

Regulations Governing the Use of the University Archives Bremen

valid as of 09.03.2020

On 09.03.2020 and in accordance with Section 110 (2) of the *Bremisches Hochschulgesetz* (BremHG) [Bremen Higher Education Act] of May 9, 2007 (Brem. GBl. p. 339), as last amended by Section 1 of the Act of March 5, 2019 (Brem. GBl. p. 71) and pursuant to Section 1 BremHG, the President of the University of Bremen approved the following Statutes of the *Universitätsarchiv Bremen* (hereinafter: University Archives) as adopted by the Academic Senate of the University of Bremen on February 26, 2020:

Section 1 **Tasks**

The University Archives serves as a public archive of documents relating to research, teaching and studies at the University as well as other scientific work and related information. It makes such archival material of the University generally accessible. The tasks to be performed by the archives are set down in the *Bremisches Archivgesetz* (Bremen Archives Act) from May 7, 1991, as last amended by the Act of April 2, 2019 (Brem.GBl. p. 133) and the Statutes of the University Archives Bremen of 09.03.2020.

Section 2 **Access to archival material**

1. In accordance with the access regulations, archival items are to be made available to any person who can substantiate a legitimate interest, in particular of a legal, scientific or heritage and family-historical nature. Users have the right to access the archival holdings, provided any retention periods have expired and unless otherwise specified in legal provisions or agreements with current or former owners.
2. Use of the University Archives is free of charge

Section 3 **Type of use**

1. The archival material is usually used by means of inspection in the reading room of the University Archives.
2. The University Archives may also accommodate users by means of answering questions in writing or in person, the presentation or release of reproductions, and forwarding or loaning of archival items.
3. The response to inquiries is usually limited to providing information on the nature, extent and condition of the archival items in question.
4. The provisions for the use of archival items shall also apply to the use of search aids or other aids and reproduction.

Section 4 **Applications to use the archives**

1. Users of the University Archives have to submit an application on the respective form provided for this purpose.
2. A separate application must be made for each purpose of use.
3. If a user wishes to be accompanied by another person to support them in their work, such persons must submit a separate application.
4. On request, the user is obliged to produce suitable means of identification.

Section 5

Permission to use the archives

1. The Director of the University Archives or an authorized representative shall decide on the application for use.
2. Permission to use the archives shall be valid only for the purpose and subject of research stated in the application.
3. The permission to use the archives may be subject to additional provisions.

Section 6

Limitations on use

1. Pursuant to Section 7 subsection 1 and 2 of the Bremen Archives Act, use can be restricted, refused or revoked if
 - a) there is reason to believe that the granting of access to the archival items in question may be detrimental to the good of the Federal Republic of Germany or an individual federal state, or
 - b) there is reason to believe that the legitimate concerns of other persons may be affected, or
 - c) the conservation status of the archival material could be jeopardized, or
 - d) an unreasonable administrative burden would arise, or
 - e) access is precluded owing to existing agreements with current or former owners.
2. The University Archives may also restrict, refuse or revoke use for other reasons, in particular if one or more of the following reasons apply
 - (a) the user has repeatedly or seriously violated the usage regulations or has not complied with certain conditions that may have been imposed,
 - (b) grounds come to light which would have led to refusal of use if they had been previously known,
 - (c) the user violates copyrights or personal rights or interests of third parties,
 - (d) the arrangement of the archival items in question does not permit their use,
 - (e) the archival items in question cannot be made available for official reasons or because they are simultaneously being used for other purposes,
 - (f) the purpose of use can be sufficiently achieved in another way, in particular by consulting printed matter or reproductions.

Rights of use based on other legal regulations as well as special agreements with owners when archiving documents related to natural and legal persons under private law remain unaffected.

Section 7

Retention periods

1. Pursuant to Section 7 (3) of the *Landesarchivgesetz* (State Archives Act), the following retention periods shall apply to documents:
 - a) Archival material may not be accessed until 30 years have passed since the documents were created.
 - b) If the archived documents are subject to secrecy regulations, they may be used no earlier than 60 years after the documents have been created.
 - c) If the archival material refers to a natural person or persons (person-related archival material) in the sense of its intended purpose or according to its essential content, it may be used at the earliest 10 years after the decease of the person or of all the persons concerned. If the date of decease cannot be ascertained or can only be determined at unjustifiable expense, the retention period ends 100 years after the birth of the person or of all the persons concerned. In the event that the date of birth is also unknown to the University Archives, a period of 60 years has to elapse since the time the documents were created.
2. The use of archival items by the University of Bremen or other public bodies from which they were created or which have handed them over is also possible within the retention periods; however, the retention periods must be observed if the archival items should previously have been blocked, deleted or destroyed

due to special regulations.

3. Pursuant to Section 7, (4) of the State Archives Act, the retention periods listed under 1 above shall not apply to archival material that was intended for publication at the time of its creation or that was already lawfully made accessible to the public before being handed over to the University Archives.

The protection periods for person-related archival material shall not apply to public officials in the exercise of their office and personalities of contemporary history, unless there would be negative consequences for their sphere of life.

4. The periods of protection referred to in 1 above may be shortened in individual cases or for specific parts of archival material. If person-related archival material is affected before the end of the retention periods, it is furthermore necessary that
 - (a) the persons concerned or, after their death, their relatives have issued their consent, always provided that a person concerned has demonstrably objected to such use during his or her lifetime. Consent must be obtained from the surviving spouse or registered partner, or after his or her death from his or her adult children or, if there is neither a spouse or registered partner nor adult children, from the parents of the person concerned,
 - (b) the use is indispensable to remedy an existing lack of evidence or for other reasons in the legal interest of a third party; or
 - (c) the use is necessary for the conduct of a specific research project and it is ensured that the legitimate interests of data subjects are not prejudiced or that the public interest in the conduct of the research project substantially outweighs the legitimate interests of the data subjects. Insofar as the purpose and method of the research project permit, the research results are to be published without personal data from the archival records.
5. The request for a reduction of periods of retention must be made in writing and must state the reasons in detail. The appropriate form from the University Archives shall be used for this purpose. The application may be accompanied by additional information, documents or statements by third parties.
6. The cancellation of the period of retention may be subject to conditions of use.
7. The regulations governing the use of archival material apply accordingly to the use of search aids, other aids and reproductions.

Section 8 Legal protection

1. When exploiting the knowledge gained from archival material, copyrights and personal rights, in particular data privacy law and other legitimate interests must be upheld. This applies in particular to cases in which periods of retention have been shortened pursuant to Section 7 (5). Anyone who violates these rights and concerns has to represent this to the claimant. On request, written declarations may be required.
2. Paragraph 1 shall also apply to the exploitation of knowledge obtained solely from the aids for material search.

Section 9 Usage on the archives' premises

1. Archival material may only be examined in the reading room of the University Archives and under supervision.
2. Archival material may only be inspected for the specified purpose applied for and can only be made available to the user whose name is on the approved application.
3. There is no entitlement to being able to receive archival material at any specific time or sequence.

Section 10 Liability

1. The user is liable for any damage to the archival material that he / she or assistants have culpably caused.

2. The University Archives shall not be held liable for damages caused by faulty or delayed services.

Section 11 Reproductions of archival material

1. Reproductions of any kind may only be made with the permission of the University Archives.
2. There can be no claim to the production of reproductions. They can only be produced if a danger or damage to the archival material can be excluded. The University Archives shall decide on the appropriate reproduction method.
3. As a rule, only selected parts of archival material are reproduced.
4. In the case of personal inspection and on written request, the user may reproduce archival material at the self-service scanner in the reading room. Upon written request, analogue and digital reproductions can also be ordered from the archive staff.
5. The University Archives do not guarantee the quality of reproductions in the event of defects arising from the condition of the original or from the reproduction process.
6. The cost of producing reproductions shall be in accordance with the current schedule of fees of the University Archive.
7. Reproductions may only be passed on to third parties, copied or published with the consent of the University Archives. In such cases, the University Archives shall be indicated as the place of storage together with the reference number of the source. As far as copyrights exist, the user shall observe the provisions of the Copyright Act. He/she shall indemnify the University of Bremen against all claims by third parties which are asserted due to an infringement of copyright.

Section 13 Use of library

For the use of the library of the University Archives, Sections 9 to 12 shall apply accordingly.

Section 14 Forwarding of archival material

1. The forwarding of archival material is only permitted in exceptional cases for use in full-time managed archives and libraries elsewhere.
2. The applicant must obtain a written declaration from the archive in question, in which the latter undertakes to allow access to the archival material only under constant supervision, not to produce reproductions without the authorization of the University Archives Bremen, and to return such records within a previously agreed period.
3. The forwarding costs are to be borne by the applicant.
4. Excluded from forwarding are such search aids and archival material that
 - a) are subject to restrictions on use,
 - b) are not suitable for shipment owing to their high value, condition or state of preservation, their format or for reasons of conservation or safety,
 - c) are used frequently,
 - d) are not yet completely catalogued.
5. The use of the forwarded archival material is governed by the provisions of the Bremen Archives Act and the present regulations.

Section 15
Lending of archival material for exhibition purposes

1. The lending of archival items for exhibition purposes is only permitted if it can be ensured that they are effectively protected against loss, damage and unauthorized use and that the purpose of the exhibition cannot otherwise be fulfilled by using reproductions.
2. The University Archives Bremen is to ensure the security and preservation of the borrowed records by imposing appropriate conditions.
3. A formal agreement in respect of the loan of archival records must be concluded between the University Archives and the borrower.
4. The production of reproductions of exhibited archival records by third parties requires the approval of the University Archives Bremen.

Section 16
Use of external archival material

The University Archives may also permit the use of archival items supplied by other archives or other entities for use by third parties. Provided the third party or entity in question has no objection, the provisions of these conditions of use shall apply accordingly.

Section 17
Specimen copies

1. Users shall be obliged to provide the University Archives with a specimen copy of any analogue or digital publication (book, essay, Internet publication, etc.) which he/she has produced on the basis of records from the University Archives, free of charge and without being asked to do so.
2. The University Archives shall only be permitted to use such unpublished works or other results obtained from searching the University Archives without the prior consent of the user for the purpose of archiving. Other persons may not be granted access to such unpublished written works. This provision shall not apply in the event that the copyright has expired.

Section 18
Use by university bodies from which archival material originates

The way in which archival items are used by those bodies of the University in which they originated or by whom they were supplied is agreed on a case-by-case basis. In such cases, it must be ensured that the material is protected against loss, damage and unauthorized use and returned within a reasonable period of time.

Section 19
Entry into force

1. These Regulations shall enter into force upon being approved by the University President.
2. At the same time, the Regulations Governing the Use of the University Archives of June 24, 2015 shall cease to apply.