect on who we are and what characterizes us. What is the role of archives in a complex society such as ours and how can we immerse ourselves in a contaminated context by helping to make archival values known and disseminated? There seems to be a need for archival science and its public role in the maze of a society substantially unable to give depth to memory and to pass it on in ways that are understandable to the community. Archives preserve a complex heritage and archivists have the difficult task of making it shared. This is a very delicate step! Any work that seriously wants to deal with the study of the past in a serious way must necessarily pass from the investigation of documentary sources. What that said may seem obvious and easy, but it is not! We all know the difficulty of approaching sources: first of all, finding them, reading them, understanding their connection and links. The central point,

however, is another. In the archives we find the documentation that has been preserved which is not all the documentation produced. We also find the official documentation that the institutions have wanted to keep. Basically, we find a "point of view" and in the choice we make of sources we sometimes "force" them to our point of view and to what we want to demonstrate. Archives have always been regularly fiscal ones. A history of the economy that relies only on tax returns would inevitably be falsified. This requires a research effort that goes beyond, that investigates and interweaves other sources to arrive at the truth. The same case is that of the sources that we could define as "political". Those who on one side are considered terrorists and subverters of the established order could be heroes and patriots on the other. For this card game, the sources are not as harmless and impartial as one might think and lend themselves to different and biased readings.

3. RESULTS

Returning to the word *interpret* relating to the definition of museum, here we must strongly claim respect for what the sources tell us by ethically committing ourselves to researching and comparing different documentation produced by different subjects. From the comparison between the sources and with the help of the tools produced by the archivists, we will be able to bring out the testimonies that will allow us to have an objective overview of reality. Then we can only say that we have done a serious historical work, not only based on what is written by others, but not even based on sources chosen because they correspond to what we want to demonstrate without deepening what is the historical truth of the facts whether we like it or not.

4. CONCLUSIONS/FINDINGS

The work of archivists and scholars intersect and support each other; the development of correct and objective research tools is fundamental, just as it is fundamental to follow the red thread that connects the documentary sources preserved in different conservative subjects and coming from different producers. A frank comparison with historians who share with the archivists the sense of the civil value of concepts such as memory and cultural memory would be considered very opportune. What exists between archival science and historical disciplines is a particular relationship, of ancient origin. This relationship has not always been balanced and archival science has not always been respected as a science, in fact it has often been considered as an auxiliary science of history or even worse as a "handmaid" of history. The endless battle of historians between facts and interpretation collides with archival science as an expression of a dynamic expression between events and their graphic representation. On a different ground, it may be useful to share problems and solutions with the large family of information scholars, while maintaining a strong ethical approach. Culture is not a question of defending individual domains, but a sharing of knowledge in respect of everyone's skills and above all in the rigor of a job that is never conditioned by wanting to demonstrate how valid one's theories and one's political position are. A popular saying said "*carta sings*" in the sense that what is documented is true. This is not always the case. The document is sometimes misleading and only by comparing other sources does the truth emerge. Many years ago, as Federico Valacchi recalls in his beautiful volume *Archives between history, use and future*, Eugenio Casanova wrote that there are rare, in Italy and elsewhere, those who know what an archive is; very rare, those who discern what it really is for. But, although few in number, these elects constitute a force, who, with his generous reprimands, sometimes slows down

the havoc, which of the writings that compose it, would incessantly want to do the neglect and brutality of others. This destruction, however, is fatal, ineluctable through time and space, as it is fatal for all creation: what makes the struggle more exquisite, which, in other words, through the work of those few, civilization fights against barbarism. Words still valid even if ancient. The archivists have the task of keeping very rich contexts and contents at bay and the tools that guarantee access to them, of preserving the documentary heritage from discards that are sometimes anything but innocent and of maintaining absolute rigor and a strong ethical sense in dealing with sources; historians not to manipulate the sources for their own use and to commit themselves to maintaining a correct study approach even when uncomfortable.

REFERENCES

- Atzori, E. & Nemore, F. (2018). Vero, verosimile, immaginario: archivi e archivisti e letteratura. *Nuovi Annali della scuola speciale per archivisti e bibliotecari* 32, 229–254.
- Casanova, E. (1928). *Archivistica*. Siena: Stab. arti grafiche Lazzeri. <http://www.icar.beniculturali.it/biblio/pdf/EuCa/totalCasanova.pdf>.
- International council of museums Italia [ICOM]. (s. d.). *Definizione di Museo di ICOM*. <https://www.icom-italia.org/definizione-di-museo-di-icom/>.
- International council of museums Italia [ICOM]. (2017). *Statutes*. https://icom.museum/wp-content/uploads/2018/07/2017_ICOM_Statutes_EN.pdf.
- Jimerson, R. (2007). Archives for all. Professional responsibility and social justice. *The American archivist* 70 (2), 252–281.
- Valacchi, F. (2020). *Gli archivi tra storia uso e futuro*. Milano: Editrice bibliografica.

Typology: 1.03 Short Scientific Article

Adriano Buzzanca¹

CULTURAL BOND UNDERLYING THE CONSERVATION AND ENHANCEMENT OF HISTORICAL MEMORY

Abstract

Only through the conservation, the transmission of the important documentary heritage, as in the present case, and the protection understood within a dynamic meaning and context - in order to allow the public enjoyment by the community - it will be possible to proceed with the reconstruction of the historical reality according to the asset, given to the archive by the producer.

Key words: archives, conservation, transmission, important documentary, producer.

1 Adriano Buzzanca lawyer, PhD in Environmental Law and Economics at the University of Bari, official of the Ministry of Culture, Italy, avv.a.buzzanca@gmail.com

1. INTRODUCTION.

The study of the valorization of cultural heritage in the various forms through which it is promoted, is inspired by Legislative Decree no. 42 of 2004 and subsequent amendments, and based on the "Code of Cultural Heritage and Landscape". It develops from the analysis of exercising the administrative power in accordance with the principle of consensus, through the use of consensual forms and in the perspective of the negotiability of between various administrative bodies, which become the most suitable instruments to guarantee the protection and valorization of the aforementioned assets.

This research is based on the study of the contributions of the doctrine related to the relations between private property and public prerogatives in the light of public interests, examining the discipline of cultural heritage of private property between conformational constraints and social function.

In particular, this special discipline addressing cultural goods aims to combine two different usages, the cultural and the economic, thus making it possible to identify the tasks that the private owner can exercise, which are precluded and which can be recognized under strict public control.

The activities of protection and valorization of these assets are implemented through the application of the bond that expresses all the legal effects to safeguard the maintenance of the conditions on which the connection between the assets and cultural identity of the same is based. In fact, the constraint determines a close relationship between the way of being of the asset and the public interest connected with cultural protection, with the consequence that the owner or possessor has specific obligations not to change their intended use and not to use the assets for uses that endanger their integrity or decorum.

In light of this preamble, the first area of reflection of this work starts from considerations of a general nature in the renewed constitutional structure and in the discipline of the Codex, with reference to the relations between the Ministry, the Regions and other local authorities that through art. 118 expressly enshrines the important principle of cooperation between municipalities, metropolitan cities and provinces in the exercise of protection functions.

This is followed by the survey on the participatory enhancement of privately-owned cultural heritage, which highlights the synergy between public and private in the protection, valorization and management of cultural heritage and in particular the qualification of subjective legal situations. The relations between the public administration and the private sector now assume a multidimensional structure, in which, in addition to the public interest, the interest of the private owner and the interest of the community, other interests also emerge, such as those of private financiers.

The forms of participation of private individuals in the cultural heritage sector can be of various types, such as, by way of example, additional services, sponsorships, different disbursements.

The public, on the other hand, makes use of consensual tools (collaboration agreements, negotiated programming, memoranda of understanding, organizational and program agreements) and conventions for public usability, in order to participate in the management and valorization activities of those cultural assets of the private owner.

Private owners can access public subsidies for the recovery of cultural property by adhering to the aforementioned agreements, also for the purposes of public usability by the community; in this context, the valorization of cultural heritage takes on a broader meaning because it is inserted in the relations between society and territorial identities.

The present study, analyzing the consensual tools between private individuals and public administrations aimed at enhancing cultural heritage for the purposes of their public usability, takes into consideration some cases that emerged in the local context (Teatro Petruzzelli, Cava dei Dinosauri) that have not produced positive results both for the owner (up to the *extrema ratio* of expropriation), and for the State, unlike other cases (Villa Pignatelli) in which this process of enhancement has taken place successfully.

The contribution aims to raise awareness and encourage the use of conventions for the enhancement and public usability of the cultural heritage of Puglia, as well as the various consensual modules (collaboration agreements / negotiated programming / memoranda of understanding / organizational and program agreements) which represent an irreplaceable tool to obtain public grants for the aforementioned activities.

It is a valid support for the actors involved in the process of enhancement of cultural heritage (private owners, local authorities, Regions and Mibac), useful for the exchange of experiences and best-practices in order to strengthen and promote strategic territorial enhancement models for local development, while strengthening social sustainability through a greater use of its cultural heritage and the same territorial identity.

2. HISTORICAL NOTATIONS

The archive of the Tremiti - Criminal and Confinement Colony Directorate as an archive of a state administration is *ope legis* a cultural property (Article 10, paragraph 2b of Legislative Decree 22 January 2004, no. 42)

The island of San Nicola, at the behest of Ferdinand IV of Bourbon, was since 1792 the site of a penal colony in which to exile those convicted of the most feared common crimes of the Kingdom of Naples. As is known, a part of them, having served their sentence, remained on the island, which was then sparsely inhabited, creating a family and establishing a speech with an unmistakable Neapolitan accent.

Between the end of October 1911 and the beginning of November 1912, the Giolitti government, after having bloodily suppressed the revolt against the Italian occupiers led by the hero of the local Resistance Omar El Mukhtar, had them captured and deported to San Nicola beyond 1300 Libyans. According to Angelo Del Boca, the greatest historian of Italian colonialism, "collected at random on the streets of Tripoli and then piled up in the holds of ships, without any proof of guilt. Among the exiles ... very young children, women and even a 90-year-old old man. Many will not survive the rigors of imprisonment, poor nutrition, anguish over separation from family members".

The governments of post-unification Italy did not abolish the Bourbon colony and so did fascism, at least until August 1937, when the absurd coexistence of forced and politicians was put to an end.

In the end there will be thousands of anti-fascists who have passed through the "stay" in Tremiti. A ministerial figure referring to 1937 alone speaks of 700 housed in purpose-built barracks and 200 in private accommodation. A population that periodically renewed itself following amnesties or other dispatches. The surveillance was ensured by 60 carabinieri and 15 P.S. Between confined and residents, according to a 1959 study, San Nicola came in those years to count a total population of 1500-2000 people.

The most illustrious political exponent sent to the Tremiti was, as is well known, the former president of the Republic Sandro Pertini, who, however, remained there only a few days in 1939.

Another peculiarity distinguished the Tremiti confinement from that of the other islands, having "hosted" Libyans and anti-fascist politicians, including gays and Jehovah's

Witnesses (JW) as well as common prisoners. The first arrived on the archipelago (with destination San Domino) from Catania between March and April 1939, following a provision wanted by the prefect Vittorelli.

There were 46, all sentenced to serve five years just because they made a "scandal". Later, others arrived from different locations, until the maximum number of 56 was reached. They remained until the outbreak of the war, in June 1940.

The fascist persecution of Jehovah's Witnesses was not comparable to that of Hitler, who physically eliminated them, but it was equally hateful and unbearable. According to a study by Emanuele Pace di Montesilvano, their deportation to the island dates back to the period 1936-1942, with particular emphasis coinciding with the beginning of the war. Being the anti-militarist and pacifist JWs represented, in fact, an unbearable provocation for the regime. Hence the repression. Of the 23 confined throughout Italy, 14, mostly from Abruzzo and Trentino, experienced the exile of the Tremiti.

Hundreds and hundreds of confined persons passed by from 1940: parliamentarians such as Finzi and Ferreri and Martire; lawyers such as Brignetti and Mancinelli and Bolli; engineers; doctors; trade unionists. "For a few days Sandro Pertini was also here, transferred from Ponza to the Tremiti as a punishment," recalled Gaetano Carducci, former secretary of the Fascist and later employee of the Municipality who safeguarded the archives of the Colony.

After his death, the documentation remained preserved in a tower of the abbey of Tremi in which it was registered by an official of this Superintendency

3. CONDITIONS OF HISTORICAL DOCUMENTATION

A summary list of the archival material, with the drafting of a list of consistency, had already been carried out by the Archival Superintendence of Puglia as part of the Local Project MiC 2019.

The archive of the colony of the confined of the Tremiti Islands, referred to in the consistency list, is actually the fragment of an archive as it presents a series of gaps that in consistency far exceed the surviving material that has reached today. The documentation arrived at the Superintendency in cartons, only partially collated and conditioned in folders; in many cases it was necessary to collate the loose papers and, where this was not possible, it was preferred to file the individual documents. At the end of the recovery and cleaning and disinfection of the cards, the filing of the cards was passed, during which the following data were collected: string number, envelope and file (where present), title of the file, subject, chronological details and notes. During the reconstruction of the series, it was realized that all had evident gaps that constituted an obstacle to the complete reconstruction of the series and to their rearrangement. For this reason, during the reordering phase it was decided not to change the order in which the documentation arrived because the disorderly state of the cards and their lacunae make even a summary reconstruction of the original order of the cards impossible today; it was considered that adopting a new order, conceivable similar to the original one, at present was a new and further shift of documentation that could have created greater confusion to the papers. It was therefore decided not to proceed with a real reordering, therefore with the inventory, limiting itself by necessity to the preparation of a list of consistency.

The same choice was adopted for the volumes of the colony's library which represent a very significant part of the surviving collection and of great historical interest.

4. ASSET RECOVERY OPERATIONS

The recovery operations of the assets relating to the historical archive of the Tremiti Penal Colony were carried out after a long negotiation that the Archival and Bibliographic Superintendence of Puglia conducted with the Municipality of Tremiti.

In October 2018 the officials of the Superintendency (Buzzanca & Marino) carried out an inspection without receiving any collaboration and material support from the Municipality of Tremiti, as also shown in the minutes of the Administration's records.

The state-owned assets (as shown by an employee of the Municipality) that were in a state of total abandonment and in precarious hygienic conditions, at the premises of the former Monastery, were placed in safety by the officials in charge through the placement in cardboard boxes makeshift and sealed.

The same sealed goods were temporarily deposited at the Tremiti Local Police Offices to which the custody of the same was entrusted.

Particular not negligible was the lack of collaboration of the Municipality of Tremiti since the transport of the archival material took place from the municipal premises to the port only thanks to the civic sense shown by a Tremiti citizen Mr. Nicola De Martino who, free of charge and with a high civic sense, made available his "little tractor" (makeshift means of transport normally used on the island for the transport of things and people) for transport operations.

The recovery of the assets, never successful, was carried out successfully by the officials of the Superintendency and in record time in a total of six days (3 in October and 3 in November).

The transfer of goods from the island of Tremiti to the restoration laboratory for sanitization was carried out by a specialized company.

The sanitized assets were held at the Superintendency for the drawing up of an initial analytical list by officials and volunteer collaborators.

All the aforementioned operations were carried out in agreement with the Carabinieri Command for the Protection of Cultural Heritage of Bari.

Subsequently, the archival assets, precisely because of their importance, were subjected to sanitation and are currently in the process of ordering, inventorying thanks to the financing of the Presidency of the Council of Ministers with the funds of the eight per thousand of the IRPEF, for a total amount of Euro 65,550.00. For the aforementioned works, the Presidency of the Council of Ministers made available an initial disbursement of Euro 47,775.00. After the first phase of the work, the Presidency of the Council of Ministers will pay the difference.

5. THE CONSENSUAL ACTIVITY OF THE P.A.

The Public Administration, in the exercise of its functions, may avail itself of both the authoritative power and the instruments of a private nature.

This group is governed, with reference to consensual activity, by the rule referred to in art. 1, paragraph 1-bis, l. n. 241 of 1990 (as amended by l. n. 15 of 2005). The rule states that 'the public administration, in the adoption of acts of a non-authoritative nature, acts in accordance with the rules of private law unless the law provides otherwise'.

In particular, contractual autonomy "cannot be contrary to the table of values underlying the legal system; like all freedoms, it is part of a context of hierarchically ordered constitutional and community values and cannot be transformed into an instrument of prevarication of the citizen. Hence the reference to personalistic, solidarity and environ-

mental values, which tend to prevail over market freedom: contractual autonomy must consist in "positive" action and, in any case, cannot escape limits and controls aimed at guaranteeing "fair" relationships" (Pennasilico, 2012).

The public administration can, therefore, pursue the public interest through contractual relationships based on the consent expressed by the interested parties as an alternative to the authoritative activity and the procedural activity.

The administrative jurisprudence has shown a *favor* towards the consensual activity of the public administration, precisely because the provision and the contract are placed on the same level thanks to the participation in the procedure of the private individual. Thus, the contract becomes an instrument for the pursuit of the public interest as a result of the participatory activity, in this way, the public administration strips itself of its role of authority and exercises discretion through consensual forms of a private nature for the pursuit of the public interest (Plaisant, 2018).

The private assets through the agreements greatly affect the administrative action, obtaining a shared and binding decision, where the content of the agreement, in fact, objectively conditions the stipulation and becomes an instrument for the purposes of the review of legitimacy on the choice made by the public administration (Clarich, 2016).

The legislator, precisely in order to guarantee the impartiality and good performance of administrative activity, has established that "in all cases in which a public administration concludes agreements in the cases provided for in paragraph 1, the conclusion of the agreement is preceded by a determination of the body that would be competent for the adoption of the measure" (Article 11, paragraph 4-bis, l. n. 241 of 1990). The administration, in support of the reasons inspiring the public interest, must state the reasons which led it to prefer the conclusion of the agreement instead of the exercise of the authoritative activity (Mastragostino, 2011).

In this regard, the position claimed by the private individual is worthy of protection both in the execution phase of the agreement and in the procedural phase through the application of participatory procedural guarantees and in the exercise of a consensual activity (Battelli, 2017). In particular, the private individual who adopted the determination has a pre-binding legitimate interest towards the public administration, which can be protected before the administrative court in the event of silence or refusal (Cerulli Irelli, 2005).

The fact that the administration did not adopt the reasoned decision renders the agreement vitiated by illegality and, therefore, open to appeal.

Therefore, after a careful evaluation of the private proposal, the negotiation phase is followed by the determination of the public administration and the consensual elaboration of the content of the agreement. In fact, the legislator, by virtue of the aforementioned art. 11, paragraph 4-bis, has expressly established that the agreement is to be considered as an expression of a phase subsequent to the adoption of the determination (Caringella, 2021).

Once the agreement has been reached between both public and private parties, the public administration that decides not to enter into the agreement will be exposed to a series of remedies, to which the private individual can resort, suitable for reviewing the legitimacy of the administrative action with reference to the refusal or silence of the public administration. Finally, the private individual may request the possible execution of the stipulation intervened, in addition to compensation for the damages suffered.

6. CONCLUSIONS

Archives actually allow history to be handed down, which is not the exclusive prerogative of a narrow circle of intellectuals, but also to the common user, thus allowing history to become a means of national mobilization and regeneration (Pittella, 2019).

In this sense, the archival document assumes importance as “written testimony of a fact of a legal nature, compiled with the observance of certain forms that give the document public faith and strength of proof” (Carucci-Guercio, 2021). Indeed, as observed by Carucci herself, “the documentary function and the principles and tools necessary for a suitable organization of the archives arise in any historical-institutional context from the need to confer certainty on administrative legal activities and to permanently preserve memory.” Only through the conservation, the transmission of the important documentary heritage, as in the present case, and the protection understood not as an end in itself but in a dynamic meaning - in order to allow the valorization and public enjoyment by the community - it will be possible to proceed with the reconstruction of the historical reality according to the asset, given to the archive by the producer.

REFERENCES

- Aicardi, N. (1997). La disciplina generale e i principi degli accordi amministrativi: fondamento e caratteri. *Rivista trimestrale di diritto pubblico* 1, 1–59.
- Aicardi, N. (2002). *L'ordinamento amministrativo dei beni culturali. La sussidiarietà nella tutela e nella valorizzazione*. Torino: Giappichelli.
- Albisinni, F. G. (2016). I contratti pubblici concernenti i beni culturali. *Giornale di diritto amministrativo* 4, 510–515.
- Astone, F., Manganaro, F., Rolli, R. & Saitta, F. (2018). *I beni pubblici tra titolarità e funzioni*. Milano: Giuffrè.
- Federico, A. (2015). L'uso giurisprudenziale della causa concreta. In G. Perlingieri, G. Clarizia, O. Lepore & A. Fachechi (eds.). *La giurisprudenza del foro napoletano e gli orientamenti nazionali ed europei in tema di obbligazioni e contratti* (pp. 25–37). Napoli: Edizioni Scientifiche Italiane.
- Barbati, C., Cammelli, M., Casini, L., Piperata, G. & Scialoja, G. (2017). *Diritto del patrimonio culturale*. Bologna: Il Mulino.
- Barbati, C. (2019). *Governo del territorio, beni culturali e autonomie: luci ed ombre di un rapporto*. <http://www.aedon.mulino.it/archivio/2009/2/barbati.htm>.
- Battelli, E. (2017). I soggetti privati e la valorizzazione del patrimonio culturale. In E. Battelli, B. Cortese, A. Gemma & A. Massaro (eds.). *Patrimonio culturale. Profili giuridici e tecniche di tutela* (pp. 53–91). Roma: Università degli Studi Roma Tre.
- Benedetti, A. M. (2012). Contratto asimmetrico. In *Enciclopedia del diritto. Annali V* (pp. 354–364). Milano, Giuffrè.
- Bruti Liberati, E. (2001). Accordi pubblici. In *Enciclopedia del diritto. Aggiornamento 5* (pp. 28–32). Milano, Giuffrè.
- Buzzanca, A. (2019). *La valorizzazione dei beni culturali di appartenenza privata*. Napoli: Edizioni Scientifiche Italiane.
- Cangelli, F. (2000). Riflessioni sul potere discrezionale della pubblica amministrazione negli accordi con i privati. *Diritto Amministrativo* 2, 277–340.

- Carpentieri, P. (2010). La gestione dei beni culturali e la finanza di progetto. In G. F. Cartei & M. Ricchi (eds.), *Finanza di progetto, temi e prospettive 33* (pp. 15–20). Napoli: Edizioni Scientifiche Italiane.
- Casini, L. (2017). Quale futuro per il diritto globale del patrimonio culturale? *Giornale di diritto amministrativo* 3, 285–298.
- Calderoni, G. (2016). I patti di collaborazione: (doppia) cornice giuridica. *Aedon Rivista di arti e diritto online* 2. <http://www.aedon.mulino.it/archivio/2016/2/calderoni.htm>.
- Capriotti, P. (2017). Per un approccio integrato del patrimonio culturale. *Aedon Rivista di arti e diritto online*, 1. <http://www.aedon.mulino.it/archivio/2017/1/capriotti.htm>
- Caringella, F. (2021). *Manuale di diritto amministrativo*. Roma, Dike.
- Cerulli Irelli, V. (2005). *Osservazioni generali sulla legge di modifica della l. n. 241/1990, II parte*, www.giustamm.it.
- Chinè, G., Fratini, M. & Zoppini, A. (2018). *Manuale di diritto civile*. Molfetta: Nel Diritto.
- Chiti, M. P. & Greco, G. (2017). *Trattato di diritto amministrativo europeo*. Milano, Giuffrè.
- Clarich, M. (2016). Contratti pubblici e concorrenza. In *La nuova disciplina dei contratti pubblici tra esigenze di semplificazione, rilancio dell'economia e contrasto alla corruzione, Atti del LXI Convegno di studi di Scienza dell'amministrazione, Varenna, 17-19 settembre 2015* (pp. 263–267). Milano: Giuffrè,
- Costantino, M. (1982). *Il diritto di proprietà*. In *Trattato di diritto privato*. Rescigno. 2nd ed. (pp. 208–212). Torino: Giappichelli.
- De Donno, M. (2018). *Nuove prospettive del principio di consensualità nell'azione amministrativa: gli accordi normativi tra p.a. e privati*. https://www.astrid-online.it/static/upload/de-d/de-donno_federalismi_6_2018.pdf.
- Di Camillo, F. (2005). *Legge n. 15/2005: l'amministrazione partecipata tra conferme e nuove prospettive*. https://www.diritto.it/articoli/amministrativo/di_camillo1.pdf.
- Dugato, M. (1996). *Atipicità e funzionalizzazione nell'attività amministrativa per contratti*. Milano, Giuffrè.
- Fantini, S. (2014). Beni culturali e valorizzazione della componente immateriale. *Aedon Rivista di arti e diritto online* 1. <http://www.aedon.mulino.it/archivio/2014/1/fantini.htm>.
- Ferrara, R. (1997). La pubblica amministrazione tra autorità e consenso: dalla specialità amministrativa a un diritto amministrativo di garanzia? *Diritto Amministrativo* 2, 226–228.
- Fracchia, F. (1998). *L'accordo sostitutivo. Studio del consenso disciplinato dal diritto amministrativo in funzione sostitutiva rispetto agli strumenti unilaterali di esercizio del potere*. Padova: Cedam.
- Frigo, M. (2010). Il Codice dei beni culturali: aspetti di diritto internazionale e comunitario. In G. Alpa, G. Conte, V. Di Gregorio, A. Fusaro & U. Perfetti. (eds.), *I beni culturali nel diritto. Problemi e prospettive*. Napoli: Edizioni Scientifiche Italiane.
- Greco, G. (2004). *Accordi amministrativi tra provvedimento e contratto*. Torino: Giappichelli,
- Guercio, M. & Carucci P., *Manuale di archivistica*. Roma: Carocci.
- Mabellini, S. (2016). *La tutela dei beni culturali nel costituzionalismo multilivello*. Torino: Giappichelli.
- Manganaro, F. (2006). Nuove questioni sulla natura giuridica delle convenzioni urbanistiche. *Urbanistica e appalti* 10 (3), 337–340.

- Massa, N. (2013). L'azione ex art. 2932 c.c. davanti il g.a.: lo sviluppo dopo alla Adunanza Plenaria 28/2012. Gli orientamenti della giurisprudenza e della dottrina. *Rivista scientifica trimestrale di diritto*, 5. <http://www.amministrativamente.com/index.php/formez/article/view/10092>.
- Mastragostino, F. (2011). *La collaborazione pubblico-privato e l'ordinamento amministrativo. Dinamiche e modelli di partenariato in base alle recenti riforme*. Torino: Giappichelli.
- Mastropietro, B. (2016). *Trascrizione di atti costitutivi di vincolo, Art. 2645-quater*. Milano: Giuffrè.
- Mastropietro, B. (2012). *L'attività contratto della P.A. tra buona fede e interesse pubblico*. *Corr. giur.*, 2012, pp. 1498-1525, spec. 1500
- Mengoli, V. (2003). *Gli accordi amministrativi tra privati e pubbliche amministrazioni*. Milano: Giuffrè.
- Michiara, F. (2016). I patti di collaborazione e il regolamento per la cura e la rigenerazione dei beni comuni urbani. L'esperienza di Bologna. *Aedon Rivista di arti e diritto online* 2. <http://www.aedon.mulino.it/archivio/2016/2/michiara.htm>.
- Morea, R. (2008). *Gli accordi amministrativi tra «norme di diritto privato» e principi italo-comunitari*. Napoli: Edizioni Scientifiche Italiane.
- Parente, F. (2006). *I moduli consensuali di pianificazione del territorio e la tutela degli interessi differenziati*. Napoli: Edizioni Scientifiche Italiane.
- Pennasilico, M. (2012). *La «pianificazione per accordi» tra ambiente e mercato. Scritti in onore di Lelio Barbiera*. Napoli: Edizioni Scientifiche Italiane.
- Pennasilico, M. (2015). *Contratto e interpretazione. Lineamenti di ermeneutica contrattuale*, 2nd. Torino: Giappichelli.
- Piperata, G. (2004). La valorizzazione dei beni culturali di proprietà privata (art. 113). *Aedon Rivista di arti e diritto online*, 1. <http://www.aedon.mulino.it/archivio/2004/1/art113.htm>.
- Pittella, R. (2019). Le carte di questo tabulario non presentano quel grande interesse che sarebbe ragionevole il supporre. Mito e anti-mito di Roma nella fondazione dell'Archivio storico capitolino (1870-1914). In A. Giorgi, S. Moscadelli, G. M. Varanini & S. Vitali (eds.), *Erudizione cittadina e fonti documentarie. Archivi e ricerca storica nell'800 italiano (1840-1880)*, a cura di Medievali e-book 33 (pp. 779-815). Firenze: University Press.
- Piraino, S. (2008). La consensualità nell'azione amministrativo. *Rivista di diritto dell'economia, dei trasporti e dell'ambiente* 6, 510-520.
- Plaisant, A. (2018). *Dal diritto civile al diritto amministrativo*, 3 ed. Udine: Forum Libri.
- Ricciuto, V. & A. Nervi. (2009). Il contratto della pubblica amministrazione. In P. Perlingieri (ed.) *Tratto di Diritto Civile del Consiglio Nazionale del Notariato*. Napoli: Edizioni Scientifiche Italiane.
- Sciullo, G. (2017). I beni culturali quali risorsa collettiva da tutelare. Una spesa, un investimento. *Aedon Rivista di arti e diritto online* 3. <http://www.aedon.mulino.it/archivio/2017/3/sciullo.htm>.
- Severini, G. (2016). Tutela del patrimonio culturale, discrezionalità tecnica e principio di proporzionalità. *Aedon Rivista di arti e diritto online* 3. <http://www.aedon.mulino.it/archivio/2016/3/severini.htm>.
- Severini, G. (2015). Il patrimonio culturale e il concorso dei privati alla sua valorizzazione. *Rivista giuridica dell'edilizia* 2, 323-334.

- Simonati, A. (2016). La partecipazione dei privati al governo del territorio nella legislazione regionale tra tradizione e sperimentazione, per una nuova urbanistica reticolare. *Rivista giuridica dell'edilizia*. 3, 267–283.
- Stella Richter, P. & Scotti, E., (2002). Lo statuto dei beni culturali tra conservazione e valorizzazione. In A. Catelani & S. Cattaneo (eds.), *I beni e le attività culturali, Trattato di diritto amministrativo*, Santaniello, XXXIII (pp. 413–425). Padova.
- Rodotà, S. (2013). *Il terribile diritto. Studi sulla proprietà privata e i beni comuni, 3rd edition*. Bologna: Il Mulino.
- Simone, S. G. (2012). Il ruolo dell'autonomia privata nell'urbanistica contrattata. In M. Pennasilico (ed.), *Scritti in onore di Lelio Barbiera* (pp. 1411–1427). Napoli: Edizioni Scientifiche Italiane.
- Sulli, R. (2000). Le convenzioni per la valorizzazione dei beni culturali. *Aedon Rivista*.
- Verna, P. (2018). *La convenzione urbanistica è un contratto: niente modifiche unilaterali da parte del comune*. www.ediliziaeterritorio.it.
- Zanetti, L. (2004). La valorizzazione dei beni culturali di appartenenza pubblica (art. 112). *Aedon Rivista di arti e diritto online* 1. <http://www.aedon.mulino.it/archivio/2004/1/art112.htm>.
- Zito, A., & Tinelli, G. (2017). L'ambito di applicazione delle norme sulla partecipazione. In M. A. Sandulli (ed.), *Codice dell'azione amministrativa* (pp. 681–687). Milano: Giuffrè.

TYPOLGY: 1.02 Review article

Gregor Petrič¹

THE ARCHIVIST FACING THE CHALLENGE: CLASSIFICATION AND ARCHIVING OF TATTOOS AS SPECIFIC FORMS OF ARCHIVAL DOCUMENTS

Abstract

The present study, based on four published articles (Sundberg, Kjellman (2017); Wright (2009); Calano (2012) and Dyvik, Welland (2018)), attempts to find answers to two fundamental questions: How is it possible to organise tattoos as a modern form of records and whether, given their specifics, it is possible to archive them? Presenting some organisational solutions offered by the above papers dealing with tattoos of Russian and Soviet prisoners, Polynesian and Filipino natives, and American Iraqi and Afghan war veterans, the author disputes the widespread use of the term 'body as archive' as scholarly inadequate and metaphorical at best. He finds several ways to classify tattoos, exposing the aboriginal connotative model as the only one capable of representing tattoos in their entirety, which is a prerequisite for accurate description in the archival process.

Key words: tattoo, record, classification, connotation, archiving expose

1 Gregor Petrič, M.A. Student of Archives and Records Management at Alma Mater Europaea, ECM, Slovenska ulica 17, 2000 Maribor, e-mail: gregortaras12@gmail.com

1. INTRODUCTION

In the 21st century, a debate has arisen among researchers as to what should be classified as a document². Up until now, most people have thought of a document as nothing more than text written on some piece of material.

The introduction of modern IT systems, on the other hand, brought pieces of information that can function as a document without having to be in the traditional physical form of a document. This led to the notion that any piece of information can be hidden in different objects and that the content determines an object's meaning and not its appearance or medium (Buckland, 1997, as cited in Sundberg & Kjellman 2017, 21). This eventually opened the door to the recognition of the tattoo as a document, according to which the tattoo is a document 'meaning something, such as a memory, an event, a person and an identity' (Sundberg & Kjellman, 2017, 21), whilst Calano states: 'A work on Polynesian tattooing tells us that tattoos are artefactually understood to be a registration of a ritual event' (Calano, 2012, 99), meaning that it emphasises the so-called contextual, or hidden, side of tattoos and tattooing, which I will discuss later.

Though it may not seem so at first glance, the practice of tattooing is very old – some form of pre-tattoos have been found on humanoid figures dating back to the Palaeolithic, such as the 40,000-year-old figure named 'Löwenmensch' from the Hohlenstein Mountains on the Austro-German border (Encyclopedia of Stone Age art, 2022, Chapter Discovery) as well as on well-preserved mummies. The oldest preserved European mummy, named 'Ötzi' and found in the Tyrolean Alps, is covered with 61 tattoos. They were made with soot or ash ink, and the majority covered the hunter's legs (Wikipedia, 2023, Chapter Europe). Even mummies found elsewhere were decorated with tattoos. It is noteworthy that tattoos were also found on mummies in ancient China, despite there being a negative attitude toward tattoos; the Chinese viewed them as barbaric. Tattoos were marked on the faces of convicted criminals to act as a warning to the populace. Tattoos were also known in ancient Egypt, where, initially, only women were tattooed, presumably for medical reasons; on the islands of Samoa in the Southern Pacific, from where the western world got the word tattoo from 'tatau' (to mark, to pierce); as well as in ancient Greece and Rome; in the former to stigmatise criminals and others from the lowest part of society, in the latter to mark soldiers and weapons manufacturers, as well as slaves to prevent escapes.

With the advent of Christianity, the practice of tattooing disappeared, but reappeared in the 16th century. Sailors who went away on transoceanic voyages often brought home with them tattooed natives from faraway exotic lands as 'souvenirs' (History of Tattoos, 2023).

Tattoos were also known to the Polynesians, once scornfully referred to as 'uncivilized peoples'. The 19th century American writer Herman Melville described them in his debut novel, the semi-autobiography *Typee: A Peep at Polynesian Life* (1846), as well as in its sequel, *Omoo: A Narrative of Adventures in the South Seas* (1847), where (according to the author) tattooing and cannibalism go hand in hand. While the mere sight of tattoos gives the author goosebumps, we now know that tattooing held deep meaning for the Typee tribe as it was a sign of belonging to their community. They used a unique system of tattoos with which they marked individual members of their tribe at a certain time or age, depending on their gender and always in line with tribal rituals. One could argue that tattoos were a form of non-verbal communication among the tribesmen. Each tattoo had a specific meaning and only all of them together as the whole made the individual unique.

2 Sundberg and Kjellman use the term document, whereas Wright prefers the term record. I use both as interchangeable.

In his study of the traditional tattooing of the Kalinga ethnic group in the Philippines, Mark Joseph Calano emphasises the importance of understanding the rituals associated with tattooing, which form the basis of social relationships in the community. These 'public rituals with symbolic meanings reinforce a sense of identity and solidarity within a particular society' (Calano, 2012, 99). The tattoo is an important symbol in the process by which a member of the Kalinga tribe, male or female, transitions from one stage of life to another. Calano classified these rituals according to the model introduced by Arnold van Gennep, namely: rites of separation (e.g. at birth), rites of passage (at the transition from childhood to puberty...) and rites of inclusion (e.g. of young men into a warrior class...) (van Gennep, 1962, as cited in Calano, 2012, 100).

It is evident from the writings of Herman Melville that white people did not understand this deeper dimension of tattooing, which they found exotic and a sign of savagery. Kirsten Wright thus notes that 'tattoos became another curiosity and specimen to collect' and that it was the explorer Robertson who first described Tahitian tattooing as 'a very particular custom' (Wright, 2009, 100).

Some white seafarers even wanted to imitate the aborigines and had a tattoo made to their liking without understanding the meaning of the difference between the Polynesian original and their custom made copy. On the other hand, the Polynesian natives often forcibly tattooed white sailors who had jumped whaling ships and fled to the Pacific islands to prove their belonging and integration into the new society. If they refused to become tattooed, the natives would either drive them out or kill them. Forced tattooing was also known to North American Indians in the 17th and 18th centuries, who captured white women and children and held them for monetary ransom. Before releasing them, they had the hostages tattooed (Wright, 2009, 102).

2. THE HUMAN BODY AS A REPOSITORY FOR TATTOOS

Seen through the eyes of an archivist, the human body can be understood as a kind of personal repository, a personal fonds³, or perhaps a collection, that is constantly changing as new documents are added to it at well-defined places on the body. When the space eventually runs out, the person dies and with them their personal document collection.

At the beginning of the 20th century, tattoos were not common in the western world. In the United States, tattooed individuals displayed their tattoos as an attraction in circuses and amusement parks for the poor. It was not until the 1950s that tattooing became more widespread among seafarers and members of the lower classes.

In the 1970s, tattooing began to spread to other segments of the population, particularly among rebellious youth in the United States during the Vietnam War. The most common tattoo of that era was that of the peace sign. Since the 1980s, however, tattoo fashion has been spreading inexorably, with the western world slightly ahead of the east, where communist regimes have long established 'morality and order'. Recently, celebrities from the world of music, film and sports who have come up with tattoos to be imitated by their admirers, are influencing the fashion of tattoos. Thus, each new decade has its own popular motifs, and today tattoos can be found everywhere: from entertainers and athletes to health workers, teachers, managers, archivists and many others. Although today's tattoos mostly have their meaning as a separate document, they rarely combine into an all-inclusive narrative about a person's life.

3 I find the use of the word 'archive' inappropriate, which I will discuss later.

The popularity of tattoos gained ground particularly after 1970 among previously atypical groups. Rubin believes this is due to the increasingly educated 'tattoo artists' who have taken the stigma away from tattooing, while at the same time these individuals have enough artistic talent to try a variety of tattoo styles, such as Classic Americana tattoo, New school tattoo style, Japanese tattoo style (e.g. Irezumi) and Portraiture tattoo (Ellison, 2022).

3. SCIENTIFIC STUDIES ON TATTOOS

In the study *The Tattoo as a Document* (2017), Kristina Sundberg and Ulrika Kjellman examine the tattoos of prisoners in the prisons of former Tsarist Russia and the Soviet Union. They conclude that individual tattoos can be understood as documents, comparable to archival documents, which testify to an individual's identity - his position in society, lived experiences and actions. Like any archival document, the tattoo can have different functions.

The authors state that the tattoos of Russian and Soviet prisoners can be interpreted as memory banks, and that the tattooed body can be viewed as an archive in which the events of the tattooed person's life are stored forever along with the relationships that shaped them. They emphasise that this is a powerful communication tool within a particular group, in this case prisoners (Sundberg & Kjellman, 2017).

Before discussing the aforementioned prison tattoos, the authors briefly discuss tattoos in the western world. Since the very beginning, tattoos were used to mark marginalised social groups that Anglo-Saxon literature often refers to as 'the other'. This negative attitude towards tattooing was particularly reinforced in the 18th century when the first white explorers discovered Polynesia and the tattooed indigenous people who lived there. In the 19th century, the police practice of determining the identity of criminals and minor offenders by means of their tattoos became very common. If the tattoo was an identifier for the police, it was a mark of identity for criminals. By way of 'reading' tattoos, it is possible to understand how a person's 'professional career' has developed within a criminal group or organisation and/or their personal life path.

If we assume that the tattoo is a document drawn on the human skin and stored there, then the question of the organisation of images on the body arises. In his work *The Discipline of Organizing*, Robert J. Glushko talks about four ways of organising items: organising physical items; information about physical items; digital items and information about digital items (Glushko, 2013, Chapter 1).

When we look at the tattooed body through the eyes of an archivist and think about the ways in which individual tattoos can be 'organized', we can ask which of Glushko's organisation types we would classify tattoos into. A tattoo can be something physical, a concrete drawing inked on human skin, so it would fall into the first category. However, it may be imaged content, a photographic or digitised record of the original, and therefore belonging in one of Glushko's remaining categories.

4. THE ORGANIZATION OF TATTOOS

Is organising tattoos even possible, physically or otherwise? In a way, if by organisation we mean the very process of creating tattoos, it is. In many cases, the tattoo has a specific place on the body, take for example the Native American tattoo.

In every tribe, there is a specific person who draws tattoos and this person knows when, where and how to draw them. In this case, a tattooed person is a passive object. Even prison tattoos, described by Sundberg and Kjellman (2017), are the work of a single prison artist. The authors of the study view this as a logical, though also voluntary, contin-

uation of obligatory tattooing of those prisoners in Tsarist Russia who were sentenced to forced labour.

In Soviet Russian prisons, prisoners were divided into four main categories: professional criminals, amateur criminals, prisoners who collaborate with prison authorities (they can be compared to 'inmates' in American prisons), and the lowest of the four, passive homosexuals. Tattooing among prisoners, which became widespread in the late 19th century, evolved into a complex language of symbols that must be 'decoded'; the rules of such decoding were spread by word of mouth and were not known to everyone. A grouping of tattoos on an individual's body 'read' as his biography as well as his 'professional' career; it also determined the individual's position in the prison hierarchy. Woe befell the prisoner who got a wrong tattoo in order to counterfeit his life story and prison experience. His cellmates would exact revenge in the most violent way imaginable.

The authors of the above study analysed two tattooed persons in detail. They first presented their tattoos with a photo – a digitised copy of the original, so to speak, and described them accurately; this description can be compared to a content description of an archival document. They then analysed the content of the tattoos and highlighted the distinction between the denotative and connotative meaning of the drawing on the skin. The denotative meaning is the precise description of the drawing as perceived by the eye, while the connotative meaning is the story 'told' by the tattoo. For example, a church or a cross on the prisoner's chest means loyalty to the criminal guild (i.e. the prisoner is not a traitor, does not cooperate with the authorities). I believe that such organisation of tattoos, which takes into account the story behind the tattoo and is therefore based on its denotation *and* connotation, is the best way and the only one that allows for a full understanding of what is being drawn. This is a prerequisite for an accurate description of the tattoo - a document - in the process of archiving.

The authors found similar functions of tattoos in American prisoners, namely as an attempt to establish identity under certain circumstances. It seems that in both cases of prison tattoos the context functions as the main principle of classification or organising, i.e. as a deeper, possibly symbolic meaning of the tattoos.

Thus, certain tattoos signify the number of crimes committed, a cat's face indicates someone who is a thief, and so on. As a good practice, according to Clinton R. Sanders, the authors adopt the categorisation of tattoos, as is otherwise known in commercial tattooing, which distinguishes five categories: 1. a tattoo as a symbol of interpersonal relationships, 2. a tattoo as a sign belonging to a group, 3. a tattoo depicting a person's interests or activities, 4. a tattoo displaying a person's identity, e.g. horoscope sign, and 5. a tattoo as decoration.

Sundberg and Kjellman easily place Russian Soviet prisoner tattoos in the first four categories, while the fifth somehow has no place in the prison environment. Similarly, Dyvik and Welland classify US military tattoos from the wars in Iraq and Afghanistan:

'As communicative devices, tattoos can offer important insights into a person's experiences and lifeworlds, as well as being markers that enable wider society to "read" (however in/accurately) particular identity "cues" such as class, social status, aesthetic preferences, and broader life experience' (Dyvik & Welland, 2018).

According to Sundberg and Kjellman, tattoos can also be arranged on the principle of man-woman or in relation to their specific roles: 1. informative, 2. communicative, and 3. social.

Dyvik and Welland's (2018) study of the military tattoos of American veterans of the Iraq and Afghanistan wars once again testifies to the importance of the context in which

tattoos are created. The tattoos, which veterans can post on the Warink.org official website, are classified according to three recurring themes: loss and grief, guilt and anger, and transformation and hope.

Historically, military tattoos generally fall into three categories: those that signal military affiliation, those that act as a mark of bravery (medals), and those that serve as proof that someone took an active part in the war. In each of these classifications, they emphasise the importance of both the drawing on the skin and the story that accompanies that drawing. The authors see the particular value of war tattoos in their ability to depict the horrors of war, which they compare to the expressiveness of Picasso's *Guernica*.

'Veterans featured on the site variously explain their tattoos as homages to their time in the armed forces, as dedications to those who they served alongside (and oftentimes lost), as commemorations of particular battles, and as personal messages to themselves "after" war.' (Dyvik & Welland, 2018)

So when we think about the organisation or classification of tattoos as well as their archiving, we have to ask on what principle tattoos are organised: by pertinence or provenance? In this case: what is the human body anyway?

Sundberg and Kjellman tend to think that the human body, on which tattoos proliferate, is a kind of archive.

'As a collection of documents displayed on a human body, the tattoos function as an archive of evidence of actions, and events as well as memories of those actions and events [...] Since the documents, i.e. the tattoos, are bound to the individual body, the body can be seen as a personal archive, a biography of sorts or like a personal diary.' (Sundberg & Kjellman, 2017, 32)

In their view, it is therefore a personal archive/biography/journal of the individual, which lives for as long as the body 'carrying' the tattoos. They are a specific form of documents.

How are tattoos generated? In the process of tattooing the ordering/organisation of the 'archive' follows a certain time-based and logical order, whereby the danger of anyone unwittingly or carelessly mixing up the tattoos/documents or changing their order in the sense of a different or maybe more likely sequence does not apply. However, changes are also occurring in this area: nowadays it is possible to remove a tattooed document by means of a laser that disintegrates the ink pigment to the point where the body can take over the ingestion of the leftover particles on its own.

Nevertheless, seen through the eyes of an archivist, this would signify a serious interference with the untouchability of the original order and a violation of the provenance principle. On the other hand, one must not forget the tattoos that are the work of different artists, which is especially true for today's tattooing. Several different artists create the same type of archival material until a collection is formed that, from the point of view of an archivist, has the value of a personal fonds. In this case the principle of pertinence prevails.

5. THE QUESTION OF TERMINOLOGY

At this point I would like to call attention to the problem of terminology that I indicated at the beginning. The word archive is often used in relation to tattooed bodies, i.e. tattooed body as archive. Sundberg and Kjellman quote André Lepecki's article 'The Body as Archive: Will to Re-enact and the Afterlives of Dances' where he speaks about 'bodies as archives while he discusses how the dancing body has a capacity to archive past work' (Lepecki, 2010, as cited in Sundberg & Kjellman, 2017, 20).

Calano also adopts this terminology and asks himself: 'But to what extent do *batek*⁴ serve as an archive of culture for the group?' (Calano, 2012, 112) He also quotes Foucault and Derrida, who contemplate the tattoos of the Kalinga tribe as philosophers. According to Derrida, the term archive has several meanings: 'On the one hand, it is commencement that evokes the writing of the archive /.../ on the other, the archive carries a certain untranslatability that makes it disjointed and incomplete' (Derrida, 1996, as cited in Calano, 2012, 112).

But then again, Sundberg and Kjellman say the following in their introduction:

In relation to tattooed bodies, we will use the concept of archives as follows. As a collection of documents displayed on a human body that functions both as evidence of actions and events and memories of those actions and events. Both evidence and memory are building blocks to an identity, in this case the criminal identity. The fact that the documents, i.e. tattoos, are bound to an individual body, make them form a *personal biography of sorts*, like a *personal diary*. The understanding of this both abstract and tangible *archive* is to be found in the life of the individual that carry this "archive"... (Sundberg & Kjellman 2017, 21)⁶

For my part, I find the above to be a very general and imprecise use of the term archive, which we often find in other authors as well. Sundberg and Kjellman seem to be aware of the problem because they use different terms to describe the same thing - a collection of documents (tattoos) on a person's body.

We could only speak of an archive in the traditional sense if tattooed people were systematically archived, similar to how we store physical documents. Since we cannot do this with the originals as the body cannot be archived, it would be necessary to make accurate photographic representations and subsequently take care of their proper archiving as well as the material protection process.

The expression 'the body as archive' or 'body archive' can therefore only be understood figuratively, as a metaphor, and not in a strictly scientific sense.

6. ARCHIVING TATTOOS

The above considerations lead us to the traditional understanding of the archive as an institution dedicated to the collection, selection, description and preservation of the documentary and archival material, with the aim of granting users access according to their desires or needs.

This type of archiving is mentioned in Kirsten Wright's study, which focuses on the collecting and archiving of Polynesian native tattoos known and described by European sailors after 1769, when Captain Cook 'discovered' the practice of tattooing in Tahiti.

Calano's study also talks about the indigenous people, this time Filipinos, pointing out that they are a particular form of society that is unfamiliar with the Western concept of the archive, so in these communities the body becomes a sort of storehouse of important life events and rituals that are symbolically captured in tattoos. Hence tattoo is a form of individual and collective memory (Calano, 2012, 99).

The first documents about tattoos appeared, according to Wright, when explorers, anthropologists or missionaries wandered among the Polynesian natives. The tattoos were hand-copied flat on the paper with little regard to the location of the tattoo on

4 *Batek* means 'tattoo' in the Kalinga tribe, North Philippines.

5 The word 'group' refers to the Kalinga tribe of the Philippines.

6 Emphasis mine.

the body or to the person 'wearing' the tattoo. Nor were they interested in the tattooed person's relationship to other tattooed or non-tattooed people from the same community. Later, the drawing was replaced by photography, and this is where most of the manipulation and alteration took place. The tattooed individual usually posed, the environment was falsified to appear as wild and uncivilised as possible, photos were retouched or even drawn on. Explanations were limited to descriptions of isolated body tattoos and the context was completely neglected (e.g. the rituals associated with tattooing, the reason for tattooing, the meaning of tattoos, their hierarchy...). In general, these early documents on tattooing provide more information about the authors of the documents than they do about the tattoos, and even less about their context, the study author points out. Valuable information about the origin of tattoos is thus lost forever (Wright, 2009, 105–106).

Calano also emphasises the importance of knowing the rituals associated with tattooing: 'These rites embody the basis for social relations in the community' (Calano, 2012, 99–100). He says, for example: '/M/ale tattoos are a powerful image since they are constitutively connected with being a warrior' (Calano, 2012, 104). Interestingly, aesthetics also play a considerable role in the Kalinga tribe, especially when it comes to tattooing women, which the tribe members believe makes them more beautiful.

Hierarchy plays an important role in tattoos, notes Calano. A young man starts with a single tattoo and then rises in the hierarchy. The number of his tattoos multiplies, his body becomes increasingly covered with drawings, which intensifies his position in the community: his reputation grows (Calano, 2012, 100).

A similar situation is found among the Polynesians: the title page of Melville's novel *Typee* shows a young Polynesian, whose body is still relatively natural, parading just a few tattoos.

In contrast, just a few years later, Melville's *Moby Dick* (1851) portrays a Polynesian headhunter named Queequeg: '/A/t last /he/ showed his chest and arms. As I live, these covered parts of him were checkered with the same squares as his face; his back, too, was all over the same dark squares (...) Still more, his very legs were marked (...)' (Melville 1851, Chapter 3.). Since the man had been tattooed from head to toe, we can conclude that he was an important member of the tribal community, which is confirmed in the novel.

Judging by the above description, tattooing in indigenous communities occurs according to a well-defined timeline, accompanied by well-defined rituals. The tattoos are therefore precisely arranged and classified, members of the tribe know very well which is a 'smaller', i.e. less important, and which is a 'larger' or more valuable tattoo. The bodies are painted according to a well-known scheme, which is not automatic, because to get a tattoo one has to make an honest effort and demonstrate, for example, that one is a particularly brave soldier. So, if one were to look at the tattooed body of a young native through the eyes of an archivist as his personal fonds or collection, one could say that the principle of provenance applies here. Nothing is random, the creator of the collection/fonds is one person, there is no moving about or removal of tattoos, original order applies all the way through.

In her study, Wright talks about yet another category, the so-called circus tattoos, which were popular in the United States between 1870 and 1900. Archival photographs and 'memorabilia' of individuals whose bodies were heavily tattooed were put on display at the circus. After 1900, when the tattoo machine was invented, the number of tattooed people began to increase rapidly and they were no longer that interesting (Wright, 2009, 107). In this case, too, the context of the tattoos was not

documented and cannot be reconstructed today. However, it is very likely that they were intended for commercial purposes. Individuals got tattoos because they expected to be of interest as 'exotics' to circuses and similar forms of entertainment industry in the United States at the time.

7. THE TATTOO ARCHIVE

In her study, Kirsten Wright also presents the so-called tattoo archive, which apart from the ambitious name has little to do with a serious archive. So she notes right at the beginning:

'Thus, fundamental archival principles of original order and provenance are not used. In particular, the concept of describing the original order of the records and the recordkeeping system they were part of (and the people or the organization who created the records) is not followed.' (Wright, 2009, 107)

The Tattoo Archive was founded by the American tattoo artist Chuck Eldridge, who collects and stores tattoo material donated by tattoo artists. The material comes from a wide range of sciences and disciplines, from anthropology and archaeology to the history of the circus and medicine. Wright notes that the material is not properly explained, which makes it difficult for the user to place it in the right context, or not at all. 'While the Tattoo Archive allows the history of tattooing to be traced, this history is without culture or context of any sort' (Wright, 2009, 107).

8. INCLUSIVE ARCHIVES

While Wright doesn't pay too much attention to the tattoo archive, she is intrigued by another, fairly new form of archiving that she calls the inclusive archives. It was given this name by the increasingly widespread practice of tattooed people in the western world using the Internet to describe and 'archive' their personal tattoos. The internet offers websites for tattooed people such as www.tattoos.com or www.bmezine.com. These sites allow people to upload descriptions and photos of their tattoos, with the descriptions including personal tattooing experiences. The generic photo site Flickr (www.flickr.com), went a step further and offers both services, except that the description of the photos is done differently, through personal tagging (Mc Kemmish, 1996, as cited in Wright, 2009, 108).

Folksonomy is the name of this relatively new marking method, which Robert Mator and Aljoša Koželj, students of library, information and book science, define in their joint seminar work as a

'/.../ /r/result of personalizing information and objects (anything that has a URL address) for (easier) later retrieval. Labelling or "tagging" takes place in a digital social environment, i.e. an environment that is accessible to all. In contrast to traditional object tagging, metadata in folksonomies is not only generated by experts, but primarily by content creators and users, so freely chosen keywords are used instead of tags from a controlled dictionary. Folksonomy (the term is a combination of the words "folk" and "taxonomy") is therefore a user-generated taxonomy (although the term "taxonomy" may not be the most appropriate here).'' (Mator & Koželj 2008)⁷

According to Wright, the method, which was developed in 2004, is finding its way into archives, museums and libraries,

7 Emphasis mine.

'as a way of providing a different type of access to their materials /.../ folksonomy and user tagging can be used to bridge the gap between professional descriptions (e.g. those used by curators, archivists and art historians) and user-generated descriptions (those by users or viewers of the records).' (Trant & Wyman, 2006, as cited in Wright, 2009, 108)

Since the fashion for tattoos has literally exploded these days and people without at least one tattoo are fast becoming the exception, a new problem arises in the area of archiving. Archivists will need to consider which tattoos will be treated as documents of enduring value and which will be discarded, as well as what type of archiving is most appropriate. At the same time, we must not forget that with tattooing in all walks of life, the number of those who want to get rid of their tattoo 'jewellery' forever is also increasing.

9. CONCLUSION

There are countless tattoos these days and many ways to organise them. The four studies on which this article is based represent tattoos of very different subject areas: tattoos of prisoners in the prisons of Tsarist Russia and the Soviet Union, and, for comparison, tattoos of American prisoners; Polynesian and Filipino indigenous peoples' tattoos (with the mention of North American Indians), circus tattoos, and finally tattoos of veterans of the Iraq and Afghanistan wars in the United States.

Regardless of the area or period in which the tattoos were created, it has been proven that a tattoo can only be properly understood and interpreted as a document if both the drawing and the history associated with it are available. The denotative and connotative meanings of a tattoo go hand in hand and allow for their proper understanding and appreciation.

Since this has often not been the case in the past, we can agree with Derrida's contention that the painted body, whether we call it an archive or something else, is always surrounded by a veil of 'untranslatability'. Instead, the term 'lost in translation' could be used. In the case of the early explorers of Polynesia and their lack of understanding of the native tattoo culture, we are saddened to find that almost everything has been lost in translation except for a (frequently staged) photograph or drawing of the tattoo.

The question of archiving tattoos opens up many possibilities: either using the classic method of imaging (photography) or modern electronic technologies, together with a 'story' explaining the origin, circumstances and peculiarities of the tattoo; or the most recent method of Folksonomy that seems to have prevailed in museums, libraries, and other archival institutions in the United States.

In a country where popular art has always had its place of honour alongside genuine, serious art⁸, folksonomy can be understood as a sort of American parallel to everything that bears the mark of popular – music, art, entertainment, and the like. It remains to be seen whether the method will prove to be a real help in archiving (and consequently finding) documents in the future or whether it will end up causing a great deal of confusion.

REFERENCES

- Buckland, M. K. (1997). What is a "document"? *Journal of the Association for Information science and technology* 48(9), 804–809.
- Calano, M. J. (2012). Archiving Bodies: Kalinga *batek* and the im/possibility of an archive. *Thesis Eleven* 112(1), 98–112.

8 The Hungarian-American illusionist Harry Houdini, who in the first half of the 20th century overwhelmed the masses with his incredible escapes from seemingly hopeless situations, is a good example.

- Derrida, J. (1996). Archive Fever: A Freudian Impression. *Dialectic* 25(2), 9–63.
- Dyvik, S. L. & Welland, J. (2018). War Ink: Sense-Making and Curating War through Military Tattoos. *International Political Sociology*. <https://academic.oup.com/ips/article/12/4/346/5091316>
- Ellison, K. (2022). <https://99designs.com/blog/creative-inspiration/classic-tattoo-styles/>.
- Encyclopedia of Stone Age art. (2022). *Lion Man of Hohlenstein Stadel*. <http://www.visual-arts-cork.com/prehistoric/lion-man-hohlenstein-stadel.htm>.
- Glushko, R.J. (2020). *The Discipline of Organizing*. 4th professional edition. <https://berkeley.pressbooks.pub/tdo4p/chapter/the-discipline-of-organizing/>
- History of Tattoos. (2023). *History of Tattoos - Meaning and Origin*. <http://www.historyoftattoos.net/>.
- Matoh, R. & A. Koželj (2003). Analiza in predstavitev dveh folksonomij. *Knjižničarske novice* 13(3).
- McKemmish, S. (1996). Evidence of me. *Archives & Manuscripts* 24(1), 28–45.
- Melville, H. (1846). Typee: A Peep at Polynesian Life. New York, NY: Wiley and Putnam. <https://www.gutenberg.org/files/1900/1900-h/1900-h.htm>.
- Melville, H. (1847). *Omoo: A Narrative of the Adventures in the South Seas*. New York, NY: Harper and Brothers Publishers; London: John Murray.
- Melville, H. (1851). *Moby Dick or the Whale*. <https://www.gutenberg.org/files/2701/2701-h/2701-h.htm>.
- Sundberg, K. & U. Kjellman (2017). The tattoo as a document. *Journal of documentation* 74(1), 18–35.
- Trant, J. & B. Wyman (Eds.). (2006). Investigating Social tagging and folksonomy in art museums with steve.museum. <http://www.archimuse.com/research/www2006-tagging-steve.pdf>.
- van Gennep, A. (1962). *The Rites of Passage*. London and Henley: Routledge & Kegan Paul. https://books.google.si/books?id=kJpkBH7mB7oC&printsec=frontcover&hl=sl&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.
- Wikipedia. (2023). *History of Tattooing*. https://en.wikipedia.org/wiki/History_of_tattooing.
- Wright, K. (2009). Recording 'a very particular Custom': tattoos and the archive. *Archival Science* 9, 99–111.

TYPOLOGY: 1.01 Original scientific research

David Gajić¹

VALORISATION AND APPRAISAL OF DIGITAL CORPORATE RECORDS IN INSOLVENT COMPANIES DURING THE FINANCIAL CRISIS (2008-2018)

Abstract

This study analyses the currently existing system of evaluation and storage of digital archival records created by Slovenian companies over which the insolvency proceedings were initiated in the period of financial crisis (from 2008 onwards). The author analyses 175 insolvency proceedings which he had direct access to. The analysed bankruptcy procedures were applied by various private companies, like limited trade companies, joint stock companies etc.

The fundamental hypothesis emphasized by the author is that the valorisation and selection of electronic archival material is properly regulated both at the level of legal and by-law regulation, as well as at the level of implementation of legal solutions. In the case of confirmation of the basic hypothesis, a secondary hypothesis is set, according to which it is established that the permanent preservation and conservation of corporate digital archival records, such as cultural monuments, is adequately taken care of.

The analysis notes a discrepancy between the legal regulation of the area and the existing situation. The period under consideration represents the peak of the economic crisis, which is also seen as the second transition period starting in 2008. This period empowers the new legislation in both fields; the archives area and insolvency proceedings.

Research is based on the quantitative research method, more specifically, on the descriptive method. The researcher described and observed phenomena, categorized and synthesized them.

Research confirmed that there is a tangible discrepancy between the positive regulation dealing with the evaluation, appraisal and preservation of archival material and the practical application of material norms in the case of economic entities on which bankruptcy proceedings have been initiated.

The analysis considers a representative sample; it concludes that the digital archival material found in companies fell victim to the lack of implementation of legal solutions.

Key words: *digitised corporate records, conflict between public and private interest, valorisation and appraisal of digitised corporate records, bankruptcy, insolvency.*

1 David Gajić, is a student of the 2nd year of the III. Bologna degree, at Alma Mater, Europea, has a university law degree and has a twenty year experience in corporate law issues as well as managing private companies. In the last ten years he was dealing mainly with the bankruptcy procedures mostly in Slovenia but also in Croatia, Italy, Serbia and Bosnia and Hercegovina. E mail: david.gajic@almamater.si

1. INTRODUCTION

The subject research deals with two areas: insolvency and the area of corporate electronic archival material.

When dealing with the area of insolvency, it is first necessary to highlight the importance of the economic crisis, which violently affected the Slovenian economy in the period 2008-2018.

The bankruptcy of the American bank Lehman Brothers, which occurred on 14 September 2008, is considered as the trigger for the collapse of the global financial system. The collapse of one of the largest US investment banks was a sign of the tightening of lending conditions on the financial market. Banks were no longer willing to lend money to other banks (Štiblar, 2008). The event is seen as the beginning of the global economic crisis, which lasted almost a decade. A crisis indicates uncertain yet significant positions over a long period of time. It refers to many areas of natural, social, economic and other processes, which have different dimensions (Dubrovski, 2004).

A few months after the outbreak of the financial instability in the USA, due to strong global interdependence, the first negative economic impacts could also be felt in Europe. Due to the pronounced export orientation of production processes, the Slovenian economy relatively quickly felt the strong negative effect of the economic crisis. It hit the automotive and metal industries and the construction industry the most, especially small and medium-sized enterprises (Zorc, 2013).

Liquidity problems, reduced income, late payment of wages, declaration of insolvency and then the introduction of forced settlement and bankruptcies... this was the fate of several Slovenian companies from 2008 to 2018, when there was a noticeable trend of decreasing bankruptcy proceedings. In 2008, twice as many bankruptcy proceedings were recorded as in 2007. In 2009, there were 54 percent more bankruptcy proceedings than in 2008. (Dobovišek, 2012) The table below shows that the effects of the economic crisis were evident from 2012 onwards, when the number of initiated bankruptcy proceedings increased significantly (AJ PES, 2022).

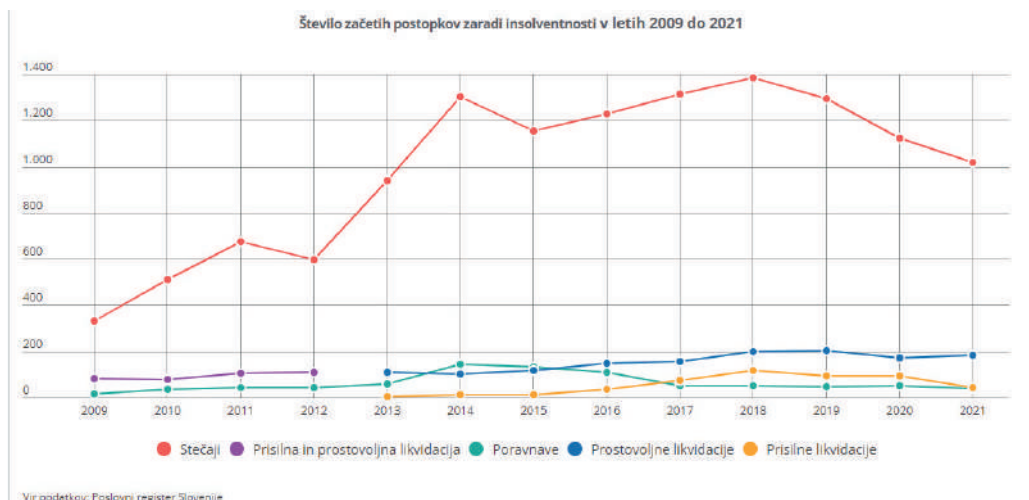


FIGURE 1: Number of insolvency proceedings opened in 2009 to 2021

The revision of the insolvency legislation was one of the consolidation measures of the Slovenian economy. Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act (ZFPPIPP, 2021) was adopted at the end of the year 2007 and largely used from 1.10.2008 onwards. Since then, the law has been amended several times. Two authentic interpretations of the law were also accepted (Cepec, 2016). The law was adopted in light of the coming economic crisis and the modernization of the regulation of insolvency proceedings, taking into account the needs of a developed economy. The previously valid insolvency legislation was adopted in 1993, when the Slovenian economy was just preparing for new market conditions. The expert public was of the opinion that the previously applicable law was too kind to the debtor and that it did not fully consider the interests of creditors (Cepec, 2016).

In Slovenia it is possible to identify the following Insolvency procedures such as compulsory settlement procedure, simplified compulsory settlement procedure and bankruptcy procedure (Plavšak, 2013). For the purposes of the subject research, the author, in the analysis of insolvency legislation, will limit himself to two institutes, which are crucial for the subject research, namely the institute of the court, which conducts bankruptcy proceedings, and the institute of the (bankruptcy) administrator as a procedural body of the court leading the bankruptcy procedure.

In accordance with the provisions of Article 51 of the ZFPPIPP (2021), the district court has real jurisdiction to make decisions in insolvency proceedings. The court is the fundamental body, as it conducts bankruptcy proceedings by issuing decisions, orders and instructions. The latter are intended for the bankruptcy administrator and are mandatory for him (ZFPPIPP, 2021, Article 101). Pursuant to the provisions of Article 97 of the ZFPPIPP (2021), the administrator is the authority of the insolvency procedure, which in this procedure carries out its powers and tasks specified in the law in order to protect and realize the interests of creditors. The second paragraph of Article 97 of the ZFPPIPP (2021) stipulates that the administrator in bankruptcy proceedings manages the affairs of the insolvent debtor and represents him:

- in procedural and other legal actions related to the examination of claims;
- in procedural and other actions related to contesting the legal actions of the insolvent debtor taken prior,
- in legal transactions and other actions necessary for the liquidation of the bankruptcy propriety,
- in exercising resignation and other rights acquired by the insolvent debtor as a legal consequence of the initiation of bankruptcy proceedings, and
- in other legal transactions that the insolvent debtor may perform in accordance with this law.

The first paragraph of Article 98 of the ZFPPIPP (2021) stipulates that the manager must perform his duties and responsibilities in accordance:

- with this law and the regulations issued on its basis,
- with other laws applicable to the insolvent debtor and regulations issued on their basis,
- with the rules of the profession of persons who, as agents, perform business for other persons.

The aforementioned authorities of the bankruptcy proceedings are "supposedly" also the creators of archival records according to the regulations governed by archival legislation. In the given case, when applying the linguistic interpretation of the mentioned provisions of the ZFPPIPP, it is not clear whether the administrator, as a

procedural body of the court, is competent to carry out the activities required by the archival legislation.

Almost at the same time, the archival legislation also underwent a thorough overhaul, namely with the adoption of the umbrella Act:² "Protection of Documents and Archives and Archival Institutions Act" (ZVDAGA, 2006, 2014), which entered into force in 2006 and was revised in 2014 (Melik & Jeraj, 2015). In 2016, the³ "Act Regulating Archives Containing Personal Data from Medical Records" was also adopted (ZAGOPP, 2016). On the basis of ZVDAGA, the following by-laws have been adopted:

- Regulation on the protection of documentary and archival material⁴ (UVDAG, 2017);
- Rules on the work of inter-archival working groups⁵ (2016)
- Rulebook on determining the retention periods of documentary material in the public administration⁶ (2019);
- Rulebook on determining compensation for the costs of using, preserving and restoring archival material and the storage of private archival material in archives performing archival public service⁷ (2017);
- Rulebook on uniform technological requirements for capturing and storing material in digital format⁸ (2020);
- Rules on professional qualifications for working with documentary material⁹ (2016);
- Rules on professional exams and the acquisition of academic titles in the field of the protection of archives¹⁰ (2017);
- Rules for the valorization of persons under private law who have acquired the status of operating in the public interest on the basis of the law¹¹ (2016)

The subject research will be limited to four areas in the analysis of legal and by-laws regulations.

The first area represents private archival records, part of which are the corporate digitised archival records. Another area is the regulation of valorisation and appraisal of digitised archival records. The third area is the treatment of private (digitised) archival records in the event of the termination of a legal entity under private law. The last key area is the handling of conflict between public and private interest.

In the Republic of Slovenia, there are not many archival experts who deal with the storage and use of private archival records. The findings of Klasinc, who was one of the few who dealt with this area in detail, only confirm this. Klasinc notes that the area under consideration was neglected mainly in the countries of real socialism, namely because of the specific relationship of this social arrangement to private property, where the prevailing view was that the only suitable form of property is public property (Klasinc, 2007).

2 Slo. Zakon o varstvu dokumentarnega in arhivskega gradiva ter arhivih (2006, 2014)

3 Slo. Zakon o arhivskem gradivu, ki vsebuje osebne podatke o zdravljenju pacienta (2016)

4 Slo. Uredba o varstvu dokumentarnega in arhivskega gradiva (2017)

5 Slo. Pravilnik o delu medarhivskih delovnih skupin (2016)

6 Slo. Pravilnik o določanju rokov hrambe dokumentarnega gradiva v javni upravi (2016)

7 Slo. Pravilnik o določitvi nadomestila stroškov uporabe, konserviranja in restavriranja arhivskega gradiva in hrambe zasebnega arhivskega gradiva v arhivih, ki opravljajo arhivsko javno službo (2017)

8 Slo. Pravilnik o enotnih tehnoloških zahtevah za zajem in hrambo gradiva v digitalni obliki (2020)

9 Slo. Pravilnik o strokovni usposobljenosti za delo z dokumentarnim gradivom (2016)

10 Slo. Pravilnik o strokovnih izpitih in pridobivanju strokovnih nazivov na področju varstva arhivskega gradiva (2017)

11 Slo. Pravilnik za valorizacijo oseb zasebnega prava, ki so na podlagi zakona pridobile status delovanja v javnem interesu (2016)

The research area deals with conservation of private archival records that is created during business operations of commercial companies and, as a subsystem, corporate digitised archival records.

In the second article, ZVDAGA (2006, 2014) states that archival corporate records are corporate records of legal entities under private law, which has the characteristics of archival records and is defined as archival records on the basis of ZVDAGA or a decision of the state archive. At the request of the competent archive, the person who stores private archival corporate records (in digital form) must report on the conservation method (ZVDAGA, 2006, 2014, Article 37). Private archival records are owned by persons or legal entities. The acknowledgment of corporate records in private ownership, which is assumed to have the characteristics of archival records, is carried out by the competent archives. On the basis of the performed recording, the archive declares private records, which has the characteristics of archival records, to be archival records by decision. The State Archives keeps a record of issued decisions and determines the detailed method of recording and competent archives for individual areas of private archival records (ZVDAGA, 2006, 2014, Article 44). If it is determined that private archival records are in danger of being destroyed or damaged, the competent archive is notified (ZVDAGA, 2006, 2014, Article 49). The state provides in the state budget the funds necessary to promote the protection of private archival records (ZVDAGA, 2006, 2014, Article 50). Archives acquire archival records either with remunerative or non-remunerative legal transactions (e.g. purchase, gift, will) in the case of private archival records, or if the competent archive determines that private records has the characteristics of private archival records, either with by taking private archival records for safekeeping (ZVDAGA, 2006, 2014, Article 61). In case it is found out that the private archival records are in danger of being destroyed or damaged, the inspector may by decision determine the conditions for the storage, preservation or restoration of the private archival records, but also the obligation to hand over the private archival records to the competent archive for a certain period of time until the danger ceases (ZVDAGA, 2006, 2014, Article 78).

The records created in the company's operations can be in its original form as digital, or the records were created in a physical (classical) form and is then digitized. Such records are e-stored or stored in digital form (Hajtnik, 2011). They are corporate records that may already contain archival records at its creation. Such records are handled professionally, as each document is a credible source of information that supports the responsible, transparent success of the creator's current business. Archival records that are part of these records can play a major role in the development of society. Society must ensure the protection and preservation of its usefulness for individual and collective memory, as a cultural monument (Klasinc, 2013). Here, it is necessary to distinguish between e-preservation and e-archive. E-preservation refers to the storage of digital records by the company that created the documentation and keeps it itself. However, when digital archival records are selected from this documentation, and then handed over to the competent archive, the concern for ensuring further credibility is transferred to the competent archive. The company, if it is the creator of archival records, is only obliged to keep it in its original form (digital or classic form), which, based on the professional instructions of the competent archive, is only handed over to it, namely in the original (Hajtnik, 2011).

For the evaluation and selection of corporate digitised archival records, as private archival records, the provisions governing the evaluation criteria of public archival records (UVDAG, 2017, Article 54) are applied *mutatis mutandis*. The criteria for evaluating archi-

val records from documentary records are defined in Article 40 of ZVDAGA (2006, 2014) and are as follows:

- the needs of historiography, other sciences and culture;
- the need for permanent legal validity to achieve the rights of persons;
- the importance of the content of the material;
- specificity of events and phenomena at a certain time;
- specificity of place or area;
- the meaning of a public legal entity;
- the importance of the author;
- the importance of the material in terms of cultural diversity;
- originality of documents;
- originality of data and information;
- representative selection;
- internal and external characteristics of the material;
- and other criteria determined by the competent archive.

In accordance with Article 19 of the ZVDAGA (2006, 2014), the appraisal of archival records is determined by a written instruction issued by the competent archive.

Article 41, paragraph 4 of the ZVDAGA (2006, 2014) stipulates that, in the event of the termination of a legal entity under private law, the competent court conducting the termination proceedings shall decide on the retention of corporate records that has not yet expired the prescribed retention periods and archival records in accordance with the ZVDAGA (2006, 2014).

Toward the end of the introductory chapter, the author defines a broader background of the conflict between public and private interest, which is the centre of the actual state of the research field. Corporate (digitised) archival records are part of the national documentary and cultural heritage in many countries. National legislation mandates national archives to preserve and develop material heritage for the benefit of the community. At the same time, the legislation defines administrative frameworks that ensure both the integrity and appraisal of the records. The general social use of corporate archival records often conflicts with the interests of the record owners. National legislation must foresee and prevent such conflicts. Lawmakers are expected to clarify at some point whether the interest of the creator or the community that requests access to the material prevails. If the interest of the creator prevails, then the integrity and permanent preservation is questionable. If the interest of the community prevails, then countries will have to invest a lot of effort and resources in order to crush the resistance of private creators to handing over the material (Nalen, 2002).

1. RESEARCH DESIGN

The results of this research, which will be presented below, considering what was stated in the introduction, show that the research focuses on the forced termination of an economic entity and on the fate of corporate digital (digitised) archival records, which, according to the entity in question, were created over a certain period of time, in some cases even over the scope of several decades, that is, from the very creation of the digital document. The research deals with the practical application of mandatory provisions to the factual situation under consideration. Special consideration is given to the issue of whether the public interest manifested in accepted legal norms and by-laws, encourages

private interest manifested in the conduct of the creator, against whom bankruptcy proceedings have been initiated, of corporate digital archival records, to the valorisation, appraisal of corporate digital archival records and handing it over to the competent archive. The purpose of this paper is to analyse the factual situation on a representative sample and to determine the practical application of legal solutions.

The goal is to contribute to the evaluation and appraisal of digital archival records in accordance with positive regulation.

The fundamental hypothesis emphasized by the author is that the valorisation and appraisal of digital archival records are properly regulated both at the level of legal and by-law regulation, as well as at the level of implementation of legal solutions. In case of confirmation of the basic hypothesis, a secondary hypothesis is set, according to which it is established that the permanent preservation and security of corporate digital archival records as cultural monuments is adequately taken care of.

1.1. METHODOLOGY

When testing the hypotheses, the research will be based on the quantitative research method, more specifically, on the descriptive method. The researcher will describe and observe phenomena, categorize and synthesize them (Plazar, 2022). The descriptive method will be based on the analysis of 175 bankruptcy proceedings in the considered period. The discussed data is available on the AJPES portal in the section on the publication of decisions and letters issued in insolvency proceedings.

1.2. LIMITATIONS OF THE RESEARCH

The method used does not cover the analysis of all bankruptcy proceedings in the considered period. The analysis covers two percent of bankruptcy proceedings initiated in the period under review. The research allows for the possibility that, in the initiated bankruptcy proceedings against the company, not included in this research, different solutions were adopted than in the cases under consideration. The author believes that any shortcoming cannot significantly affect the findings of the research.

2. RESULTS

Summarizing legal regulations, which this research states in the introductory part, the system of identification, valorisation and appraisal of corporate digital archival records can be divided into the following process stages:

- Recording of privately owned digital corporate records that is believed to have the characteristics of digital archival records, which is carried out by competent archives. On the basis of the performed recording, the archive declares private digital corporate records, which has the characteristics of digital archival records, to be digital archival records by decision. (ZVDAGA, 2006, 2014, Article 44);
- Evaluation and appraisal of corporate digital archival records, as private archival records, for which the provisions governing the evaluation criteria of public archival records (UVDAG, 2017, Article 54) apply *mutatis mutandis*.
- In accordance with the provisions of Article 19 of ZVDAGA (2006, 2014), the selection of digital archival records is determined by a written instruction issued by the competent archive.
- Acceptance of the court decision conducting bankruptcy proceedings, which decides on the conservation of digital documentary records that has not yet surpassed the prescribed retention periods and archival records in accordance with ZVDAGA (2006, 2014), in the event of the termination of a legal entity (ZVDAGA, 2006, 2014, Article 41).

This research analysed 175 companies for which bankruptcy proceedings have been initiated. It concludes that the commercial companies had their headquarters registered in the areas of jurisdiction of all regional archives.

It is noted that all companies had at least one computer unit on which digital documentary records were stored. In total, there were 892 computer units. 47 economic entities had more than two computer units on which digital documentary records were stored. The research further notes that in 13 economic entities that were considered medium or large companies, a central database was established to store digital documentary records.

In none of the analysed cases did the competent archive record digital documentary material. Not even a decision has been issued declaring private digital records material that has the characteristics of digital archival records.

In none of the analysed cases the competent archive valorised and described digital archival records as private archival records.

In none of the analysed cases professional instruction were written, issued by the competent archive.

In none of the analysed cases did the court conducting the bankruptcy proceedings issue a decision on the preservation of archival records and digital documentary records that have not yet expired.

The research further concludes that, to a large extent, all the considered computer units were cashed in, namely within the framework of the provisions of ZFPPIPP (2021), which regulates the cashing of the property of the bankrupt debtor. Only two economic entities have still intact digital documentary records.

The research further establishes a high probability of the existence of digital archival records in the digital documentary material fund for 27 economic entities, given the importance of economic entities for the regional environment and, in certain cases, for the wider Slovenian and international business environment. The analysed 27 entities represent companies with many years of tradition with renowned brands, innovative business solutions and creations that left an indelible mark on the environments in which they operated. The vast majority of digital records has been destroyed and it is no longer possible to determine what proportion of this documentation fell under digital archival records.

The research found that not all of the archives, created by the subjects in question, share the fate of digital archival records. Considering the fact that the valorisation and appraisal of "classic" archival records are not subject of this research, the author will give some brief conclusions. In 19 cases, the competent archives issued an instruction specified in the law and defined which documentary records they consider to be archival records. However, the research found that the procedure does not fully comply with the legal provisions. The recording of records is done by the bankruptcy debtor himself, through the bankruptcy administrator or professional associates of the administrator. The record is sent to the competent archive, which then issues an instruction. At the same time, the research found that due to financial and spatial limitations, the competent archives did not take all the documentation that was valued as archival records. When comparing two instructions issued to two business entities with the same business activity, under the jurisdiction of different competent archives, the research found completely different evaluation criteria. In the case of the company, which was incomparably smaller in scope of business and socially less important than the other company, the competent archive evaluated the archival records to a significantly greater extent than in the case of

the other company. In one case, research found that the competent archive did not take over the archival records at all, as it did not have the spatial capacity to store it. Thus, the bankrupt debtor entered a rental agreement for the temporary storage of records with an external provider for two years. During this time, capacities should be freed up at the competent archive. Even when dealing with "classic" archival records, the competent court conducting the individual bankruptcy proceedings did not issue a decision on the preservation of archival records and digital records that had not yet expired as stipulated by ZVDAGA (2006, 2014, Article 41).

3. DISCUSSION

Research confirmed that there is a tangible discrepancy between the positive regulation of the evaluation, appraisal and preservation of archival records and the practical application of material norms in case of business entities for which bankruptcy proceedings have been initiated. In this research, the author analysed companies of various legal forms, namely limited liability companies, joint stock companies and agricultural cooperatives. In the case of bankrupt debtors, business entities, against whom bankruptcy proceedings have been initiated, the research concludes that the valorisation, selection and conservation of digital archival records is non-existent. Not one of the participants in the process of valorisation and appraisal of digital archival records highlighted the existence of digital archival records in all the years under consideration.

Research disapproved the primary hypothesis in the part that refers to the practical implementation of legal and by-law solutions. The primary hypothesis is confirmed in the part that refers to the legal and by-law regulation itself, which as shown, consistently provides for all phases of the procedure to ensure the preservation of digital archival records. The secondary hypothesis cannot be confirmed, because without the implementation of legal solutions, we cannot confirm the hypothesis that the digital archival records are adequately taken care of.

Public interest in the subject of the research is manifested only declaratively. Regardless of all provisions in the law and by-laws, there is no practical application. From the point of view of the conflict between public and private interest, the bankruptcy procedure is a hybrid, i.e. the state forcibly intervenes in a private interest, with the aim of treating all interested interests equally. We can talk about the interweaving of public (forced) and private interest, with the aim of treating all creditors equally (private interest). The research can confirm that, despite the fact that the state intervenes forcibly in the business relations that take place in the bankruptcy process, digital archival records are not protected as a cultural monument. The state does not even try to detect whether digital archival records exist in the mass of digital records created by the subjects in question, so we cannot even discuss the valorisation and appraisal of digital archival records.

The author estimates that there are several reasons for this situation. Undoubtedly, the first reason is financial. Competent archives are faced with limited space and financial resources in order to be able to self-initiatively detect digital archival records from various economic entities. The second challenge, according to the author, is a lack of knowledge of the statutory and by-law provisions of archival legislation. It is clear from the studied subject that even the courts are not familiar with the provisions imposed on them by ZVDAGA (2006, 2014). Therefore, it is optimistic to expect legal behaviour from the other participants in, first, detection of digital archival records, then evaluation and appraisal of only this, and finally long-term and effective conservation.

4. CONCLUSION

The subject research represents the basis for the introduction of improvements or a different model that will consistently ensure, identify, valorise and permanently store corporate digital archival records.

5. REFERENCES

- Cepec, J. (2016). *Ogledalo slovenskega insolvenčnega prava*. Ljubljana: Ekonomska fakulteta.
- Dobovišek, M. (2012). *Reševanje krize v malih in srednjih podjetjih*. Maribor: Univerza v Mariboru, Ekonomsko-poslovna fakulteta.
- Dubrovski, D. (2004). *Krizni management in prenova podjetja*. Koper: Fakulteta za management.
- Hajtnik, T. (2011). Vse, kar mora vodstvo organizacije vedeti o e-hrambi. In S. Tovšak (ed.), *Tehnični in vsebinski problemi klasičnega in elektronskega arhiviranja: 10. Zbornik referatov dopolnilnega izobraževanja s področij arhivistike, dokumentalistike in informatike v Radencih od 6. – 8. april 2011* (pp. 475–495). Maribor: Pokrajinski arhiv Maribor.
- Ivanjko, Š. & Kocbek, M. (2003). *Korporacijsko pravo: pravni položaj gospodarskih subjektov*. Ljubljana: GV Založba Ljubljana.
- Klasinc, P. P. (2007). Privatni arhivi v arhivski teoriji in praksi. *Atlanti* 17, 1–2.
- Klasinc, P. P. (2013). Med poslovanjem z dokumenti in arhivsko teorijo in prakso. *Arhivska praksa* 16, 231–244.
- Melik, J. & M. Jeraj. (2015). Arhivsko pravo in ureditev varovanja dokumentarnega ter arhivskega gradiva. *Atlanti* 25(2), 121–127.
- Nalen, J. (2002). Private Archives in China. *Libri* 52, 241–262.
- Plazar, N. (2021/2022). Predavanje pri predmetu Metodologija znanstvenega raziskovanja. Maribor: *Alma Mater Europaea*.
- Plavšak, N. (2013). *Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju (ZFPPIPP): Z novelo ZFPPIPP-E/uvodna pojasnila*. Ljubljana: GV Založba.
- Pravilnik o delu medarhivskih delovnih skupin. (2016). *Uradni list RS*, (66/16).
- Pravilnik o določanju rokov hrambe dokumentarnega gradiva v javni upravi. (2019). *Uradni list RS*, (49/19).
- Pravilnik o določitvi nadomestila stroškov uporabe, konserviranja in restavriranja arhivskega gradiva in hrambe zasebnega arhivskega gradiva v arhivih, ki opravljajo arhivsko javno službo. (2017). *Uradni list RS*, (75/17).
- Pravilnik o enotnih tehnoloških zahtevah za zajem in hrambo gradiva v digitalni obliki. (2020). *Uradni list RS*, (118/20).
- Pravilnik o strokovni usposobljenosti za delo z dokumentarnim gradivom. (2016). *Uradni list RS*, (66/16).
- Pravilnik o strokovnih izpitih in pridobivanju strokovnih nazivov na področju varstva arhivskega gradiva. (2017). *Uradni list RS*, (33/17).
- Pravilnik za valorizacijo oseb zasebnega prava, ki so na podlagi zakona pridobile status delovanja v javnem interesu. (2016). *Uradni list RS*, (66/16).
- Štiblar, F. (2008). *Svetovna kriza in Slovenci: Kako jo preživeti?* Ljubljana: Založba ZRC, ZRC SAZU.
- Uredbo o varstvu dokumentarnega in arhivskega gradiva (UVDAG). (2017). *Uradni list RS*, (42/17).

- Agencija Republike Slovenije za javnopravne evidence in storitve [AJPES]. (2022). https://www.ajpes.si/Uradne_objave/eObjave_v_postopkih_zaradi_insolventnosti/Porocila#b259
- Zakon o arhivskem gradivu, ki vsebuje osebne podatke o zdravljenju pacienta (ZAGOPP). (2016). *Uradni list RS*, (RS 85/16).
- Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju (ZFPPIPP). (2021). *Uradni list RS*, (176/21 – uradno prečiščeno besedilo, 178/21 – popr. in 196/21 – odl. US).
- Zakon o varstvu dokumentarnega in arhivskega gradiva ter arhivih (ZVDAGA). (2006, 2014). *Uradni list RS* (30/06 in 51/14).
- Zorc, M. (2013). Gospodarska kriza v Sloveniji in ukrepi za izhod iz nje. V *Znanjem do idej za nov zagon gospodarstva Zbornik 10. festivala raziskovanja ekonomije in managementa* (pp. 125–134). Koper: Univerza na Primorskem, Fakulteta za management Koper.

TYOLOGY: 1.01 Original scientific research

NOTES FOR CONTRIBUTORS

The Editors of © Atlanti + / International Scientific Review for Contemporary Archival Theory and Practice welcome initial approaches from prospective authors. Acceptance of articles is subject to an anonymous refereeing process. Articles submitted to © Atlanti + / International Scientific Review for Contemporary Archival Theory and Practice should be original contributions and should not be under consideration by another publication or has been, or will be published elsewhere, authors should clearly indicate this at the time of submission. Each manuscript should be submitted via e-mail to e-mail of editors. Articles should be written on A4/Letter paper, double-spaced and with sample margins. All pages (including those containing only diagrams and tables) should be numbered consecutively.

There is no standard length for the articles but 6,000 – 8,000 words (including notes and references) is a useful target. The articles should begin with indented and italicised abstract of around 100 words, which should describe the main arguments and conclusions of article. The author should provide brief bibliographical details including affiliation and full correspondence address, research interest and recent publications.

STYLE

Authors are responsible for ensuring that their manuscripts conform to the journal style. Headings should be in capitals (or Roman numerals), sub-headings in lower case. Quotations should be in single quotation marks, doubled with single. Long quotations of five or more lines should be indented without quotes. Capitals should be used sparingly, principally for proper titles and where they may be necessary to avoid ambiguity.

REFERENCES

For Atlanti+ papers, authors have to follow the APA-style of referencing for in-text citations and reference lists.

COPYRIGHT

It is a condition that the authors assign copyright or license the publication rights in their articles, including abstracts, to the International Institute for Archival Science Trieste/Maribor. This enables us to ensure full copyright protection and to disseminate the article, and of course the Journal, to the widest possible readership in print and electronic formats and appropriate. Authors retain many rights under the Institutes policies. Authors themselves are responsible for obtaining permission to reproduce copyright material from other sources



IIAS since 1985

*"Archivistica amor noster,
semper et in aeternum"*