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ARCHIVES

DOCUMENT RELEASE PERIOD RULES FOR ARCHIVED MATERIALS

What document release period rules apply to archived documents ?

Document release period rules

Free access to the documents

All archived documents are freely and immediately released for public consultation, subject to special periods. Law No. 2008-696 of 15 July 2008 on archives removed the common 30 year period previously applied to all archives that were not administrative documents.

However, documents whose release is likely to involve disclosure of information enabling the design, manufact ure, use or location of nuclear, biological or chemical weapons, or other weapons with equivalent destructive eff ects, may not be consulted.

Special periods

25 years from the date of the deed for :

- documents whose disclosure infringes: medical confidentiality (period from the death of the person, or period of 120 years from birth if the date of death is unknown). secrecy of executive decisions, conduct of foreign relations, currency and public credit, commercial and industrial secrets, research into tax and customs offences, secret statistical material (general),
- documents issued under a service contract,
- opinions of the Council of State and the administrative courts,
- documents of the Court of Auditors referred to in Article L. 140-9 of the Code of Financial Jurisdictions,
- regional auditors' documents referred to in Article L. 241-6 of the same Code,
- investigation documents for claims filed with the Ombudsman,
- documents prior to the production of reports for accreditation of health facilities as per Article L. 6113-6 of the Public Health Code and the health facility audit reports referred to in Article 40 of the social security financing Law of 2001 (No. 2000-1257 of 23 December 2000).

50 years for documents :

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- containing an assessment or value judgement about a named or easily identifiable individual,
- on the construction, equipping and operation of prison buildings,
- documents whose disclosure infringes: national defence secrecy, the interests of the State in the conduct of foreign policy, security of the state, public safety, the protection of privacy.

75 years from the date of the document or the most recent document in the file or 100 years if the person is a minor, or 25 years from the death of the person, whichever is longer, for :

- documents whose disclosure jeopardizes statistical secrecy (data collected through questionnaires on private events and behaviour) • police investigations,
- cases brought before the courts and enforcement of court sentences, notwithstanding any special provisions of the judgements,
- minutes and directories of public and ministerial officers,
- civil register birth and marriage records, from their closing date.

100 years from the date of the document or the most recent document in the file or 25 years from the death o f the person, whichever is longer, for :

- all documents covered by the 75 year period, where they relate to a minor,
- documents covered or that were covered by the secrecy of national defence whose disclosure jeopardizes the safety of named or easily identifiable individuals,
- documents of police investigations, records of cases brought before the courts and documents relating to the enforcement of sentences, where their disclosure infringes the intimacy of the sex lives of individuals.

Exemptions

To consult a document that is not yet publicly available, an exemption application, with reasons, must be submi tted.

The application is submitted to the administration that made the allocation or that holds the records and then f orwarded to the France Archives Directorate for a decision.

Although the procedure can take a long time, a silence of more than two months means refusal (Article 21 of L aw No. 2000-321 of 12 April 2000 on the rights of citizens in their relations with the government).

The exemption is granted in almost all cases. It is strictly personal and not limited in time. It requires that the d ocument be consulted on site and prohibits its reproduction.

It is subject to the reader undertaking not to publish or disclose information gathered during the consultation th at could jeopardize state security, national defence or the privacy of individuals.

Recruitment registers - a special case

Military recruitment registers (sub-series 1R) contain conscript registration sheets They contain a host of important information of use to those researching their genealogy or studying an individual male: origins, physi cal description, length of service, etc.

The very nature of this information may cause disclosure problems :

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- medical records (other than war wounds and minor ailments): 120 years from the birth of the person or 25 years from his death,
- disciplinary or court comments: 75 years from the decision,
- text on parentage: 75 years.

There is a special exemption process for these documents: a specific form (available for download) must be co mpleted and submitted for the approval of the Director of the Departmental Archives (note AD /DEP 3153 of 23 June 1995). Please note that signing this form entails an undertaking to respect confidentiality, to be observed when viewing, as follows :

- family members of the individual (or those authorized by them), on proof of their relationship: full consultation of sheet and any reproduction ;
- people outside the family: consultation and reproduction with blanking out of any medical, disciplinary or parentage information. In order to consult the document without blanking, an exemption request must be completed and forwarded to the Inter-ministerial Service of the Archives of France (FAIS).
- NB: photocopying of this type of document is strictly prohibited.

Private archives

Private archives are also a special case. When they are transferred to the departmental archives as a gift, bequ est, transfer, deposit or payment in kind, the owner may impose disclosure conditions: set a longer or shorter pe riod, or require that any disclosure is made subject to the owner's approval.

If no special conditions are set, the limits applicable to public records are used.