

**Regulations for Use of the Archives of the Hamburg Institute for Social Research  
(HISArchBO)  
from 14 March 2003**

**§ 1  
Archival material**

(1) Archival material includes all records deemed worthy of preservation in the archive. Records are all information media such as files, written documents, sets of index cards, electronic documents, posters, maps, photographs and images, films and audio media, machine-readable media, and other records as well as printed and other documents and tools employed for access and use.

(2) Archival material refers to records considered of lasting value for the public, scholarship, and research and deemed worthy of retention in the Archives. The Archives decide which records are to be considered worthy of retention.

(3) Intermediate archival material is material acquired by the Archives that has not yet been subjected to a review process in order to decide which parts will be selected for retention.

**§ 2  
Administration of archival material**

(1) The Archives ensure that archival material will be maintained and made accessible in an appropriate fashion and protected from damage, destruction, and unauthorized use. The Archives are responsible for the protection of legitimate interests of third parties from the moment archival material enters into its custody.

(2) Personal archival material can be stored outside of the premises of the Archives if a written agreement to this effect is reached, there are technical or professional reasons for this decision, the requirements of good archival practise are fulfilled, and compliance with existing laws and regulations, in particular for the protection of personal rights, is guaranteed.

(3) The Archives retain the right to reach agreements with the owners of private archival material that has been transferred to the Archives in which special conditions for access to and use of such records are defined, in accordance with the interests of the owners.

(4) Linkage of data related to persons by the Archives before the end of the periods stated in § 3 is permissible if legitimate interests of the persons involved are protected.

**§ 3  
Use of archival materials**

(1) All interested persons have the right to use the archival material upon application for purposes of scholarship or journalism or in pursuit of legitimate personal interests in accordance with the provisions of these Regulations for Use and so long as these provisions or other regulations do not provide otherwise.

(2) The following protective provisions govern use of the Archives:

1. In so far as other legal provisions do not define other time limits, the use of archival material is permitted when a period of thirty years after the final creation of this material has expired. This time limit does not apply to archival material that was originally created for the purpose of publication.

2. Archival material which is related to a natural person or persons as far as its purpose or essential content is concerned (archival material related to persons) will be made available for use ten years after the death of that person or those persons. If the year of death cannot be determined or can only be determined at undue expense, the time limit ends ninety years after the birth of that person. If neither the year of birth nor the year of death can be ascertained without undue expense, then the time limit for archival material related to persons will end sixty years after its final creation.

3. The time limits for access to archival material related to persons do not apply to archival material documenting the activities of persons acting as holders of public office in so far as they are not personally affected by such actions. If such activities are reflected in the archival material, the legitimate interests of third parties must be protected accordingly. Before the relevant time limits expire, the Archives may supply information based on the archival records, in so far as paragraph 4 does not prohibit the use of this infor-

mation.

(3) Shorter time limits for access to archival material may apply for individual use or for parts of the archive records in cases in which paragraph 4 does not apply. If archival material related to persons is involved, such reductions of the time limits are permitted only when the persons involved or their legal successors have authorized such use or when use of the material is deemed necessary for scholarly research or in connection with the legitimate interests of persons or institutions and when the legitimate interests of those involved or of interested third parties are protected with appropriate measures.

(4) Use of archive material can be restricted, suspended, or prohibited by the Archives if

1. there is reason to believe that legitimate interests of third parties are being compromised or violated
2. the preservation of archive materials prohibits use or
3. use would entail unreasonable administrative costs or
4. the provisions of § 203 paragraphs 1 to 3 of the German Criminal Code or other relevant regarding secrecy are violated. Legal rights to information and agreements with proprietors of private archival material remain unaffected by this rule.

(5) The use of intermediate archival material is subject to the provisions of these Regulations for Use.

(6) The Archives formulate regulations governing the use of archival material, in particular with respect to applications and authorizations procedures, on providing access to archive material, on due care and attention on the part of users, and on the reproductions policy of the Archives.

(7) The Archives of the Hamburg Institute for Social Research are entitled to receive, at no cost to the Archives and upon the initiative of the users, a copy of any work printed, typed, or otherwise duplicated which was produced with substantive use of archive material from the Archives of the Hamburg Institute for Social Research.

#### **§ 4** **§ Entry into force**

(1) These Regulations for Use enter into effect on the date of publication.

Hamburg, 14 March 2003