

Openness of State Archives in Former Soviet Republics

Introduction

In 2017, the Institute for Development of Freedom of Information (IDFI), together with an international network of archive experts and with the financial support from the Open Society Institute - Budapest Foundation, developed a methodology to evaluate the openness of state archives. The evaluation was done on 20 state archives in 10 post-Soviet countries.

The evaluation revealed the following key findings:

- All 10 countries, including Georgia, require legislative reforms to ensure greater openness of archives.
- No well-performing archive has separate rules for domestic and foreign citizens.
- Well-performing archives provide written legal substantiations for refusing to grant access to documents, while underperforming archives only provide verbal explanations.
- Most archives of (former) law enforcement agencies do not have a website and reading hall. Ukraine and Georgia stand as exceptions.
- Only 2 of the 20 archives allow researchers to take photos using their own cameras in the reading halls.

Research Methodology

IDFI and its partners [evaluated](#) 20 state archives in 10 post-Soviet countries (Azerbaijan, Belarus, Moldova, Russia, Georgia, Armenia, Uzbekistan, Ukraine, Kazakhstan, Kyrgyzstan).

The evaluation [methodology](#), developed jointly by IDFI and its partners, covers key legal and practical aspects of archival openness. The methodology consists of 5 components:

- **Archival legislation** – the extent to which archival legislation ensures openness of state archives.
- **Other legislation related to archives**¹ – the extent to which related legislation ensures openness of state archives.
- **Archival services** – the extent to which archival services are available and in order.
- **Archive website** – the extent to which the archive website is useful for researchers.
- **Reading hall** – the extent to which reading hall regulations and practice are in order.

Two archives were evaluated in each country: the main archive of the country (e.g., national, historical or other similar archive), and the archive of former repressive state bodies, such as the former KGB and Ministry of Internal Affairs. Our researchers were denied access to the latter archives in Azerbaijan and Uzbekistan. For this

¹ Law on Personal Data Protection, Law on State Secrets, etc.

reason, the former repressive state body archives in these two countries received 0% evaluation in the components of archival services, website and reading hall.

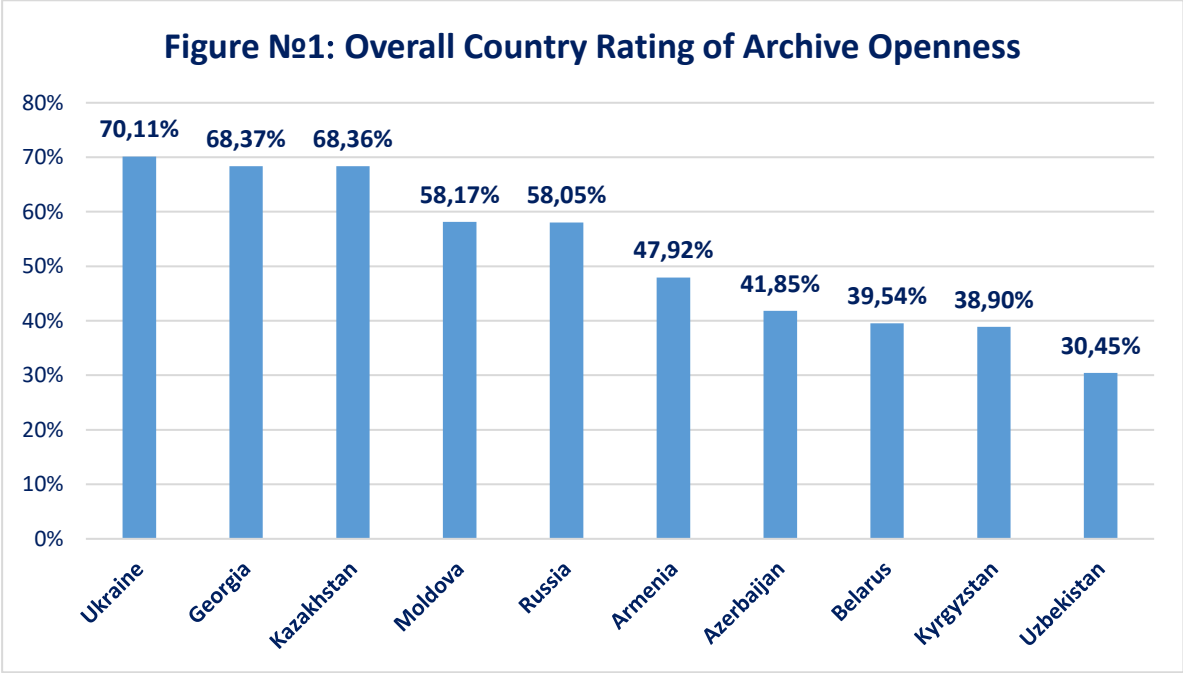


Figure №2: Evaluation Results by Individual Archive

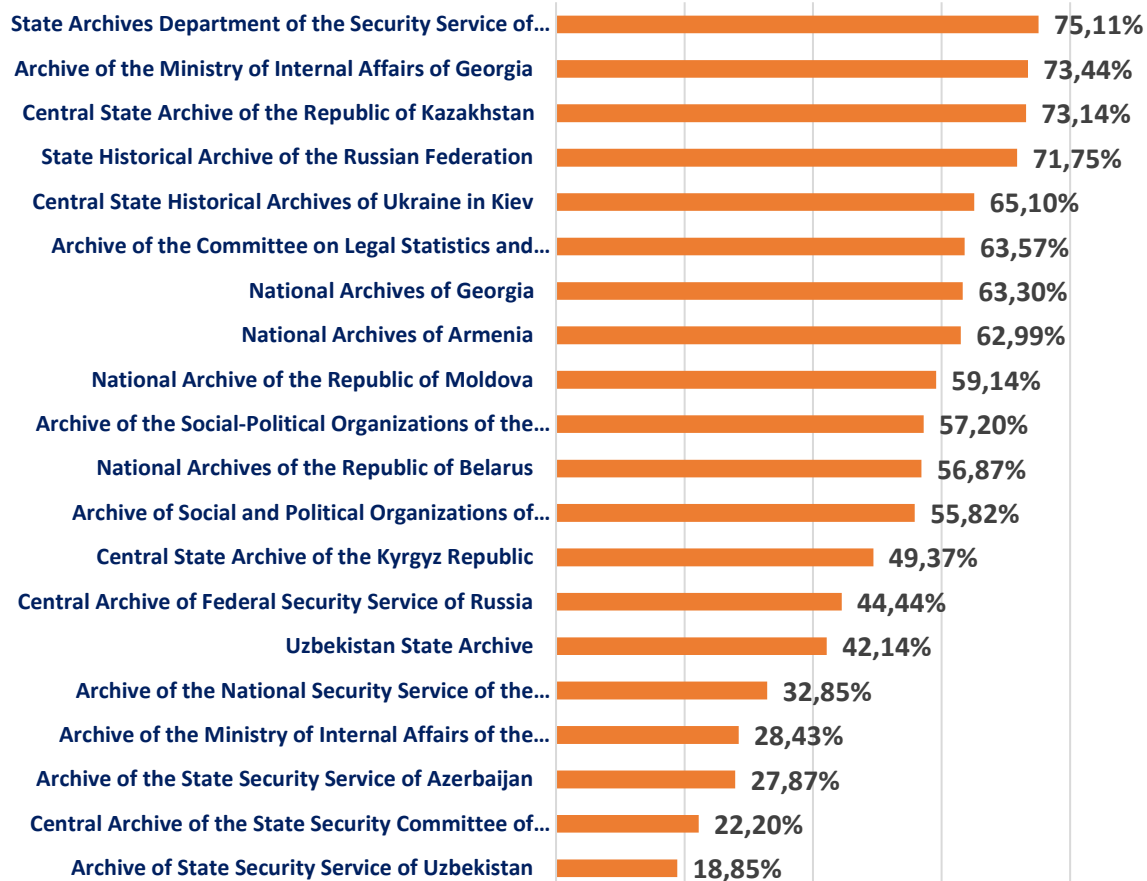


Figure №3: Rating of National Archives

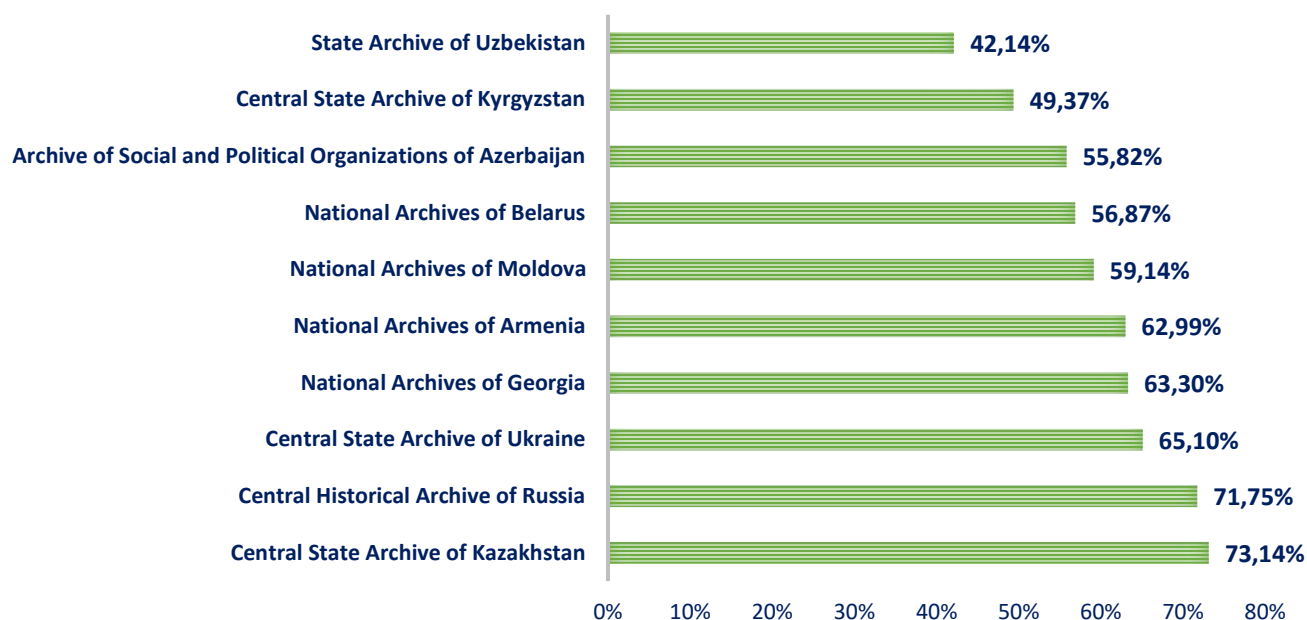
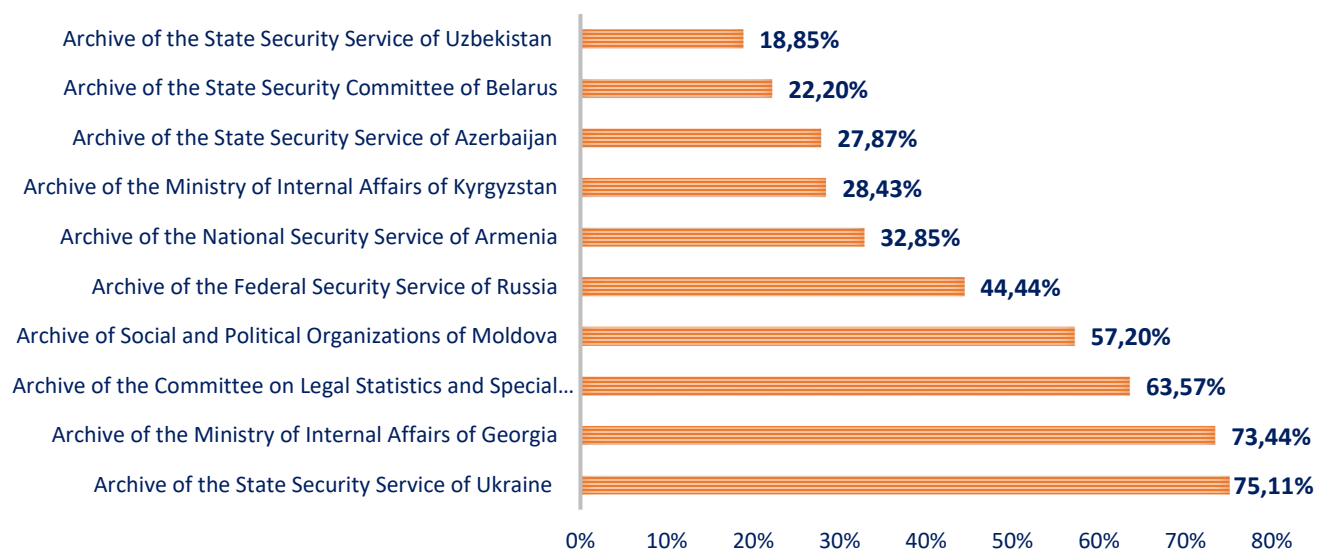


Figure №4: Rating of Archives of Former Repressive State Bodies



Evaluation Result Analysis

According to overall results, Ukraine (70.11%) has the most open and accessible archives among the evaluated 10 former Soviet countries, followed by Georgia (68.37%) and Kazakhstan (68.36%). Countries with the least open archives are Azerbaijan (41.85%), Belarus (39.54%), Kyrgyzstan (38.9%) and Uzbekistan (30.45%) (see Figure #1). All four of these countries have security service archives that are completely closed.

Archival legislation – Ukraine (81.99%) has the best archival legislation, followed by Moldova (81.6%) and the Russian Federation (79%). However, it is worth noting that in some cases, e.g. the Russian Federation, the legislation is not always implemented in practice.

Other legislation related to archives – Georgia leads (81.25%) in terms of other archive relevant legislation (Law on State Secrets and Law on Personal Data Protection), followed by Ukraine (76.05%). Belarus (8.33%) is the most underperforming country in this area. The problem of inadequate implementation of the law is present here as well; e.g., archives often interpret the concept of “personal data” to suit their needs.²

Archival services – Moldova, Kazakhstan, Armenia and Ukraine all provide good archival services related to providing documents (above 75% score). Uzbekistan (28.27%) has the lowest score in this area; getting services from the country’s State Archive is more difficult than from archives of former repressive bodies in other countries.

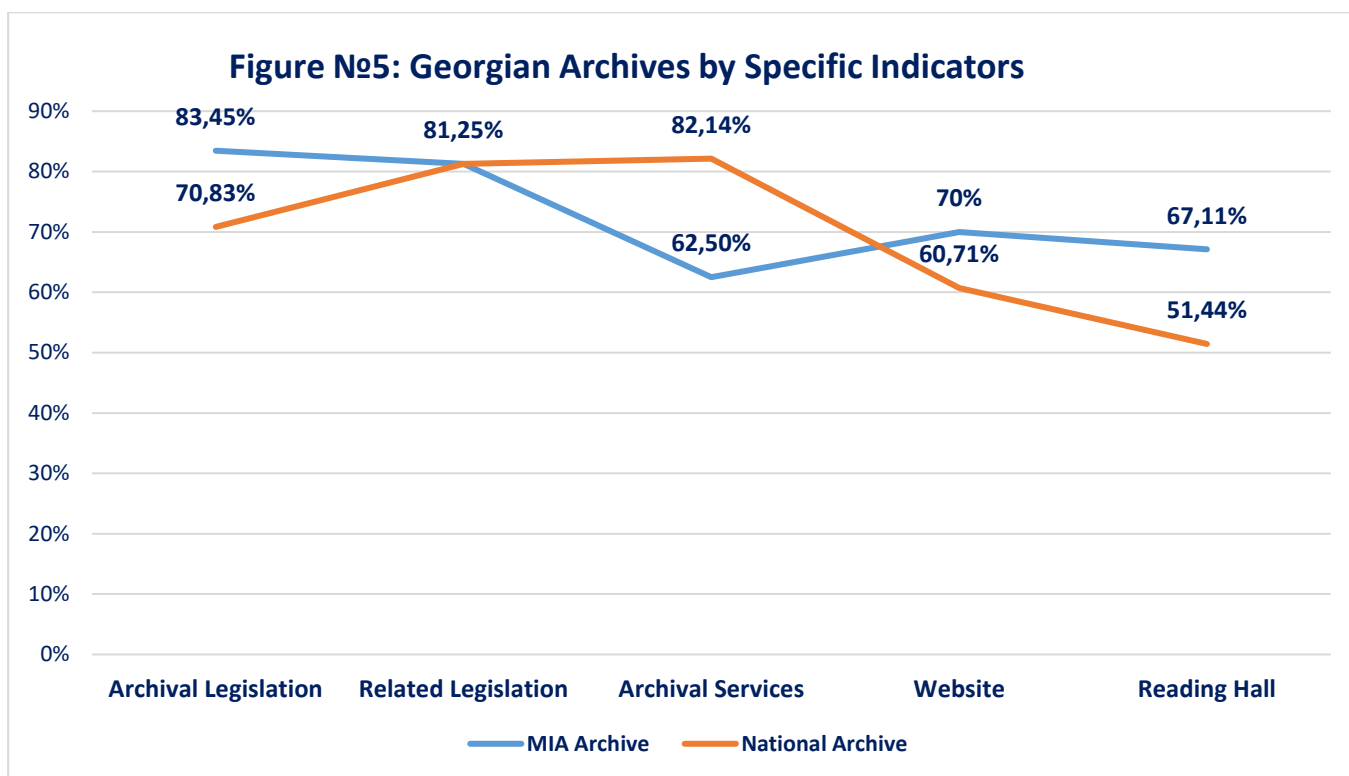
Archive website – The best website among the 20 evaluated archives is that of the Ministry of Internal Affairs of Georgia (70%). Overall, Georgia holds the first place in this component, followed by Kazakhstan (51.43%). Kyrgyzstan (11.54%) is the worst performing country in this regard. The following archives do not have websites at all: Archive of the Belarusian State Security Committee, Archive of the Federal Security Service of Russia, Archive of the National Security Service of Armenia, Archive of the MIA of Kyrgyzstan, Archives of the State Security Services of Azerbaijan, Belarus and Uzbekistan.

Reading hall – Archives of Ukraine and Kazakhstan have the best reading halls. Only the Ukrainian State Security Archive and the Central State Archive of Kazakhstan allow researchers to use their own cameras to take photos in the reading hall, greatly simplifying their work.

Only two archives have searchable finding aid (Archive of the State Security Service of Ukraine and National Archive of Belarus). Some of the remaining archives offer only scanned unsearchable finding aid files, which is not of much practical use for researchers. Security archives in 5 countries do not have a reading hall at all.

² Open Access to the KGB Archives in the Eastern Partnership (‘Georgia’), Kyiv, 2017.

Openness of Georgian Archives, Shortcomings and Recommendations



Archival and Other Related Legislation

Georgian archival legislation took the third place among 10 post-Soviet countries. This result is largely due to the following positive provisions:

- All researchers, regardless of citizenship, have equal access to archival documents.
- There is no restriction to access based on criminal record.
- Individuals and organizations enjoy equal conditions for access.
- The archive does not have closed or secret finding aid.

However, there are a number of legislative shortcomings in need of fixing in order to ensure greater openness and accessibility of archives:

- According to the law, the archive only provides oral substantiation for refusing to grant access to documents, which leaves room for interpretation. **Recommendation:** *The law must obligate archives to provide written substantiations for their refusals to grant access.*
- The law does not include a provision prohibiting the destruction of declassified documents. **Recommendation:** *Such a provision is considered to be best practice and must be added to the Georgian legislation.*

- The law does not prohibit the classifying of archival materials from former Soviet repressive bodies and does not state that the Law on Personal Data Protection does not apply to these materials. **Recommendation:** *Many countries have adopted these provisions. According to the Order of the Minister of Internal Affairs of Georgia, archival materials from former repressive bodies have been declassified, but they may be subject to the Law on Personal Data Protection.*
- The Law on Personal Data Protection places the responsibility for illegal use of personal information on the issuing organization (or person). This incentivizes the archive (and the archivist) to not issue archival documents. **Recommendation:** *Best practice in this area is to place the responsibility with the entity that has processed personal information.*

Comparison of the National Archive of Georgia and the Archive of the Ministry of Internal Affairs of Georgia

With regard to archival services (mostly issuing archival notices), Georgia has a non-uniform standard. In this component, Georgia is on the fifth place (72.32%). If the National Archive has a flexible service – requesting and receiving archival notices is handled by the Public Service Hall and the groups entitled to benefits are clearly defined, in case of the MIA Archive the situation is radically different – receiving services is only possible at a facility far away from the city center and the benefits are not clearly defined.

One of the most important shortfalls of service-delivery is the tariffs: the tariff for receiving social-legal notices in standard time limit is equal to 1% of the average income, whereas the property notices – 5%. Prices increase with expedited procedures.

Georgia holds first place among 10 evaluated countries in terms of archival websites. While many of the target countries do not have websites for security service archives, the MIA Archive of Georgia holds the first place among 20 evaluated archives with regard to content and hosting useful information. The National Archive of Georgia is on the 5th place in the same component.

Strengths and Weaknesses of the National Archive of Georgia and the Archive of the Ministry of Internal Affairs (MIA) of Georgia	
Archive of the Ministry of Internal Affairs of Georgia – 70%	National Archive of Georgia – 60.7%
<p><u>Advantages:</u></p> <ul style="list-style-type: none"> • The website is bilingual (Georgian and English); • The website defines procedures clearly and has a Q&A section; • The website hosts most of the descriptions, in other cases there is a possibility to request the descriptions electronically; • The documents are requested and delivered electronically. <p><u>Shortcomings:</u></p> <ul style="list-style-type: none"> • Legislation is not available on the website. 	<p><u>Advantages:</u></p> <ul style="list-style-type: none"> • The website is bilingual (Georgian and English); • It is possible to find legislation on the website, procedures are clearly defined and has a Q&A section; <p><u>Shortcomings:</u></p> <ul style="list-style-type: none"> • There are no descriptions of archival items and documents on the website, and they cannot be electronically requested; • It is not possible to obtain and receive notices through the website;

	<ul style="list-style-type: none"> • It is impossible to request and accept scanned material through the website or request documents to be scanned.
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In general, the website of the National Archives of Georgia is technically (visually and software-wise) functional. However, it is less tailored to the needs of the researcher. The MIA Archives website provides more information and resources for researchers, as the site gives possibility to search, request and receive descriptions of archival documents electronically.

Recommendation: *The National Archives must improve its search engine. It is also preferable if the archive uploads scanned documents on its website, even if such a novelty requires legislative amendments. Having archival documents available online makes the work of researchers less strenuous and brings the archival practice closer to best international standards.*

Reading Halls in Georgian Archives

Reading halls in Georgia vary greatly by archive. The MIA archive reading halls are poorly equipped, while that of the National Archive is well-managed and properly equipped. Overall, Georgian reading halls ranked third (59.28%) among 10 post-Soviet countries.

The rules for using documents stored in the National Archive are defined by the November 30, 2017 Order of the Director of the National Archives.³ Even though these rules received positive results in our evaluation, the following problems were nevertheless identified in the reading hall of the National Archives of Georgia:

- The wait time for processing applications is too long - 5 working days. This regulation greatly complicates work for researchers, especially those who do not live in Georgia. **Recommendation:** *the archive must reduce the wait time for processing applications.*
- The archive grants access only for a 3 month period, after which the researcher must resubmit their application. A few days prior to the expiration of the 3 month period, the archive notifies the researcher to resubmit their application. This practice complicates the work of researchers and constitutes ineffective use of archive resources. **Recommendation:** *the archive must increase the period of access.*
- The existing procedure for granting access to archival documents (available on the archive website) contains a vague exception,⁴ whereby the archive management is able to make arbitrary decisions on granting access. **Recommendation:** *the archive must limit the possibility of arbitrary decision-making by its management.*
- Researchers are required to indicate the topic of their work and exact years. The latter can be changed only by submitting a new application, even if the topic of work remains the same. **Recommendation:** *the archive must introduce a more flexible system in order to avoid denial of access based on purely procedural reasons.*

³ <http://archives.gov.ge/uploads/other/3/3478.pdf>

⁴ "In exceptional cases, access to the documents of the National Archives can be granted without a reference to the work or educational goals, if the circumstances indicated in writing confirm the necessity for the applicant to be granted access to documents due to scientific-research or other purposes." - source: <http://www.archives.gov.ge/ge/mkvlevarta-momsakhureba>

- The archive offers scanned finding aid in its reading hall, but does not have a search engine.
Recommendation: *the archive must introduce a modern search engine with the ability to find documents based on keywords, geographic location and topics.*
- Since the access procedure does not allow researchers to work beyond their specified topic, researchers are unable to use the database of already scanned documents. **Recommendation:** *all researchers must have access to the database of scanned documents.*
- Researchers are unable to request documents online; they have to do it in person and receive requested documents the following day. **Recommendation:** *the archive must introduce online requests.*
- The list of documents classified as 'damaged' or 'being restored' is unavailable to researchers.
Recommendation: *the archive must disclose this list in order to exclude the possibility of issuing unsubstantiated rejections on this basis.*
- Researchers can request a maximum of 10 documents per day. **Recommendation:** *the archive must increase this number to whatever is technically possible.*
- The archive building is not adapted to people with special needs; the reading hall is on the 2nd floor.
Recommendation: *access to the archive must be ensured for all researchers, including those with special needs.*
- Fees for making copies are inadequately high in the reading hall (50% discounts apply to researchers with academic degrees and other categories):
 - 1 page of a IX-XVIII century document – GEL 6
 - 1 page of a XIX century document – GEL 4
 - 1 page of a XX Century document – GEL 1
 - 1 photo – average of GEL 11 (7 - positive, 15 - negative)

Recommendation: *The Georgian archives must follow the best international practice and allow researchers to use their own cameras in reading halls.*

The reading hall of the MIA archive is not properly equipped. In case of the State Security Archive, researchers have to work in the same room as the archive employees. The situation is better in case of the archive of the former Communist Party of the Georgian SSR, which is located in a separate building and has a better equipped reading hall. On the other hand, the MIA archive provides better services to researchers compared to the National Archive: access procedures, and access to scanned copies and finding aid in the reading hall.

Conclusion

Among the major problems identified in post-Soviet countries is the general principles of legislation that are aimed at creating more obstacles to citizens to work in archives rather than helping them. This derives from the Soviet past and institutional memory, since the archives back then were more directed towards "hiding" information than openness.

Archives of the security bodies are the most closed in the majority of post-Soviet countries, hampering the process of evaluating historical heritage, establishing the rule of law and human rights guarantees in these countries. In this regard, the exception is the archives of the Georgian and Ukrainian security bodies, which are one of the most open archives and should be exemplary for the whole region.

There are many challenges with regard to archival openness in Georgia. Namely, legislative changes are necessary, which will bring the country closer to the Western archival legislations and standards developed by the international archival organizations.

It is necessary to define personal and secret information with respect to the archives and to distinguish between privacy and the use of information for historical, statistical and similar purposes. Also, we believe that the concept of "personal information" should not apply to the archival documentation of state repressive bodies operating in the Soviet Union.

In response to the challenges of the XXI century, it is necessary to improve electronic services and to tailor them to the needs of researchers. In order to achieve these results, readiness for archival openness is necessary in archival management, as well as on the regulatory and legislative levels.

In post-Soviet space, Ukraine is exemplary in terms of archival openness, where changes began in 2014-2015 upon the initiative of several non-governmental organizations. The government and the Parliament have taken relevant steps and as a result, Ukrainian archives transformed from one of the most closed archives, into the most open ones.

In the future, IDFI plans to do a more detailed analysis of the legislation and, with the help of researchers, elaborate recommendations for each archival body, so that they work on solving problems. IDFI will continue advocating maximum openness of archives by initiating legislative amendments, studying international best practices, and increasing public awareness about archives.