

Regulation of the Minister of Education, Culture and Science of [date], No [Edoc number], repealing the Archives Regulation and replacing it with the Archives Regulation 20XX (Archives Regulation 20XX)

The Minister of Education, Culture and Science,

Having regard to Articles 4.1 and 10.2, second paragraph, of the Archives Act 20XX and Articles 2.5 and 4.1, fourth paragraph, of the Archives Decree 20XX,

Hereby decrees:

Chapter 1. General

Article 1.1 Definitions

In this Regulation, the following definitions shall apply:

decree: Archives Decree 20XX;

operating software: software intended for the control of computers and software;

file format: a set way of encoding data;

DIN: standard issued by the Deutsches Institut für Normung, referred to in Annex 1 to this Regulation;

electronic signature: signature as defined in Article 3(10) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC;

emulation: technique whereby a computer or application software behaves in the same way as one of an older generation;

physical repository: a place where permanently stored documents are kept in physical form that have not yet been transferred to an archive service;

advanced electronic signature: signature as referred to in Article 3(11) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC;

qualified electronic signature: signature as defined in Article 3(12) of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC;

ICN quality requirement: the quality requirements of the Netherlands Institute for Collections set out in Annex 2 to this Regulation;

incident: a situation or emergency as referred to in Article 10.2(1)(a) and (b) of the act;

ISO: standard issued by the International Organisation for Standardisation, listed in Annex 1 to this Regulation;

annual average: arithmetic mean of measured values, measured over a period of 8760 hours;

monthly average: arithmetic mean of measured values, measured over a period of 720 hours;

minister: the Minister of Education, Culture and Science;

NEN, NEN-EN, NEN-EN-ISO, NEN-ISO or NPR: standard or design standard issued by the Royal Netherlands Standardisation Institute;

structure: logical connection between the elements of a document or archive;

location: refers to both the physical and the logical location of a document;

work process: coherent set of steps and procedures in the context of the execution of a task.

Article 1.2 Equivalence of technical requirements and private standards

1. Technical requirements set in another Member State of the European Union or in a State party to the Agreement on the European Economic Area, which guarantee at least an equivalent product or process quality, shall be deemed equivalent to the technical requirements referred to in this Regulation.

2. The standards referred to in this Regulation, issued by the Deutsches Institut für Normung, the International Organisation for Standardisation and the Royal Netherlands Standardisation Institute, shall be deemed to be equivalent to newer versions of those standards issued by the organisations concerned.

Article 1.3 Equivalence provision

A standard referred to in this Regulation with regard to documents issued by the Deutsches Institut für Normung, the International Organisation for Standardisation or the Royal Netherlands Standardisation Institute does not have to be complied with insofar as, other than by applying that standard, the documents achieve at least the same level of quality as intended by the regulation in which that standard is included.

Chapter 2. Sustainable accessibility

Section 2.1 General requirements for sustainable accessibility

Article 2.1 Storage and processing within the European Union

The storage and processing of documents takes place within the territory of the European Union, in countries within the European Economic Area, or within countries where the European Commission has issued an adequacy decision, unless the responsible government body is required to deviate from this due to its duties under international treaties.

Article 2.2 Organisation

1. The responsible government body shall have one or more organisational structures, at least one of which shall be consistent with the tasks and work processes of the responsible government body.
2. An organisational structure shall contain values indicating the logical location of documents in the organisational structure.
3. The location of documents in an organisational structure shall be recorded using metadata or external registration.

Article 2.3 Overview of information management

Every responsible government body shall maintain an up-to-date overview of the information management, which contains at least the following elements:

- a. a description of the tasks of the responsible government body and the related documents;
- b. for each organisational component, a description of the applications and other technical and organisational systems used per work process to create and receive documents;
- c. the location of documents and the relationship between documents; and
- d. if the responsible government body has multiple organisational structures, a description of these organisational structures, the manner in which they are applied, and the interrelationships between the organisational structures applied.

Article 2.4 Reproductions and exports

The availability referred to in Article 2.1(1)(b) of the Decree shall in any event imply that, upon request:

- a. a reproduction or export of a document with the correct and complete representation of the content and metadata is available; and
- b. where a document contains personal data or confidential information, or where a document is subject to restrictions on disclosure upon transfer, a partial reproduction or export is available.

Article 2.5 General metadata

1. The responsible government body shall establish one or more metadata schemas as referred to in NEN-ISO 23081-1:2017 nl.
2. The responsible government body shall link metadata to documents in accordance with the metadata scheme, recording at least the following metadata:
 - a. the content;
 - b. the structure;
 - c. if relevant, the appearance;
 - d. if available, the file format in which the document was received or created;
 - e. a unique identification number;
 - f. when, by whom and for what purpose it was received or drawn up by the responsible government body;
 - g. the consistency and nature thereof with other documents prepared and received by the responsible government body;
 - h. the place in an organisational structure;
 - i. the management activities carried out in relation to the document;
 - j. the applicable category from the selection decision; and
 - k. the retention period.

Article 2.6 Electronic signatures

Where an electronic signature has been used, the responsible government body shall, in addition to Article 2.5, record at least the following metadata:

- a. the signatory;
- b. in the case of an advanced electronic signature, data proving the link between the document and the signatory; and
- c. in the case of a qualified electronic signature, the identification of the qualified means and the qualified certificate of the electronic signature.

Section 2.2 Additional requirements for long-term retention of documents in digital form

Article 2.7 Scope

In addition to Articles 2.1 to 2.6, Articles 2.8 to 2.11 apply to documents in digital form that are stored for more than ten years based on the selection decision.

Article 2.8 Additional metadata

In addition to the provisions of Articles 2.5 and 2.6, the responsible government body shall lay down at least the following:

- a. a description of the hardware, operating software and application software used;
- b. an indication of the results of the integrity checks carried out; and
- c. a permanent unique identification number.

Article 2.9 Sustainable file formats

1. The responsible government body shall store documents in a sustainable file format as early as possible.

2. The use of a compression technique shall only be permitted to the extent that it does not result in a loss of information such as to render it impossible to meet the requirements relating to the sustainable accessibility of documents.

Article 2.10 Unmodified and undamaged storage

The responsible government body shall take appropriate measures to ensure that each document is stored and preserved in an unmodified and undamaged state.

Article 2.11 Special preservation measures for sustainable accessibility

When a preservation measure other than migration, conversion or emulation is used to ensure sustainable accessibility, the responsible government body shall determine how the substantive quality requirements for sustainable accessibility are met.

Section 2.3. Additional requirements for documents to be transferred

Article 2.12 Metadata for documents to be transferred

In order to transfer documents, the responsible government body shall, for the purpose of providing access as referred to in Article 8.3 of the Act and for the purpose of providing information in another form as referred to in Article 8.4 of the Act, record at least the following metadata at the latest at the time of transfer:

- a. the public or restricted public status;
- b. the duration of the restriction on disclosure;
- c. the date of expiry of the restriction on disclosure; and
- d. the grounds on which the accessibility restriction is based, as referred to in Article 7.2 of the Act.

Article 2.13 Decryption of documents to be transferred

When transferring documents in digital form, the responsible government body shall remove any encryption of documents.

Chapter 3. Replacement and migration

Article 3.1 Requirements for process description replacement

A process description for replacement as referred to in Article 2.3, second paragraph, of the Decree shall in any case include a description of:

- a. the documents to which the process description applies;
- b. the content, structure and form of the documents;

- c. indicating the grounds for replacement;
- d. the cases in which the archivist is asked for advice as referred to in Article 2.3, third paragraph of the Decree, the manner in which this is done, where the results of the advice are recorded, and the manner in which the analogue documents that form part of the cultural heritage are stored;
- e. the cases in which documents to which the process description applies are exempt from replacement;
- f. the technical infrastructure;
- g. the process design;
- h. the quality procedures;
- i. the manner in which the replaced documents are destroyed;
- j. the manner in which the process description is periodically evaluated; and
- k. the image quality and metadata requirements that the replacement documents must meet as a minimum to prevent information loss.

Article 3.2 Requirements for the migration plan

A migration plan as referred to in Article 2.2, second paragraph, of the Decree shall in any case contain:

- a. a description of how the sustainable accessibility of the relevant documents is ensured;
- b. a description of the manner in which the retention periods laid down in the selection decision are ensured; and
- c. a description of the systems from which and to which the documents are migrated.

Article 3.3 Requirements for migration declaration

A declaration as referred to in Article 2.2, third paragraph, of the Decree shall in any case contain:

- a. a description of the documents that have been migrated;
- b. an indication of the documents which have not been migrated or which have not been fully migrated; and
- c. a description of the manner in which the documents referred to in part (b) may be consulted until the expiry of the retention period of these documents.

Chapter 4. Destruction

Article 4.1 Requirements for the description of the destruction process

A process description for destruction, as referred to in Article 4.1, first paragraph, of the Decree shall in any case include a description of:

- a. the relationship with the information management overview, management choices for sustainable accessibility, and the selection decisions in such a way that it is clear which documents the organisation must destroy in a controlled manner;
- b. the policy governing how destruction takes place and with what effect;
- c. the roles and responsibilities in the destruction process; and
- d. the manner in which the responsible government body verifies that documents have been destroyed.

Article 4.2 Requirements for a declaration of destruction

A declaration of destruction as referred to in Article 4.1, second paragraph, of the Decree shall in any case include:

- a. a description of the documents that have been destroyed;
- b. the system in which the documents were destroyed;
- c. a reference to the articles of the selection decision based on which the documents were destroyed; and
- d. a description of how the documents were destroyed.

Chapter 5. Building requirements and storage conditions for permanent storage of physical documents

Section 5.1 General requirements for buildings

Article 5.1 General disapplication

A repository-related requirement set out in this chapter does not need to be met if, other than by applying that requirement, at least the same level of safety, protection against water damage, climate control and environmental hygiene is provided as is intended by the requirement in question.

Article 5.2 Exemptions

1. The Minister may, on request, grant an exemption from one or more articles in this chapter if:
 - a. in the case of a repository built or set up before the entry into force of this Regulation; and
 - b. compliance with the requirements set out in this chapter for the relevant repository cannot reasonably be required of the responsible government body.
2. The Minister may decide that the exemption shall be granted for a maximum of a number of years to be determined in the decision.
3. The Minister may attach provisions to an exemption.

Article 5.3 Location of repositories

1. When determining the location and construction method of a repository, the responsible government body shall limit the risks of fire, flooding, moisture penetration, water damage and subsidence of the building.
2. When managing a repository, the responsible government body shall take appropriate measures to minimise the risks referred to in the first paragraph.
3. For the purposes of the management referred to in the second paragraph, the responsible government body shall maintain an up-to-date management and emergency plan that undergoes periodic reviews.

Article 5.4 Fire safety

Repositories shall be equipped with appropriate and, taking into account the nature, surface area and contents of the repository, effective means or facilities for delaying and extinguishing fires.

Article 5.5 Preventing and delaying fires

1. A repository shall not contain any unnecessary materials or equipment that could cause a fire hazard or contribute to the spread of a fire.
2. Contribution to the propagation of a fire on internal and external partitions complies with at least class A2 according to NEN-EN 13501-1:2019 en.
3. The internal and external partitions and the doors of a repository shall have a fire and smoke resistance level of at least 60 minutes according to NEN 6069:2011+A1+C1:2019 nl.
4. Ventilation and air treatment ducts in partitions shall be fitted with fire dampers such that the fire resistance of those structures is not affected.
5. Repository doors shall be self-closing.
6. A repository shall be equipped with smoke detectors and a device for automatically signalling fire, all of which are equipped with an automatic notification via the building management system or the security system with a notification to the fire brigade in accordance with NEN 2535:2017 nl and managed in accordance with NEN 2654-1+C1:2018 nl.

Article 5.6 Fire extinguishing equipment

1. To the extent that sprinkler systems are present in a repository, they are fully automatic in operation and are equipped with sprinkler heads located on the ceiling, in the racks or in the shelving.
2. Sprinkler systems with open sprinkler heads are not permitted.
3. Portable fire extinguishers shall be visibly marked and shall be located in a repository within a maximum of 30 metres of walking distance from each other.
4. Portable fire extinguishers shall be inspected and maintained in accordance with the applicable rules and with the application of the general requirements of NEN 2559:2001 nl.
5. Fire hose reels shall be located outside the repository, near the door to the repository, and shall be permanently connected to the water line.
6. The presence or use of powder extinguishers in and near the repository is not permitted.
7. The responsible government body shall, taking into account the documents contained in the relevant repository, choose the most appropriate means and facilities, as referred to in the first

through fourth paragraphs, in order to limit to the greatest extent possible the harmful effects of the extinguishing agent on the documents concerned.

Article 5.7 Water detector

Water detectors shall be present in the repository, including an automatic notification to the building management, security or installation management system.

Article 5.8 Construction of cables, pipes or ducts

1. In a repository, cables, pipes or ducts are only allowed as surface-mounted installations.
2. Surface-mounted installations referred to in the first paragraph shall only be permitted if they are necessary for a facility in the compartment concerned.

Article 5.9 Structural requirements

1. The main support structure and the internal and external partitions of the building in which a repository is located shall meet at least the consequence class CC4 of the NPR 9998:2020 nl.
2. The internal and external partitions of a repository:
 - a. are resistant to natural forces according to NEN-EN 1991-1-1+C1+C11:2019 nl;and
 - b. have a waterproof design.
3. The floor load of a repository is calculated based on the maximum weight of the equipment placed on it, including documents.
4. A repository shall not have windows.

Article 5.10 Security measures

1. The responsible government body shall take effective measures against unauthorised access to the repository.
2. A repository is equipped with burglary protection and alarms in accordance with NEN 5089:2019+A1:2021 nl, thereby in compliance with SKG class 3.
3. External partitions and façade elements shall comply at least with resistance class 4 according to NEN 5096:2012 nl.

Section 5.2 Requirements for storage conditions

Article 5.11 General rules for repositories

1. A repository shall only be used for the storage of documents.
2. Physical documents are stored in designated racks, shelves, and cabinets.
3. Only facilities for short-term consultation are permitted in a repository.
4. The repository shall not contain any unnecessary lights or lighting.

Article 5.12 Materials, equipment and substances in the repository

1. Materials and equipment necessary for the safe management, preservation and use of the documents may be placed in a repository, provided that they:
 - a. do not adversely affect the temperature and humidity levels;
 - b. do not spread contamination; and
 - c. do not attract insects or micro-organisms.
2. In order to prevent damage to magnetic carriers, they shall be stored in a closed structure that prevents electromagnetic radiation from penetrating this structure.
3. The repository shall not contain any materials or substances from which harmful gases can be released, nor any that could damage physical documents.

Article 5.13 Air circulation and installation of racks and cabinets

1. Filing racks, shelving and cabinets shall be placed in such a way that allows for sufficient air circulation, thereby preventing localised differences in climate.
2. Filing racks, shelving and cabinets shall be placed at least 20 centimetres from a wall, at least 10 centimetres from a partition wall and at least 50 centimetres from penetrations through partitions.
3. The distance between the top of a filing rack, shelving or cabinet and the ceiling or any air conditioning ducts must be at least 10 centimetres.
4. The distance between the top of a filing rack, shelving or cabinet and the lighting fixtures is at least 20 centimetres.
5. Mobile filing racks, shelving or cabinets shall be stored in close proximity and at least 5 centimetres apart from each other.
6. Paths between filing racks, shelving or cabinets are at least 70 centimetres wide, taking into account the depth of the shelves and drawers.

Article 5.14 Climate control

1. The volume of air in a repository shall be cleared of fine dust and mould spores at least once a day by means of recirculation and purification.
2. The responsible government body shall ensure that the climate within the repository complies with the following requirements:
 - a. The relative humidity for documents is at all times a minimum of 35% RH and a maximum of 60% RH.
 - b. The air temperature near the documents shall at all times be not less than 13 °C and not more than 22 °C.
3. The annual averages are a maximum of 50% for RH and a maximum of 18 °C for temperature.
4. Variations of the RH and temperature per month are permitted, provided that:
 - a. they fall within the limits referred to in the first paragraph; and
 - b. the monthly averages vary to a maximum at a speed of 5% per month for RH and 5 °C per month for temperature.
5. Fluctuations during a period of 24 hours for the RH and temperature are permitted, provided that:
 - a. they fall within the limits referred to in the first paragraph;
 - b. They take place within a bandwidth of 5% RH and 3 °C per 24 hours relative to the monthly average as referred to in the fourth paragraph, preamble and under point (b).
6. The physical repository has sufficient sensors to carefully measure the climate surrounding the documents.
7. The responsible government body shall maintain:
 - a. an up-to-date climate assessment protocol which, at a minimum, describes and assesses how the climate control system meets the requirements set out in this article; and
 - b. a logbook containing all measurements of the measuring instruments placed in the repository, so that it can be demonstrated that the climate at the locations where the documents are located are at all times compliant with the requirements set out in this article.

Article 5.15 Repository hygiene

The responsible government body maintains an up-to-date repository hygiene protocol and reviews it at least once a year. This plan shall include in any case:

- a. a cleaning protocol; and
- b. a protocol for integrated pest and fungus control.

Section 5.3 Additional requirements in the case of transferred documents to be stored permanently

Article 5.16 Additional requirements for buildings

In addition to Articles 5.3 to 5.9, a repository where transferred documents are to be permanently stored shall meet the following requirements:

- a. notwithstanding the provisions of Article 5.5, first paragraph, the internal and external partitions in a repository shall, with regard to their contribution to fire propagation, comply with at least class A1 in accordance with NEN-EN 13501-1:2019 en;
- b. notwithstanding the provisions of Article 5.5, third paragraph, partitions in a repository must have a fire resistance of at least 120 minutes in accordance with NEN 6069:2011+A1+C1:2019 nl;
- c. the smoke passage resistance of a repository must be R200 according to NEN 6075:2020 nl;
- d. without prejudice to the provisions of Article 5.6, first paragraph, and insofar as applicable, sprinkler systems in a repository must be designed based on a dual detector;
- e. a repository must in any case be equipped with portable fire extinguishers that meet the requirements set out in Article 5.6, second, third and fourth paragraphs;
- f. without prejudice to the provisions of Article 5.6(3), portable extinguishers must be present in a repository directly adjacent to the entrance door and at the greatest distance from that door;
- g. a repository must contain a means of communication enabling persons in the repository to connect to persons outside the repository and which may be used in the event of an emergency.

Article 5.17 Quarantine room

1. A responsible government body must have a fenced-off area or storage space into which contaminated or suspected material may be quarantined.

2. The ventilation system of this quarantine area must be separate from that of offices, accommodation spaces and repositories.

Article 5.18 Specific requirements for climate control for processes

1. Notwithstanding the provisions of Article 5.14, second and fifth paragraphs, the following applies to the processes listed below:

- a. for colour processes on glass, paper and polyester, the relative humidity near the documents must be at least 20% RH and no more than 40% RH at all times, and the air temperature near the documents must be at least 3 °C and no more than 5 °C at all times; and
- b. for processes on cellulose nitrate and cellulose acetate media, the relative humidity of the documents must be at least 33% RH and no more than 43% RH at all times and the air temperature of the documents must be at least -22 °C and no more than -18 °C at all times.

2. If documents as referred to in the first paragraph are transferred to another room, measures must be taken to ensure acclimatisation for these documents if there is a reasonable chance that harmful condensation will occur as a result of the change in relative humidity or temperature.

3. The provisions of this Article shall not apply where there are a limited number of processes that are part of an existing file.

Chapter 6. Requirements for packaging materials and materials to be used for physical documents to be stored permanently

Section 6.1 Requirements for packaging materials for physical documents to be stored permanently

Article 6.1 General requirements for packaging

The responsible government body must ensure that documents are provided, to the greatest extent possible, with adequate packaging that protects the documents from dust and other potential causes of damage and that do not cause damage to the documents themselves by their construction, format or material composition.

Article 6.2 Enclosures

1. Enclosures and folders without fastening mechanisms must comply with ICN quality requirement number 1.
2. Enclosures and folders with fastening mechanisms must comply with ICN quality requirements numbers 2 and 12.

Article 6.3 Archival boxes

1. File boxes for standard size paper must comply with:
 - a. ICN quality requirement numbers 4 or 13, if enclosures according to ICN quality requirement numbers 1 or 2 are applied; or
 - b. ICS quality requirement number 3, if the documents come into direct contact with the cardboard.
2. Cardboard for archival boxes of other than standard formats must comply with:
 - a. ICS quality requirement numbers 10 or 16, if enclosures with ICS quality requirement numbers 1 or 2 are applied; or
 - b. ICS quality requirement number 11, if the documents come into direct contact with the cardboard.

Article 6.4 Labels

1. Self-adhesive labels intended for enclosures, folders and archival boxes must comply with ICS quality requirement number 15.
2. For non-self-adhesive labels, acrylic-based adhesive is used. The acidity of the glue must have a pH value of at least 7.5 and a maximum of 10.

Article 6.5 Other materials

1. Materials that come into direct contact with documents must not contain substances that could damage the documents or contribute to their degradation, such as, in any case:
 - a. metal;
 - b. lignin;
 - c. plasticisers; and
 - d. co-polymers of vinyl chloride.
2. Plastics that come into direct contact with documents must consist exclusively of:
 - a. polystyrene;
 - b. polyethene;
 - c. polypropylene; or
 - d. polycarbonate.

Article 6.6 Prevention of reactions with other documents

The responsible government body must ensure that documents that may cause a chemical or physical reaction with other documents when stored in the same packaging unit are packed separately, either inside or outside the packaging unit.

Section 6.2 Requirements regarding materials to be used for physical documents

Article 6.7 General requirements for documents to be stored permanently

1. The responsible government body must ensure that new physical documents that are intended for permanent storage are made of durable material and meet the requirements set out in this Regulation.
2. The responsible government body must replace, to the greatest extent possible, existing physical documents that are to be stored permanently and that are not resistant to ageing or that emit harmful emissions.

Article 6.8 Additional requirements for paper, ink, toners and writing materials

1. Paper must comply with NEN 2728:2006+C1:2011 nl or NEN-EN-ISO 9706:1998 en.
2. Inks, toners and writing materials must not damage paper or other materials, must not bleed through, must be waterproof, lightfast and must not discolour as a result of ageing.
3. Documents must not contain materials that are or could be harmful to the paper or ink.

Chapter 7. Obligation to report incidents

Article 7.1 Obligation to report incidents

1. A responsible government body as referred to in Articles 2.1, 2.4 or 2.5 of the Act must report any incident to the chief inspector within 72 hours of its discovery.
2. The notification of an incident must include at least the following:
 - a. contact details of the responsible government body;
 - b. a description of the incident;
 - c. where applicable, a description of the significant importance of the documents as referred to in Article 1.3 of the Act;
 - d. a description of the identified damage, loss or disappearance or how the documents have otherwise become inaccessible;
 - e. a description of the measures already taken or planned to protect the documents from further damage, loss, misplacement or otherwise becoming inaccessible; and
 - f. the number of documents affected.

Chapter 8. Final provisions

Section 8.1 Evaluation

For the purposes of evaluating this Regulation, the Minister shall follow the evaluations of the Act and the Decree and, in addition, the Minister shall evaluate the effectiveness and impact of this Regulation in practice every five years.

Article 8.2 Transitional provision

1. Article 2.12 does not apply to documents drawn up or received prior to the entry into force of this Regulation.
2. The exemptions granted before the entry into force of this Regulation on the basis of Article 57 of the Archives Regulation, as it stood before the entry into force of this Regulation, shall remain in force and qualify as exemptions referred to in Article 5.2.

Article 8.3 Repeal of the Archives Regulation

The Archives Regulation shall be repealed.

Article 8.4 Entry into force

This Regulation shall enter into force on the date of entry into force of the Archives Decree 20xx, with the exception of Articles 3.2 and 3.3, which shall enter into force with effect from the third calendar year following the entry into force of this Regulation.

Article 8.5 Citation title

This Regulation shall be cited as the Archives Regulation with an indication of the year of the Government Gazette in which it shall be published.

This Regulation and Explanatory Memorandum will be published in the Government Gazette.

The Minister of Education, Culture and Science,

Gouke Moes

Annex 1. Standards

The *NEN*, *NEN-EN*, *NEN-EN-ISO*, *NEN-ISO* or *NPR* listed in this Annex are the standards issued by the Deutsches Institut für Normung, International Organisation for Standardisation and the Royal Netherlands Standardisation Institute.

NEN-EN 1991-1-1+C1+C11:2019 nl:

standard 'Eurocode 1: Actions on structures – Part 1-1: General loads – Densities, self-weight and imposed loads for buildings, published by the Royal Netherlands Standardisation Institute, in the version in force on 1 November 2019;

NEN 2535:2017 nl:

standard 'Fire safety of buildings - Fire detection installations - System and quality requirements and guidelines', issued by the Royal Netherlands Standardisation Institute, in the version in force on 28 November 2017;

NEN 2559:2001 nl:

standard 'Maintenance of portable fire extinguishers', issued by the Royal Netherlands Standardisation Institute, in the version in force on 1 July 2001;

NEN 2654-1+C1:2018 nl:

standard 'Management, control and maintenance of fire protection safety systems - Part 1: fire detection and alarm systems', issued by the Royal Netherlands Standardisation Institute, in the version in force on 21 August 2018;

NEN 2728:2006+C1:2011 nl:

Standard 'Permanent paper for archives - Requirements and test methods', published by the Royal Netherlands Standardisation Institute, in the version in force on 1 July 2011;

NEN 5089:2019+A1:2021 nl:

standard 'Burglary resisting building hardware - Classification, requirements and test methods', issued by the Royal Netherlands Standardisation Institute, in the version in force on 1 September 2021;

NEN 5096:2012 nl:

Standard 'Burglary resistance - Façade elements with doors, windows, shutters and fixed infillings - Classification, requirements and test methods', issued by the Royal Netherlands Standardisation Institute, in the version in force on 11 December 2012;

NEN 6069:2011+A1+C1:2019 nl:

standard 'Testing and classification of resistance to fire of building products and building elements', standard 'Mathematical determination of the fire resistance of building components' published by the Dutch Standardisation Institute, in the version in force on 1 February 1991;

NEN 6075:2020 nl:

standard 'Determination of the resistance to smoke movement between spaces', issued by the Royal Netherlands Standardisation Institute, in the version in force on 1 February 2020;

NEN-EN 13501-1:2019 en:

standard 'Fire classification of construction products and building elements - Part 1: Classification using data from reaction to fire tests', published by the Dutch Standardisation Institute, in the version in force on 1 June 2016;

NEN-EN-ISO 9706:1998 en:

standard 'Information and documentation - Paper for documents - Requirements for permanence', issued by the Royal Netherlands Standardisation Institute, in the version in force on 12 August 1998;

NPR 9998:2020 nl:

standard 'Assessment of structural safety of buildings in case of erection, reconstruction and disapproval - Induced earthquakes - Basis of design, actions and resistances' issued by the Royal Netherlands Standardisation Institute, in the version in force on 4 January 2021.

NEN-ISO 23081-1:2017 nl

Information and documentation - Records management processes - Metadata for records - Part 1:

Principles' published by the Royal Netherlands Standardisation Institute, in the version in force in November 2017.

Annex 2 Quality requirements

Reference is made to the following quality requirements of the Netherlands Institute for Cultural Heritage (ICN) in Articles 6.2 to 6.4 of this Regulation.

ICN quality requirement no 1

Archival enclosures without fastening mechanisms for permanent storage. Requirements and test methods, February 1998

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of paper or cardboard archival enclosures without fastening mechanisms for long-term storage of archival documents.

2. Terms and definitions

Archival enclosures for permanent storage: Enclosures made of paper or cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least 100 years and of which no adverse influence on the archive records stored in the enclosure may be observed. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for archival enclosures.

3.1 Fibre composition and chemical characteristics

The enclosure must be made of cotton and/or linen pulp, 100% bleached cellulose or a mixture thereof. If the paper or cardboard consists of two layers of duplex paper or cardboard glued together, the inner layer may contain wood-based fibre material. The content of wood-based fibre material may not exceed 40% of the total amount of fibre material. The outer sides of the composite cardboard shall not give a positive colour reaction with the phloroglucinol test (ASTM D 1030, X5). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The enclosure has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the cold extraction method. For determining the pH, see NEN 2151 or ISO 6588.

3.3 Alkaline reserve

The enclosure contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. For determining the alkaline reserve, see ISO 10716 or ASTM D 4988.

4. Physical characteristics of archival enclosures

4.1 Mass per area (g/m²)

Although there are no specific requirements for mass per surface, a minimum of 120 g/m² is assumed. If specific requirements are imposed, the average of the delivery may not deviate more than 5% from the stated requirement. For determining the mass per surface, see NEN 1109 or ISO 536.

4.2 Tear resistance

The enclosure has a minimum tear index of 10 mN.m² /g in the machine direction. For determining the tear resistance, see NEN 1760 or ISO 1974.

4.3 Fold number

The enclosure has a fold number in the transverse direction of at least 300 double folds when measured with the MIT instrument. For determining the fold number, see TAPPI 511.

4.4 Colour fastness against water

If the enclosure is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

5. Sustainability

After accelerated ageing, the enclosure still has at least 80% of the original fold number and the original tear resistance. Accelerated ageing takes place over 12 days at 80 °C ± 0.5 °C and 65% ± 2% relative humidity.

Test method: ISO 5630/3.

6. Titles of the listed standards:

NEN 1109	Paper and board. Determination of the mass per surface area
NEN 1760	Paper and board. Determination of tear resistance (Elmendorf method)
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
NEN 3376	Paper. Glossary with translations (English, French, German)
ISO 536	Paper and board. Determination of grammage
ISO 1974	Paper. Determination of tearing resistance ISO 5630/3 Paper and board- Accelerated ageing - part 3: Moist heat treatment at 80°C and 65% relative humidity
ISO 6588	Paper, board and pulps. Determination of pH of aqueous extracts
ISO 10716	Paper and board. Determination of alkaline reserve
ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stain
ASTM D 4988	Standard test method for the determination of calcium carbonate content of paper
TAPPI T 401	Fiber analysis of paper and paperboard
TAPPI T 511	Folding endurance of paper (MIT tester)
ICN-SOP 10	Determination of colour fastness of paper and cardboard against water

ICN quality requirement no 2

Archival enclosures with adhesive mechanism for permanent storage. Requirements and test methods, February 1998

1. Subject matter and scope

This quality requirement specifies requirements relating to the quality, physical properties and durability of paper or cardboard archival enclosures with fastening mechanisms for use in static archives.

2. Terms and definitions

Archival enclosures for permanent storage: Enclosures made of paper or cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least 100 years and of which no adverse influence on the archive records stored in the enclosure may be observed. Fastening mechanisms: Fastening systems for bundling archival documents in an enclosure. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for archival enclosures

3.1 Fibre composition and chemical characteristics

The enclosure must be made of cotton and/or linen pulp, 100% bleached cellulose or a mixture thereof. If the paper or cardboard consists of two layers of duplex paper or cardboard glued together, the inner layer may contain wood-based fibre material. However, the content of wood-based fibre material may not exceed 40% of the total amount of fibre material. The outer sides of the composite cardboard shall not give a positive colour reaction with the phloroglucinol test (ASTM D 1030, X5). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The enclosure has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the cold extraction method. For determining the pH, see NEN 2151 or ISO 6588.

3.3 Alkaline reserve

The enclosure contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. For determining the alkaline reserve, see ISO 10716 or ASTM D 4988.

4. Physical properties of archival enclosures with fastening mechanisms

4.1 Mass per surface area

Although there are no specific requirements for mass per surface, a minimum of 210 g/m² is assumed. If specific requirements are imposed, the average of the delivery may not deviate more than 5% from the stated requirement. For determining the mass per surface, see NEN 1109 or ISO 536.

4.2 Tear resistance

The enclosure has a minimum tear index of 15 mN.m² /g in the machine direction. For determining the tear resistance, see NEN 1760 or ISO 1974.

4.3 Fold number

The enclosure has a fold number in the transverse direction of at least 350 double folds when measured with the MIT instrument. For determining the fold number, see TAPPI T 511.

4.4 Colour fastness against water

If the enclosure is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

5. Sustainability

After accelerated ageing, the paper still has at least 80% of the original fold number and the original tear resistance. Accelerated ageing takes place over 12 days at 80 °C ± 0.5 °C and 65% ± 2% relative humidity. Test method: ISO 5630/3.

6. Material composition of the fastening mechanism

The material of the fastening mechanism must not contain substances that promote the degradation of the archival document.

- a. Plastic fastening mechanisms must not contain polyvinyl chloride or vinyl chloride copolymers.
- b. The plastics used must not contain any plasticiser.
- c. Fastening mechanisms must not contain self-adhesive elements.

7. Structure

The fastening mechanism must not cause mechanical damage to the archival item when used.

8. Titles of the listed standards:

NEN 1109	Paper and board. Determination of the mass per surface area
NEN 1760	Paper and board. Determination of tearing resistance (Elmendorf method)
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
NEN 3376	Paper. Glossary with translations (English, French, German)
ISO 536	Paper and board. Determination of grammage
ISO 1974	Paper. Determination of tearing resistance
ISO 5630/3	Paper and board- Accelerated ageing- part 3: Moist heat treatment at 80°C and 65% relative humidity
ISO 6588	Paper, board and pulps. Determination of pH of aqueous extracts
ISO 10716	Paper and board. Determination of alkaline reserve
ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stain
ASTM D 4988	Standard test method for the determination of calcium carbonate content of paper
TAPPI T 401	Fiber analysis of paper and paperboard
TAPPI T 511	Folding endurance of paper (MIT tester)
ICN-SOP 10	Determination of colour fastness of paper and cardboard against water

ICN quality requirement no 3

Archival boxes for permanent storage. Buffered, low-lignin corrugated cardboard boxes. Requirements and test methods, August 2002

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of lignin-poor, buffered boxes for long-term storage of archival documents.

2. Terms and definitions

Archival boxes for permanent storage: Boxes made of corrugated cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least 30 years and of which no adverse influence on the archive records stored in the box may be observed. Corrugated cardboard: made of flat and corrugated layers of cardboard bonded together in a regular pattern. 'Fine' or 'B'-flute, flute height approx. 3 mm with approx. 164 flutes per linear metre. 'Double-wall', consisting of two corrugated layers between three flat layers. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for corrugated cardboard

3.1 Fibre composition and chemical characteristics

All layers of the corrugated cardboard must be made of cotton and/or linen pulp, 100% bleached cellulose or a mixture thereof. The cardboard must be free of wood-based fibre material, metal particles, waxes, plasticisers and must not contain more than 0.0008% reducible sulphur (TAPPI T406). The surface of the cardboard must be free of knots, splinters and abrasive particles. None of the layers of the corrugated cardboard may give a positive colour reaction with the phloroglucinol test (ASTM D 1030, X 5.1.1/2 Spot Stains) or have a Kappa number of up to 5 (TAPPI T-236). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The corrugated board must have a minimum pH of 7.5 and a maximum pH of 9.5, measured by the cold extraction method (NEN 2151 or ISO 6588).

3.3 Alkaline reserve

All of the layers of the corrugated cardboard contain an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry cardboard. If calcium carbonate has been used as an alkaline reserve, the cardboard meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. The alkaline reserve must be evenly distributed through all layers of the corrugated cardboard. (ISO 10716 or ASTM D 4988).

4. Physical properties of the corrugated cardboard

4.1 Type

The corrugated cardboard is preferably of the 'B'-flute type, with a flute height of approximately 3 mm. Depending on the items to be stored, the double-wall type can also be used.

4.2 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, measured on the inside and outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.3 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D 2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape
- attach the adhesive tape by rolling it twice with a 10 kg ± 0.5 kg and 200 mm wide roll with a diameter of 90 mm ± 10 mm. (the roll from the Cobb test: ISO 535)
- attach a weight of 50 g to the adhesive tape.

4.4 Colour fastness against water

If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

4.5 Flute bonding, water resistance

It is preferable to use a waterproof starch glue to bond the corrugated paper to the flat paper. After immersion in water at 23 °C for 24 hours, the layers must not detach from each other and fibre transfer must occur when gently detaching the layers.

5. Box characteristics

5.1 Structure

The box is made of corrugated cardboard consisting of a single corrugated layer, glued on both sides with flat paper. The flute is preferably of the type 'B', with a flute height of 3 mm and approximately 164 flutes per linear metre. The box is constructed in such a way that the direction of the flute is perpendicular to the longitudinal axis of the box. The box is delivered flat and must

be able to be folded into a box without any additional fastenings. The box can consist of both one and two parts. The grooved folds must be straight. After folding the box, the corners must be straight and there should be no crooked openings. The box must be able to stand well properly and the closure must remain tightly closed after the box has been closed.

5.2 Dimensioning

The dimensions of the box are determined by the client. These dimensions are indicated as internal dimensions and may not deviate by more than ± 1 mm upon delivery.

5.3 Compression strength of the box

The compression strength (according to (NEN)ISO 2872) of a flat lying box is at least 3000 N with a maximum indentation of 7.0 mm. The compression strength of a standing box must be at least 2000 N with a maximum indentation of 6.0 mm.

5.4 Drop resistance

The drop resistance is determined according to (NEN)ISO 2248 with a fill weight of 0.5 kg paper per cm width. There must be no serious defects in the box after the drop test and the function of the box must be preserved.

5.5 Dimensional stability after immersion in water

After immersion in distilled water at 23 °C for 24 hours, the box must retain its shape.

7. Titles of the listed standards:

NEN 3376	Paper. Glossary with translations (English, French, German)
TAPPI T 406	Residual sulphur in paper and cardboard
ASTM D 103	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stains
TAPPI T 236	Kappa number of pulp
ASTM D 4988	Standard test method for the determination of calcium carbonate content of paper
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
ISO 6588	Paper, board and pulps: Determination of pH of aqueous extracts
ISO 10716	Paper and board. Determination of alkaline reserve
DIN 53142	Puncture test
TAPPI T 401	Fiber analysis of paper and paperboard
ASTM D 2860	Surface smoothness
(NEN)ISO 2248	Drop resistance
(NEN)ISO 2872	Compression strength (compression resistance)
ICN-SOP 10	Determination of colour fastness of paper and cardboard against water

ICN quality requirement no 4

Archival boxes for medium-term storage. Acid-free corrugated boxes. Requirements and test methods, August 2002

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of boxes for medium-term storage of archival documents

2. Terms and definitions

Archival boxes for medium-term storage: Boxes made of corrugated cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least ten years and of which no adverse influence on the archive records stored in the box may be observed. Corrugated cardboard: made of flat and corrugated layers of cardboard bonded together in a regular pattern. 'Fine' or 'B'-flute, flute height approx. 3 mm with approx. 164 flutes per linear metre. 'Double-wall', consisting of two corrugated layers between three flat layers. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for corrugated cardboard

3.1 Fibre composition and chemical characteristics

The corrugated layer and the outer paper layer of the corrugated cardboard may contain wood-based fibre material, provided that the wood-based fibre content does not exceed 40% of the total fibre material content. The paper layer of the corrugated cardboard on the inside of the box must be made of cotton and/or linen pulp or bleached cellulose and contain an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. The surface of the cardboard must be free of knots, splinters and abrasive particles. The paper layer of the corrugated cardboard on the inside of the box must not produce a positive colour reaction with the phloroglucinol test (ASTM D 1030, X 5.1.1/2 Spot Stains). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The corrugated cardboard has a minimum pH of 6.5, measured with the cold extraction method. The paper layer of the corrugated cardboard on the inner side of the box has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the cold extraction method (NEN 2151 or ISO 6588).

3.3 Alkaline reserve

The paper layer of the corrugated cardboard on the inside of the box contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. The alkaline reserve must be evenly distributed (ISO 10716 or ASTM D4988).

4. Physical properties of the corrugated cardboard

4.1 Type

The corrugated cardboard is preferably of the 'B'-flute type with a flute height of approximately 3 mm. Depending on the items to be stored, the double-wall type can also be used.

4.2 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, measured on the inside and outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.3 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D 2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape
- attach the adhesive tape by rolling it twice with a 10 kg ± 0.5 kg and 200 mm wide roll with a diameter of 90 mm ± 10 mm. (the roll from the Cobb test: ISO 535)
- attach a weight of 50 g to the adhesive tape.

4.4 Colour fastness against water

If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

4.5 Flute bonding, water resistance

It is preferable to use a waterproof starch glue to bond the corrugated paper to the flat paper. After immersion in water for 24 hours, the layers must not detach from each other and fibre transfer must occur when gently detaching the layers.

5. Box characteristics

5.1 Structure

The box is made of corrugated cardboard consisting of a single corrugated layer and is glued on both sides with flat cardboard. The flute is preferably of the type 'B', with a flute height of 3 mm and approximately 164 flutes per linear metre. The box is constructed in such a way that the direction of the flute is perpendicular to the longitudinal axis of the box. The box is delivered flat and must be able to be folded into a box without any additional fastenings. The box can consist of both one and two parts. The grooved folds must be straight. After folding the box, the corners must be straight and there should be no crooked openings. The box must be able to stand well properly and the closure must remain tightly closed after the box has been closed.

5.2 Dimensioning

The dimensions of the box are determined by the client. These dimensions are indicated as internal dimensions and may not deviate by more than ± 1 mm upon delivery.

5.3 Compression strength of the box

The compression strength (according to (NEN)ISO 2872) of a flat lying box is at least 3000 N with a maximum indentation of 7.0 mm. The compression strength of a standing box must be at least 2000 N with a maximum indentation of 6.0 mm.

5.4 Drop resistance

The drop resistance is determined according to (NEN)ISO 2248 with a fill weight of 0.5 kg per cm width. There must be no serious defects in the box after the drop test and the function of the box must be preserved.

5.5 Dimensional stability after immersion

After immersion in distilled water at 23 °C for 24 hours, the box must retain its shape.

6. Titles of the listed standards:

NEN 3376	Paper. Glossary with translations (English, French, German)
ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stains
ASTM D 4988	Standard test method for the determination of calcium carbonate content of Paper
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
ISO 6588	Paper, board and pulps: Determination of pH of aqueous extracts
ISO 10716	Paper and board. Determination of alkaline reserve
DIN 53142	Puncture test
ASTM D 2860	Surface smoothness

(NEN)ISO 2248 Drop resistance

(NEN)ISO 2872 Compression strength (compression resistance)

TAPPI T 401 Fiber analysis of paper and paperboard

ICN-SOP 10 Determination of colour fastness of paper and cardboard against water

ICN quality requirement no 10

Corrugated cardboard for packaging purposes in archives and museums for medium-term storage. Acid-free corrugated cardboard. Requirements and test methods, August 2002.

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of acid-free corrugated cardboard for the production of boxes and other applications for the medium-term storage of objects of cultural value.

2. Terms and definitions

Corrugated cardboard for medium-term storage: Corrugated cardboard, where, under normal storage conditions in archives, libraries and museums, no significant deterioration can be detected after 10 years and of which no adverse impact on objects of cultural value coming into contact with the corrugated cardboard may occur. Corrugated cardboard: made of flat and corrugated layers of cardboard bonded together in a regular pattern. 'Fine' or 'B' flute, flute height approx. 3 mm with approx. 164 flutes per linear metre. 'Double-wall', consisting of two corrugated layers between three flat layers. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for corrugated cardboard

3.1 Fibre composition and chemical characteristics

The side of the cardboard that does not come into contact with the archival documents may contain wood-containing fibres, however, the wood-containing fibres content may not exceed 30 % of the total fibre material. The paper layer of the corrugated cardboard on the inside of the box must be made of cotton and/or linen pulp or bleached cellulose. The surface of the cardboard must be free of knots, splinters and abrasive particles. The paper layer of the corrugated cardboard that may come into direct contact with objects of cultural value must not produce a positive colour reaction with the phloroglucinol test (ASTM D 1030, X 5.1.1/2 Spot Stains). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The corrugated cardboard has a minimum pH of 6.5, measured with the cold extraction method. The paper layer of the corrugated cardboard that may come into direct contact with objects of cultural value has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the cold extraction method (NEN 2151 or ISO 6588).

3.3 Alkaline reserve

The paper layer of the corrugated cardboard that may come into direct contact with objects of cultural value contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium-carbonate has been used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. The alkaline reserve must be evenly distributed (ISO 10716 or ASTM D 4988)

4. Physical properties of the corrugated cardboard

4.1 Type

The corrugated cardboard is preferably of the 'B'-flute type with a flute height of approximately 3 mm. Depending on the items to be stored, the 'double-wall' type can also be used.

4.2 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, on the inside and outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.3 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D 2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape

- attach the adhesive tape by rolling it twice with a 10 kg \pm 0.5 kg and 200 mm wide roll with a diameter of 90 mm \pm 10 mm (the roll from the Cobb test: ISO 535)

- attach a weight of 50 g to the adhesive tape. 4.4 Colour fastness against water If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

4.5 Flute bonding, water resistance

It is preferable to use a waterproof starch glue to bond the corrugated paper to the flat paper. After immersion in water for 24 hours, the layers must not detach from each other and fibre transfer must occur when gently detaching the layers.

5. Titles of the listed standards

NEN 3376 Paper. Glossary with translations (English, French, German)

ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stains
ASTM D 4988	Standard test method for the determination of calcium carbonate content of paper
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
ISO 10716	Paper and board. Determination of alkaline reserve
DIN 53142	Puncture test
ASTM D 2860	Surface smoothness
TAPPI T 401	Fiber analysis of paper and paperboard
ICN-SOP 10	Determination of colour fastness of paper and cardboard against water

ICN Quality Standard no 11

Corrugated cardboard for packaging purposes in archives and museums for long-term storage. Buffered, low-lignin corrugated cardboard. Requirements and test methods, August 2002

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of acid-free corrugated cardboard for the production of boxes and other applications for the long-term storage of objects of cultural value.

2. Terms and definitions

Corrugated cardboard for long-term storage: Corrugated cardboard, where under normal storage conditions in archives, libraries and museums, no significant deterioration can be detected after at least 30 years and of which no adverse influence on the items of cultural value stored in the box may be observed. Corrugated cardboard: made of flat and corrugated layers of cardboard bonded together in a regular pattern. 'Fine' or 'B' flute, flute height approx. 3 mm with approx. 164 flutes

per linear metre. 'Double-wall', consisting of two corrugated layers between three flat layers. For the other terms used in this quality requirement, see NEN 3376

3. Quality requirements for corrugated cardboard

3.1 Fibre composition and chemical characteristics

All layers of the corrugated cardboard must be made of cotton and/or linen pulp, 100% bleached cellulose or a mixture thereof. The cardboard must be free of wood-based fibre material, metal particles, waxes, plasticisers and must not contain more than 0.0008% reducible sulphur (TAPPI T 406). The surface of the cardboard must be free of knots, splinters and abrasive particles. None of the layers of the corrugated cardboard may give a positive colour reaction with the phloroglucinol test (ASTM D1030, X 5.1.1/2 Spot Stains) or have a Kappa number of up to 5 (TAPPI T 236). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The corrugated board must have a minimum pH of 7.5 and a maximum pH of 9.5, measured by the cold extraction method (NEN 2151 or ISO 6588). 3.3 Alkaline reserve The corrugated cardboard contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. The alkaline reserve must be evenly distributed through all layers of the corrugated board (ISO 10716 or ASTM D 4988).

4. Physical properties of the corrugated cardboard

4.1 Type

The corrugated cardboard is preferably of the 'B'-flute type, with a flute height of approximately 3 mm. Depending on the items to be stored, the 'double-wall' type can also be used.

4.2 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, measured on the inside and outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.3 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D 2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape
- attach the adhesive tape by rolling it twice with a 10 kg ± 0.5 kg and 200 mm wide roll with a diameter of 90 mm ± 10 mm (the roll from the Cobb test: ISO 535)
- attach a weight of 50 g to the adhesive tape.

4.4 Colour fastness against water

If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

4.5 Flute bonding, water resistance

It is preferable to use a waterproof starch glue to bond the corrugated paper to the flat paper. After immersion in water for 24 hours, the layers must not detach from each other and fibre transfer must occur when gently detaching the layers.

5. Titles of the listed standards:

NEN 3376 Paper. Glossary with translations (English, French, German)

TAPPI T 406 Residual sulphur in paper and cardboard

ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stains
TAPPI T 236	Kappa number of pulp
ASTM D 4988	Standard test method for the determination of calcium carbonate content of Paper
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
ISO 10716	Paper and board. Determination of alkaline reserve
DIN 53142	Puncture test
ASTM D 2860	Surface smoothness
TAPPI T 401	Fiber analysis of paper and paperboard
ICN-SOP 10	Determination of colour fastness of paper and cardboard against water

ICN quality requirement no 12

Fastening mechanisms for archival enclosures for permanent storage. Requirements and test methods, February 1998.

1. Subject matter and scope

This quality requirement specifies requirements relating to the quality, physical properties and durability of fastening mechanisms for paper or cardboard archival enclosures with fastening mechanisms for use in static archives.

2. Terms and definitions.

Fastening mechanisms: Fastening systems for bundling archival documents in an archival enclosure that complies with ICN quality requirement no 2.

Archival enclosures for permanent storage: Enclosures made of paper or cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least 100 years and of which no adverse influence on the archive records stored in the enclosure may be observed. For the other terms used in this quality requirement, see NEN 3376.

3. Material composition of the fastening mechanism

The material of the fastening mechanism must not contain substances that promote the degradation of the archival document:

- a. plastic fastening mechanisms must not contain polyvinyl chloride or vinyl chloride copolymers.
- b. plastics must not contain any plasticiser.
- c. fastening mechanisms must not contain self-adhesive elements.
- d. metal fastening mechanisms are not permitted.

Method of testing: Determination of composition using Fourier Transform Infrared Spectroscopy (FTIR).

4. Structure

4.1 The fastening mechanism must not cause mechanical damage to the archival item when used.

4.2 Usage characteristics are not tested.

5. Titles of the listed standards:

NEN 3376	Paper. Glossary with translations (English, French, German)
ICN no 2	Archival enclosures with adhesive mechanism for permanent storage

ICN quality requirement no 13

Archival boxes for medium-term storage. Acid-free boxes made of solid cardboard.

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of boxes made of solid cardboard for medium-term storage of archival documents.

2. Terms and definitions

Archival boxes for medium-term storage: Boxes made of solid cardboard, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least ten years and of which no adverse influence on the archive records stored in the box may be observed. Solid cardboard: This quality requirement also refers to 'cardboard' which is referring to 'solid cardboard'. Cardboard is material that can be defined as paper. However, with a larger mass per surface (>225 g/m²) its rigidity is greater than that of paper. For the other terms used in this quality requirement, see NEN 3376

3. Quality requirements for the solid cardboard

3.1 Fibre composition and chemical characteristics

The side of the cardboard that comes into contact with the archival documents must be covered with paper that does not contain wood fibres. The side of the cardboard that does not come into contact with the archival documents may contain wood fibres. However, the content of wood-based fibre material may not exceed 40% of the total amount of fibre material. The surface of the cardboard must be free of knots, splinters and abrasive particles. The paper layer of the solid cardboard on the inside of the box must not produce a positive colour reaction with the phloroglucinol - test (ASTM D 1030, X 5.1.1/2 Spot Stains). For determination of fibre composition and chemical characteristics, see TAPPI T 401.

3.2 Acidity

The solid cardboard has a minimum pH of 6,5, measured by the cold extraction method (NEN 2151 or ISO 6588). The paper layer of the solid cardboard on the inside of the box has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the surface pH method (TAPPI T 529).

3.3 Alkaline reserve

The paper layer of the solid cardboard on the inside of the box contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. For determining the alkaline reserve, see ISO 10716 or ASTM D 4988.

4. Physical characteristics of the solid cardboard

4.1 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, on the inside and the outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.2 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape
- attach the adhesive tape by rolling it twice with a 10 kg ± 0.5 kg and 200 mm wide roll with a diameter of 90 mm ± 10 mm (the roll from the Cobb test: ISO 535)
- attach a weight of 50 g to the adhesive tape.

4.4 Colour fastness against water

If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the

standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP.

5. Box characteristics

5.1 Type

The cardboard will preferably have a mass per surface of at least 800 g/m².

5.2 Structure

The box is made of solid cardboard. The box is delivered flat and should preferably be able to be folded into a box without any additional fastenings. If metal staples are used to fasten the box after folding, they must be applied in such a way that no damage is caused to the archival documents. Metal fasteners should be corrosion resistant. The box can consist of both one and two parts. The grooved folds must be straight. After folding the box, the corners must be straight and there should be no crooked openings. The box must be able to stand well properly and the closure must remain tightly closed after the box has been closed.

5.3 Dimensioning

The dimensions of the box are determined by the client. The dimensions are indicated as internal dimensions and may not deviate by more than ± 1 mm upon delivery.

5.4 Compression strength of the box

The compression strength (according to (NEN)ISO 2872) of a flat lying box is at least 3000 N with a maximum indentation of 7.0 mm. The compression strength of a standing box must be at least 2000 N with a maximum indentation of 6.0 mm.

5.5 Drop resistance

The drop resistance is determined according to (NEN)ISO 2248 with a fill weight of 0.5 kg per cm width. There must be no serious defects in the box after the drop test and the function of the box must be preserved.

5.6 Dimensional stability after immersion

After immersion in distilled water at 23 °C for 24 hours, the box must retain its shape.

6. Titles of the listed standards:

NEN 3376	Paper. Glossary with translations (English, French, German)
ASTM D 1030	Standard Test Method for Fiber Analysis of Paper and Paperboard, X5, Spot Stains
ASTM D 4988	Standard test method for the determination of calcium carbonate content of paper
NEN 2151	Paper and board. Determination of the pH of an aqueous suspension
ISO 6588	Paper, board and pulps: Determination of pH of aqueous extracts
TAPPI T 529	Surface pH measurement of paper ISO 10716 Paper and board. Determination of alkaline reserve
DIN 53142	Puncture test
ASTM D 2860	Surface smoothness
(NEN)ISO 2248	Drop resistance
(NEN)ISO 2872	Compression strength (compression resistance)

ICN quality requirement no 15

Self-adhesive labels for enclosures, archive and museum boxes for permanent storage. Requirements and test methods, February 1998.

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of self-adhesive labels for enclosures and boxes intended for the permanent storage of objects of cultural value.

2. Terms and definitions

Self-adhesive labels for permanent storage: Self-adhesive labels, where under normal storage conditions in archives and libraries, no significant deterioration can be detected after at least 30 years. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for self-adhesive labels**3.1 Paper**

The paper used for the label must comply with NEN 2728 or ISO 9706.

3.2 Glue

The adhesive strength of the self-adhesive layer must be at least 400 N/m. For determining the adhesive force, see FTM9 FINAT test method.

3.3 Printing

If text is printed or stamped on the label, the adhesive strength of the toner must comply with 20 according to the Columbia Fix Crease Scale SIR 513.00. For determining the force of adhesion, see ICN-SOP 01.

4. Title of the listed standards:

NEN 2728 Permanent paper. Requirements and test methods.

NEN 3376 Paper. Glossary with translations (English, French, German)

FTM 9 Quick Stick tack measurement. FINAT TEST MEASUREMENTS

ICN-SOP 10 Determining the adhesive strength of printed or copied texts

ICN quality requirement no 16

Solid cardboard for packaging purposes in archives and museums for medium-term storage. Acid-free cardboard. Requirements and test methods, May 1999.

1. Subject matter and scope

This quality requirement specifies the requirements relating to quality, physical properties and durability of solid cardboard for the production of boxes and other applications for the medium-term storage of objects of cultural value.

2. Terms and definitions

Solid cardboard for medium-term storage: Solid cardboard, where, under normal storage conditions in archives, libraries and museums, no significant deterioration can be detected after ten years and of which no adverse impact on objects of cultural value coming into contact with the solid cardboard may occur. Solid cardboard: This quality requirement also refers to 'cardboard' which is referring to 'solid cardboard'. Cardboard is material that can be defined as paper. However, with a larger mass per surface (>225 g/m²) its rigidity is greater than that of paper. For the other terms used in this quality requirement, see NEN 3376.

3. Quality requirements for the solid cardboard

3.1 Fibre composition and chemical characteristics

The side of the cardboard that comes into contact with the archival documents or other objects of cultural value must be covered with paper that does not contain wood fibres. The side of the cardboard that does not come into contact with the archival documents may contain wood fibres. However, the content of wood-based fibre material may not exceed 40% of the total amount of fibre material. The surface of the cardboard must be free of knots, splinters and abrasive particles. The paper layer of the solid cardboard on the inside of the box must not produce a positive colour reaction with the phloroglucinol - test (ASTM D1030, X 5.1.1/2 Spot Stains). For determining the fibre composition and chemical characteristics, see TAPPI T 401

3.2 Acidity

The solid cardboard has a minimum pH of 6,5, measured by the cold extraction method (NEN 2151 or ISO 6588). The paper layer of the solid cardboard on the inside of the box has a minimum pH of 7.5 and a maximum pH of 9.5, measured with the surface pH method (TAPPI T 529).

3.3 Alkaline reserve

The paper layer of the solid cardboard on the inside of the box contains an alkaline reserve corresponding to at least 0.4 moles of acid per kilogram of dry paper. If calcium carbonate is used as an alkaline reserve, the paper meets the requirement if it contains 20 g CaCO₃ per kg of dry paper. For determining the alkaline reserve, see ISO 10716 or ASTM D 4988.

4. Physical characteristics of the solid cardboard

4.1 Puncture resistance

The puncture resistance, measured in accordance with DIN 53142, on the inside and the outside, parallel to and perpendicular to the machine direction, must be at least 5 J.

4.2 Surface smoothness (for determining the fixing capability of self-adhesive labels and/or adhesive tape)

The surface of the cardboard must be capable of retaining self-adhesive tape for 10 minutes (in 6 of the 10 determinations) if it is examined in accordance with ASTM D2860, in accordance with Procedure B, adapted as follows:

- use 3M # 810 3/4" wide, self-adhesive tape
- attach the adhesive tape by rolling it twice with a 10 kg ± 0.5 kg and 200 mm wide roll with a diameter of 90 mm ± 10 mm (the roll from the Cobb test: ISO 535)
- attach a weight of 50 g to the adhesive tape.

4.4 Colour fastness against water

If the box is coloured, the colour transferred by the cardboard to white paper with which it has been clamped for 4 hours after immersion in distilled water at 23 °C must reach at least value 3 on the standard grey scale for assessing bleeding. For determining the colour fastness of paper and cardboard against water, see Standard Examination Procedure ICN-SOP 10.

Explanatory memorandum

General part

Introduction

This Regulation is part of the general renewal of legislation and regulations relating to archives. In this context, the Archives Act 20XX (hereinafter: the Act)¹ and the Archives Decree 20XX (hereinafter: the Decree)² have also been renewed.

The aim of this Regulation is to create a more modern and applicable regulation that is in line with the management of both digital and physical documents. This Regulation thus contributes to safeguarding all of the interests of the Act. As with the Act and the Decree, the decision was made to repeal the previous Archives Regulation and draw up an entirely new regulation. Compared to the previous Archives Regulation, this Regulation has a new structure and some of the terminology has been changed.

This Regulation elaborates on provisions from the Act and the Decree. This concerns the elaboration of requirements for sustainable accessibility in chapters 2, 5 and 6, requirements for replacement and migration in chapter 3, requirements for destruction in chapter 4 and for the reporting obligation in chapter 7.³

This explanatory memorandum consists of a general part and a part for each article. The general part is structured as follows. Chapter 1 explains the main points of this Regulation. Chapters 2 to 7 explain the substantive requirements. Chapter 2 addresses the requirements relating to sustainable accessibility. Chapter 3 discusses the requirements relating to migration and replacement. Chapter 4 covers the requirements relating to the declaration of destruction and the process description. Chapter 5 deals with the specific requirements relating to building requirements and storage conditions for physical materials. Chapter 6 discusses the specific requirements related to physical materials. Chapter 7 explains the elaboration of the reporting obligation. The consequences (with the exception of the financial consequences), the practicability, supervision and enforcement of this Regulation are explained below. This is followed by a discussion of the evaluation of this Regulation, the financial consequences and the manner in which advice was obtained. The results of the internet consultation is discussed thereafter. The transitional law and the entry into force of this Regulation are explained below. Finally, the article-by-article explanation follows.

Chapter 1. Outline of the Regulation

Scope of sustainable accessibility

The previous Archives Regulation included requirements regarding the durability and orderly and accessible condition of archive documents to be stored permanently. The scope of this Regulation is broader than the previous Archives Regulation and also extends in part to documents that are to be stored temporarily.

This extension is necessary due to:

- The political and social desire to improve information management in the government. This requirement applies not only to (administrative) information that must be stored permanently, but also to operational information that must be destroyed.
- The increased importance of carrying out public tasks, being accountable for them, and taking note of and exercising rights and obligations, in addition to the importance of

¹ Bulletin of Acts and Decrees TBC.

² Bulletin of Acts and Decrees TBC.

³ The principles underlying the various topics can be found in the following articles of the Act and the Decree: for sustainable accessibility in Article 4.1 of the Act and Article 2.2 of the Decree, for replacement in Article 4.1, second paragraph, part (a), of the Decree, for migration in Article 4.1, second paragraph, preamble and part (b), and Article 4.1, fourth paragraph of the Decree, for destruction in Article 4.3, second paragraph of the Decree and for the reporting obligation in Article 10.2, paragraph 2 of the Act.

archives for research and heritage. Requirements for the sustainable accessibility of documents that primarily serve the aforementioned interests are included here.

- The current practice whereby archive creators manage both temporary and permanent documents in one and the same system.
- Practice shows that, with regard to sustainable accessibility measures for documents in digital form, there is hardly any difference between documents that must be stored permanently and documents that must be stored for more than 10 years but must eventually be destroyed.

The definition of sustainable accessibility in the Decree therefore also applies to the management of all categories of documents: physical documents and documents in digital form, temporary and permanent documents.⁴ The requirements are elaborated in more detail in this Regulation. A distinction is made between three categories. Firstly, general requirements applicable to all documents, secondly, requirements applicable to documents in digital form that are to be stored for more than 10 years or permanently and, finally, requirements applicable to physical documents.

Requirements applicable to all documents

There are a number of general requirements in terms of sustainable accessibility that extend to all documents to be stored temporarily or permanently, digitally or physically. These requirements are set out in Articles 2.1 to 2.6, which deal with storage and processing within the EU, organisation, overview of information management, finding, reproducing, exporting and accessing, metadata in general, and electronic signatures.

These general requirements are necessary for the performance of public tasks of the government body, as well as accountability, access to and exercise of rights and obligations for all. They form the basis for the management tasks set out in the Archives Act. At the same time, they also form the basis for sustainable accessibility of documents that can be stored permanently. The requirements are also helpful in ensuring compliance with other laws in the field of information, such as the Open Government Act (Woo), the General Data Protection Regulation (GDPR) and the General Data Protection Regulation Implementation Act and the Re-use of Public Sector Information Act (WHO).

Requirements applicable to documents to be stored for longer periods in digital form

Articles 2.8 to 2.11 set out requirements for longer retention of documents in digital form, i.e. documents which, according to the selection decision, are to be stored for more than ten years or permanently. These requirements cover additional metadata, the use of sustainable file formats, unmodified and undamaged storage and special preservation operations for sustainable accessibility. These requirements are necessary because keeping documents accessible over the longer term requires additional effort. For sustainable accessibility of documents in digital form, there are no significant differences for documents with a long storage period or documents that must be stored permanently. These requirements not only serve the interests of research and heritage. In the performance of public tasks, there are many tasks with a long-term duration. With the starting point of ten years, this Regulation is in line with the transfer period from the Act. This does not mean that the measures should only be undertaken after 10 years. The Archives Regulation is based on archiving *by design* in order, inter alia, to lay the foundations for the smoothest possible transfer while keeping the documents permanently accessible.

Additional requirements for documents to be transferred

For documents in digital form that are to be stored permanently, two specific requirements apply. These requirements are set out in Articles 2.12 and 2.13. These requirements concern metadata and decryption and constitute a separate category because they are specifically aimed at documents to be stored permanently and linked to the time of transfer. Nevertheless, in this case it is advisable to meet these requirements at the earliest possible stage and *by design*, where possible.

Requirements applicable to physical documents

⁴ Article 2.1 of the Decree and Bulletin of Acts and Decrees [PM, p. 9-11](#).

Chapters 5 and 6 of this Regulation contain requirements applicable to physical documents. These requirements concern requirements for buildings and their layout, storage conditions, packaging materials and materials with which documents are made. The reason why there are also specific requirements for digital and physical materials, in addition to general requirements, is that there are concrete technical differences between physical documents and documents in digital form. This requires specific requirements.

The requirements set out in chapters 5 and 6 of the Regulation apply only to documents that are to be stored permanently. The distinction between transferred and non-transferred documents remains in place. This means that there are certain basic requirements for buildings, storage conditions and materials for permanently stored documents that have not yet been transferred. In addition, more stringent requirements apply to permanently stored documents that have been transferred or for which an exemption has been granted. This is further explained in paragraph 1.1.2. In recent years, the receipt and preparation of physical documents has decreased. This is certainly the case with documents that do not have to be stored permanently. This development is expected to continue. However, the use of certain materials for the preparation and storage of documents is and remains necessary and must be guaranteed.

Schematically, the scope is as follows:

Article AR	Everything	Digital (≤ V10)	To be transferred digitally	Digital (> V10)	Physical (V)	Physical (B)	Physically transferred (B)
1.1	X	X	X	X	X	X	X
1.2	X	X	X	X	X	X	X
1.3	X	X	X	X	X	X	X
2.1	X	X	X	X	X	X	X
2.2	X	X	X	X	X	X	X
2.3	X	X	X	X	X	X	X
2.4	X	X	X	X	X	X	X
2.5	X	X	X	X	X	X	X
2.6	X	X	X	X	X	X	X
2.7				X			
2.8			X	X			
2.9			X	X			
2.10			X	X			
2.11			X	X			
2.12			X				
2.13			X				
3.1					X	X	X
3.2		X	X	X			
3.3		X	X	X			
4.1		X		X	X		
4.2		X		X	X		
5.1						X	X
5.2						X	X
5.3						X	X
5.4						X	X
5.5						X	X
5.6						X	X
5.7						X	X
5.8						X	X
5.9						X	X
5.10						X	X
5.11						X	X

5.12						X	X
5.13						X	X
5.14						X	X
5.15						X	X
5.16							X
5.17							X
5.18							X
6.1						X	X
6.2						X	X
6.3						X	X
6.4						X	X
6.5						X	X
6.6						X	X
6.7						X	X
6.8						X	
7.1	X	X	X	X	X	X	X

Scope of the Regulation in relation to transfers and exceptions to transfers

Pursuant to the Act, transfer will take place after ten years. The Act has two exceptions to transfer: suspension and exemption. In addition, the outsourcing of archives may occur during implementation. This paragraph explains what the scope of the Regulation means in relation to suspension, transfer and outsourcing.

Suspension and exemption

Suspension and exemption are legal exceptions to the regular transfer process. In the case of suspension, the moment of transfer shall be postponed by a maximum of 10 years. In the event of exemption, documents remain with the responsible government body (the archive creator) for a very long period of time, possibly even permanently. In both cases, these concern documents that are to be stored permanently, and thereby subject to additional requirements.

Outsourcing

In practice, documents outsourcing can take place. Outsourcing is not covered by the Act; it is not a transfer or any other formal act within the meaning of the Act. When outsourcing documents, the responsible government body (record creator) entrusts documents to archive services for management purposes. This may involve both temporary and permanent storage of documents. In the case of outsourcing documents to be stored permanently, in practical terms, the transfer is brought forward: the documents are taken into custody by the archive service before the moment of legal transfer. When outsourcing, the archive service take over some of the management tasks, but the documents do in fact remain under the responsibility of the responsible government body with regard to the public disclosure requirements of the Woo. The same (additional) requirements apply to the management of the documents that have been made available externally as to the documents that are managed by the responsible government body.

Application of the regulation by way of derogation from the selection decision

Pursuant to Article 5.1 of the Act, a responsible government body is obliged to draft and implement one or more selection decisions. The Act also provides for a basis for delegation for detailed rules to derogate from the application of the original selection decision. These rules are set out in Article 3.5 of the Decree. These deviations in the application of the selection decision may have consequences for the application of the regulation and which measures are appropriate to make and keep the documents permanently accessible. This applies in particular when the retention period of the documents is extended and exceeds the period of ten years or when the retention period of documents is converted from a temporary retention period to permanent storage. Articles 2.1 to 2.6 of this Regulation shall apply to documents which can be stored for 10 years or less. When documents with a temporary retention period of less than ten years are stored for longer than ten years due to an extension of the retention period, Articles 2.7 to 2.11 of this Regulation also apply.

In the event that documents with a temporary retention period are still stored on a permanent basis, Articles 2.7 to 2.13 of this Regulation still apply.

Scope of requirements for replacement, migration, destruction

The requirements for replacement, destruction and migration apply to documents that are to be destroyed as well as those that are to be stored. No distinction is made on the basis of the retention period. For migration, it follows from the Decree that there is a distinction between technical migration and functional migration.

Reporting obligation

For the reporting obligation, the criteria for which documents should or should not be reported are defined in the Act.

Addressing standards

The standards included in this Regulation relate to materials, buildings and metadata. The standards from this Regulation are known, authoritative, and are prescribed for this reason. The standard, title and date of issue of the NEN, NEN-EN, NEN-EN-ISO, NEN-ISO or NPR standards referred to in the articles are listed in Appendix 1. The article-by-article explanatory memorandum to Articles 1.2 and 1.3 of this Regulation explains how the standards under this Regulation are applied.

Chapter 2. Sustainable accessibility

Sustainable accessibility is a modernisation of the term ‘good orderly and accessible condition’. Compared to the term as used in the 1995 Archives Act, the concept of ‘sustainable accessibility’ places greater emphasis on the transience and fragility of documents and the ongoing care required to preserve such documents and keep them accessible to future users. For a more general explanation of the concept of sustainable accessibility, see the explanatory memorandum to the Archives Decree. Many articles from chapters 2 and 3 of the previous Archives Regulation can also be found in chapter 2 of this Regulation. Specific provisions ensuring sustainable accessibility for physical documents to be stored permanently are set out in chapters 5 and 6.

There are a number of differences as compared to the previous Archives Regulations. For example, this Regulation stipulates that the storage and processing of documents must take place within the borders of the European Union. In this Regulation, organisation and overview are regulated in separate articles so that the requirements can be applied more specifically and so that there is a clear distinction between the two concepts. This is necessary due to the Public Information Monitor for Ministries [Monitor ministeries overheidsinformatie] 2019-2020 of the Information and Heritage Inspectorate (Inspectie Overheidsinformatie en Erfgoed) shows that public authorities had difficulty complying with the requirements regarding overview and organisation from the previous Archives Regulation.⁵ However, overview and organisation are inextricably linked. A good overview can only be presented using a logical organisational structure. The article concerning searching, finding and reproducing contains new requirements, such as the requirement that export must be possible. With regard to keeping documents accessible in digital form over the longer term, a number of requirements have been included. This concerns the attribution of a permanent unique identifier, unmodified and undamaged storage, and the documentation requirement when applying preservation operations other than migration, conversion or emulation. The requirement to use sustainable file formats for the storage of documents is a continuation of the previous regulation.

⁵ Figures from the Public Information Monitor for Ministries 2019-2020 show the following. In terms of overview, 36% of the organisations indicate that they did not have an overview in 2017-2018, 2% of organisations indicate that they had a partial overview and 62% of organisations indicate that they had a complete overview. These figures have since been improved. In 2019-2020, 24% of organisations reported not having an overview, 1% of organisations reported partially having an overview and 75% of organisations reported having a complete overview. In terms of organisation, 77% of organisations indicated that they had an up-to-date organisational structure for government information in 2017-2018, 9% of organisations indicated that they had an organisational structure but that it was not being updated, and 14% of organisations indicated that they did not have an organisational structure. In 2019-2020, these numbers did not improve significantly: 79% of organisations indicated that they had an up-to-date organisational structure, 7% of organisations indicated that they had an organisational structure that was not updated when changes occurred, and 14% of organisations indicated that they still did not have an organisational structure. It should be noted that in the monitor, this involved a self-assessment by the ministries and service elements. (Source: *Public Information Monitor for Ministries 2019-2020 benchmark* (benchmark I-OE), The Hague: Information and Heritage Inspectorate 2021, inspectie-oe.nl/publicaties/publicatie/2021/02/18/publicatie-monitor-overheidsinformatie-2019-2020-benchmark-ministeries).

General requirements

Storage and processing within the European Union

The previous Archives Regulation did not contain any provisions on the geographical boundaries for the storage of the archives. This was also not necessary. At a time when archives were almost exclusively analogue, reproduction techniques were limited to microfiche and film and inspection took place in study rooms, it was easy to keep archives close by in order to provide services. Much has changed over the past several decades. Firstly, digitalisation techniques have become widespread. Archives have had many collections digitalised, whether or not on request. On the one hand, this preserves vulnerable originals; on the other, it allows users to access documents independently of time and place. Secondly, when storing documents in digital form, *cloud* storage is often used. Localised, close-proximity management of documents has become less commonplace. Third, it is important to note that rules on the storage of data already exist under the GDPR with regard to processing personal data. Many archives contain personal data and must therefore be stored within the borders of the European Union. However, there are also documents which do not contain personal data or which, after a certain period of time, no longer fall within the scope of the GDPR (due to the death of individuals and the loss of interest of the survivors), but which are still desirable for them to be stored within the European Union. Documents contain data and information that attest to the performance of the public task and that have been shared, in confidence, by organisations, citizens and businesses. Archives represent an independent interest that needs to be safeguarded. This Regulation provides scope for organisations, such as the Ministry of Foreign Affairs or the Ministry of Defence, to store documents outside the borders of the European Union by virtue of their duty or legislation.

Organisation

The requirement that documents must be organised is not new and was also regulated in the previous Archives Regulation (Article 18).

Organising documents provides control over the entire information management system and contributes to the following objectives:

- Findability of documents;
- Proper management of documents, such as the application of temporary retention periods, i.e. the timely destruction of documents and the transfer of documents to be stored on a permanent basis; and
- Relationships between documents and the ability to establish connections between documents, even across systems.

In Article 2.2 of this Archives Regulation, the possibilities of using multiple organisational processes are explicitly included side by side. This is in line with a modern and digital information landscape in which a document (including data) plays a role in several processes, whether or not at the same time. This is also in line with the principle of one-time storage, multiple use. In any case, there should be an organisational structure based on tasks or processes. The article has been made more specific by dividing it into different sections, which should make it clearer as to what requirements an organisational structure must meet. This is intended to further improve compliance with the article.⁶

In any event, the organisation must be consistent with the tasks and work processes. This was also regulated in the previous Archives Regulation and is an endorsement of the principle that an archive is process-related information. Article 2.2, first paragraph, allows for additional organisational structures, such as client-oriented, location-oriented or object-oriented organisational structures. For specific forms of documents, such as email or websites, specific organisational structures are also possible. The Act also gives this flexibility to the categorisation of 'categories', i.e. the organisation of selection decisions.

⁶ The Public Information Monitor for Ministries 2019-2020 shows that 79% of organisations comply with this provision. See: *Public Information Monitor for Ministries 2019-2020 benchmark* (benchmark I-OE), The Hague: Information and Heritage Inspectorate 2021, inspectie-oe.nl/publicaties/publicatie/2021/02/18/publicatie-monitor-overheidsinformatie-2019-2020-benchmark-ministries.

Organisation can be established in different ways. For documents in digital form, this is usually done by means of metadata in order to preserve the context and relationships. Metadata are data about data. These can be recorded within a system at the level of individual documents, but also at a higher level of aggregation (e.g. case level or process level). It is also possible to capture the metadata in an external registration. This applies in particular to physical documents, which are stored in a separate system. When translating to an organisation's application landscape, it is inevitable that there will be variations in the manner of implementation. This scope is necessary for several reasons. Firstly, this was chosen due to the differences in size and types of organisations. Not every organisation has access to the same resources. It must be feasible for both small (private) organisations and (large) government organisations to comply with the Act. Secondly, this was chosen due to the fact that the information management of organisations is often still hybrid. This means that organisations organise both physical (analogue) and digital documents. These types of documents may require the use of additional or different means to record the organisation of different parts of the archive. Of course, the organisation of the entire archive must ultimately be clear and transparent.

Overview of information management

The importance of having or being able to create a comprehensive overview of data is becoming more and more important as information management becomes increasingly digital. A comprehensive overview helps the government to 'keep track of what it has'. This is important for carrying out management tasks, for example by:

- improving the findability of documents;
- identifying dependencies between systems;
- understanding the relationship between processes, documents and systems;
- making informed choices about which documents should be subject to more stringent (archive) management;
- identifying and taking appropriate measures for sustainable accessibility; and
- applying applicable retention periods, as laid down in selection decisions.

Maintaining a proper overview also contributes to compliance with requirements arising from other legislation. An overview provides, at least in broad terms, insight into which (categories of) documents are held by a government body and where they can be found (system or physical location). This can contribute to finding documents faster, and therefore also to compliance with the decision-making deadlines from the Woo, when disclosing documents. Similarly, having an overview contributes to compliance with the requirements of the GDPR. A comprehensive overview is important for fulfilling the rights of data subjects and retaining personal data for a sufficient period of time. The same applies to the handling of requests under the Reuse of Government Information Act [Wet Hergebruik Overheidsinformatie]. An overview helps to quickly determine which documents are available at a government organisation and that need to be made available for reuse. Finally, in this context, reference is made to the requests for information made in the context of, for example, parliamentary inquiries. Having an overview is of great importance in determining which (categories of) documents a government body has at its disposal and where they can be found, so that they can be made available to the inquiry committee in full and in a timely manner.

Preparing a comprehensive overview and taking appropriate measures for sustainable accessibility go hand in hand. A comprehensive overview provides insight on the basis of which it can be determined which measures are appropriate to meet the requirements of this Regulation. This does not mean that measures should not be taken until the overview is complete. There is a dynamic relationship in which choices are made and measures are implemented based on the overview, and the overview is then updated based on these choices and measures. The overview is also not intended to be a static document. The Regulation also allows for various requirements from the article to be tracked as data elements. If necessary, an overview can then be generated based on these elements.

As mentioned above, the overview provides insight into which (categories of) documents are held by a government body and where they can be found. It serves as a guide within the information management system. In line with the risk-based approach, scope is left to organise the overview at

different levels. Different levels are also possible within the overview. It is not necessary to describe every aspect of information management at the level of individual documents. It is, of course, permitted and in some cases even desirable.

A number of requirements and principles that were only mentioned in the explanatory memorandum in the previous Archives Regulation have been included in the text of the article in this Regulation. This applies to the connection with the work processes, the location of documents and the principle that an overview can be created when there is a demand for it. In this way, the overview can also be tailored to demand and respects the principle that multiple types of overviews are possible, depending on the demand and needs of the responsible government body.

The requirements in Article 2.3 of this Regulation have been modernised and made more specific. The requirements have been modernised by referring to elements from digital information management and by seeking alignment with working within a structured software architecture. The article has been made more specific by dividing it into different sections in which the various components that an overview should consist of are specified in more detail. The aim is to make it clearer what an overview entails for implementation, thereby promoting compliance. The link to working with software architecture can be found, for example, by recording the details of the various sections in data elements that can be managed in conjunction with each other. In this way, coherence and cross-links between categories of documents, processes, applications and systems can be made transparent.

The overview required under this Regulation is separate from the obligation to maintain a processing register, as required under the GDPR. Both instruments serve different purposes. The processing register is an accountability tool and is not an overview within the meaning of this Regulation, and vice versa. However, there are similarities between the two. The overview can be established and maintained independently, but it can also be established in an integrated manner with other disciplines within the organisation. An integrated overview prevents duplication of work as a result of overlapping requirements, so that a single request can be made and reused multiple times.

Finding, reproducing, exporting and accessing

The Act regulates sustainable accessibility. This concept is further defined in Article 2.1 of the Decree. Important elements of the definition in the Decree are that documents must be findable, retrievable and capable of being reproduced within a reasonable period of time in a form that is readable by humans or machines. To ensure this, the Decree includes the requirement that a reproduction or export of a document must be available with the correct and complete representation of the content and metadata. The purpose of this provision is to ensure that the form and context in which the document is created or received can be understood. Documents derive their meaning largely from their context. This context includes, in any case, the work process in which they were created, received or accessed. The appearance is the form in which the document is presented to the user. In analogue documents, content and appearance converge. In digital documents, content and appearance, for example stylesheets or templates, are separate components that must be brought together when reproduced. These components can be interpreted differently by different programmes, which can lead to changes in the reproduction of a document. This is acceptable as long as the content and type of document remain clear. Appearance is also important in order to establish the authenticity of the document.

Documents in digital form can be made available for use and reuse in new and different ways. Because it is necessary to be able to export documents for this purpose, a requirement has been included in this Regulation. The article provides scope for the responsible government body to assess what is necessary and appropriate on a case-by-case basis. There are also other ways of making documents available, for example via APIs. These options have not been included as an obligation, because this is not (yet) feasible for all organisations that fall within the scope of the Archives Act. These options are, of course, permitted.

Article 8.4 of the Act provides for the possibility of providing information in a form other than access to the document under certain circumstances. This form of accessibility is elaborated in the

Archives Regulation by the provision that, when making documents available, a partial reproduction or export may be made if a document is restricted to the public.

This Regulation allows the responsible government body to determine what constitutes a reasonable period of time and effort for finding, reproducing and exporting. An open standard was chosen as this is in line with the policy scope granted to the responsible government body to take appropriate measures.

This Regulation refrains from obliging the responsible government body, in addition to standards arising from other legislation and regulations, to establish a policy that would give a specific interpretation to the open standard, as this would cause an excessive increase in the administrative burden for government bodies. The decision was also made not to include a specific time limit in the Archives Regulation in addition to the time limits imposed by other legislation and regulations. A specific deadline could be both too generous and too stringent for organisations. It ignores the fact that in some cases the needs of the organisation would require documents to be available within a few hours, while in other cases a few days or weeks is sufficient.

Metadata

Metadata are data that describes the content, structure and context of documents and their management over time. The shortest description is that metadata is 'data about data'. In practice, the term 'metainformation' is also used. In this Regulation, both terms refer to essentially the same thing.

Documenting the correct metadata contributes to:

- The findability of documents. Recording metadata makes it easier and faster to find documents.
- Improved interpretability of documents. Through metadata, it is possible to record who has received or created the document, when, and in what capacity. Recording metadata also ensures consistency between documents and their context. Documents do not usually stand alone but are part of a larger whole. This allows users to determine the meaning of a document and the context in which it is used.
- The integrity of the documents. In order to improve the reliability of documents, it is important to know their origin. By recording metadata, the user can determine whether the documents are complete, authentic and correct, and whether they have been altered or lost without authorisation.
- Improved implementation and documentation of management activities. The documentation of management activities is necessary in order to provide insight into which activities have taken place and whether they have taken place.

The previous regulation introduced the use of NEN-ISO 23081-1. This obligation to draw up a metadata schema in combination with explicitly linking this obligation to documents (at the time: archive records) led to the development of guidelines, including the Metadata Guidelines for Government and the Metadata for Sustainably Accessible Government Information (MDTO) standard. NEN-ISO 23081-1 applies to both public authorities and private organisations with public authority, such as universities and university medical centres. Based on this NEN standard, these parties have drawn up the *Metadata Application Profile for Universities and University Medical Centres*. These guidelines and application profiles contribute to the standardisation and facilitation of data interchangeability. The use of the NEN standard therefore promotes sustainable accessibility and availability in the context of cooperation between chain partners and after transfer. However, this Regulation does not make such guidelines or application profiles mandatory. This Regulation aims, on the one hand, to make a general standard mandatory via NEN-ISO 23081-1 and, on the other hand, to allow scope for supplementing the standard with guidelines or application profiles as required and for following guidelines and application profiles from other domains. This scope is necessary because the Act applies to a variety of organisations with multiple or specific tasks (such as the KNMI and CBS) in different domains, with corresponding domain standards.

The metadata that must be recorded pursuant to Article 2.5 of this Regulation are metadata that are necessary to safeguard all interests referred to in Article 1.3 of the Act. This Regulation allows for flexibility with regard to the level of aggregation at which the metadata are recorded, provided that the principle of taking appropriate measures is observed. The metadata can therefore be

recorded at various levels, including in any case at file, document, dossier, database or dataset level. The appropriate level depends on the technical nature of the (categories of) documents, but considerations in the context of the risk-based approach also play a role. Different types of documents, such as paper files, cases in case management systems, chats, e-mails or databases, require a different level at which metadata is recorded due to their different technical nature. In addition, it can influence the number and location of places within an organisation where documents are managed.

Compared to the previous Archives Regulation, the elements have remained largely the same. Three elements are new. Firstly, the requirement that a unique identification code be assigned. This is a translation into metadata of the more general requirement that documents must be retrievable within a reasonable period of time and the specific requirement regarding the identifiability of digital documents. Secondly, the retention period and the category applied in the selection decision have been added as characteristics. These details are essential for carrying out the management operations of destruction and transfer.

Electronic signatures

The requirements for electronic signatures are included in a separate article in this Regulation. There are three types of electronic signatures: electronic signatures, advanced electronic signatures and qualified signatures. This classification is in line with Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.

The Archives Regulation does not prescribe which type of signature should be used in which cases. This Regulation only includes requirements relating to the recording of metadata that guarantees long-term accessibility when these signatures are used.

Additional requirements for documents to be stored long-term

The requirements set out in Articles 2.8 to 2.11 are aimed at ensuring the long-term accessibility of *documents in digital form*, i.e. for longer than ten years. These are in addition to the general requirements. The requirements for physical documents are set out in Chapter 6 of this Regulation.

Articles 2.10, on unmodified and undamaged storage, and 2.11, on special preservation measures for long-term accessibility, are new. Article 2.8 on metadata can be regarded as a partial continuation of Article 24 of the previous Archives Regulation. Article 2.9 on sustainable file formats is a continuation of Article 26 of the previous Archives Regulation, more specifically of paragraphs 1 and 3. These paragraphs have not been changed in terms of content.

Additional metadata

For documents in digital form that must be retained for more than ten years, additional metadata is required in addition to the requirements set out in Article 2.5 of this Regulation. The inclusion of the results of an integrity check as metadata is in line with the requirement of Article 2.10 regarding unmodified and undamaged storage. Knowledge of the hardware, operating software and application software used is important in order to be able to choose appropriate measures and to know what technical environment is needed to implement those measures. If, for example, specific hardware, operating software and/or application software is used when creating or receiving documents, this may affect the long-term accessibility of those documents. In the case of an email created on a laptop, this impact will be minor. This combination of hardware and software is widely available and easily accessible, and the email can also be accessed via other combinations of widely available and easily accessible hardware and software. In the case of a building information model created in proprietary software on a powerful workstation, this influence is greater. This combination of hardware and software is less widely available and accessible, and access to the building information model may be limited to this one software package. In addition, knowledge of this software is a prerequisite for choosing emulation as a preservation strategy. Secondly, the second paragraph of this article requires that the results of integrity checks carried out be reported. This metadata is necessary to demonstrate the unmodified and undamaged storage of documents. The metadata recorded for this purpose depends on the method used to achieve unmodified and undamaged storage.

Finally, this Regulation requires the assignment of a permanent (or persistent) unique identifier. Uniqueness is necessary in order to distinguish documents from one another. The level of uniqueness is determined by the level at which the document functions. At a minimum, uniqueness is necessary within a system. If a document is only used at the level of an individual system, that level is sufficient. If a document is used across systems or organisations, the characteristic must be unique at that level.

For long-term reliable identification, the unique identification characteristic must be permanent. Permanence is related to the retention period: as long as necessary. There are different types of permanent unique identifiers, such as a Universally Unique Identifier (UUID) within information systems, a Uniform Resource Identifier (URI) for online information or a persistent identifier, such as a Digital Object Identifier (DOI), which continue to work even if the location of a document changes. It is possible for multiple characteristics to be assigned to objects over time. In that case, it is important for previously assigned characteristics to be stored. It is up to the responsible government body to make a choice in this regard and, above all, to organise management properly in order to guarantee permanence. Permanent unique identifiers ensure sustainable accessibility.

Permanent unique identifiers are also suitable for the various forms of transfer. In the case of transfer without relocation, they ensure that documents remain available to the general public from the systems of the archive creator. In the case of transfer with relocation, permanent unique identifiers also contribute to the continued availability of documents for the archive creator, because the identifier will refer to the new location at the archive service. From the point of view of one-time storage and multiple use, the assignment of a permanent unique identifier also has added value. This explicitly includes the common ground information-based vision. Sustainable referencing also contributes to the authenticity of the documents, the confidence that this is, in fact, the document in question.

Permanent unique identifiers are not new. This has been in use for some time, both by archive creators and archive institutions. A well-known example of the use of permanent unique identifiers for many years is the law database. More and more suppliers are offering this functionality. The inclusion of this requirement therefore stimulates a development that has been underway for some time.

The level of aggregation at which this metadata is recorded may vary, as with the metadata referred to in Article 2.5, and depends on the technical nature of the documents and the risk approach. It is not always necessary or possible to record this information for each document. When selecting an appropriate level of aggregation, sustainable accessibility must remain guaranteed.

Unmodified and undamaged storage

A responsible government body must take appropriate measures to ensure that each document is stored and preserved in an unmodified and undamaged state. This is necessary to ensure the integrity of the document. The method of storage and preservation will differ for different categories of documents in digital form, as this is a very diverse category in itself. For certain types of documents in digital form, it is common practice to guarantee integrity by calculating a checksum. These are unique control numbers derived from a document. They can be applied, for example, to more traditional types of digital documents, such as reports, individual emails or images. If anything changes in the document, this will result in a different checksum when checked. If the change was unintentional, the unchanged copy can be retrieved from the redundant storage or backup. For other categories of documents, such as databases, this measure is less obvious. In such cases, information can be restored from redundant storage, a backup or by using error correction codes (ECC) if necessary. It is up to the responsible government body or the archive service to determine which measures are most appropriate. The set of measures taken must be appropriate for all documents held by a responsible government body or archive service. When implementing this scheme, support will be provided to guide the process for different categories of documents.

Special preservation measures

The most common preservation measures include migration, conversion and emulation. However, it may not be possible to apply these measures at all times. This article aims to provide scope for choosing a different preservation strategy in these situations. In so doing, sustainable accessibility must be guaranteed. Because these solutions are less common, it is particularly important to clearly document which solution has been chosen, why it has been chosen, and how it guarantees sustainable accessibility.

Accessibility requirements for documents to be transferred

Articles 2.12 and 2.13 of this Regulation set specific requirements for documents that are to be transferred. These requirements focus on metadata and decryption. Transfer means that documents that need to be preserved permanently are transferred to an archive service. Pursuant to the Act, transfer takes place after a retention period of ten years. After transfer, the archive service is responsible for making the documents accessible and for maintaining them. In order for the archive service and the archivist to perform these tasks properly, it is necessary for the correct metadata to be linked to a document. The metadata must make it clear whether the document is public or restricted after transfer, on what legal basis any restriction is based, and how long the restriction will last. This metadata must be assigned no later than the time of transfer.

Once transferred, documents are in principle public and therefore accessible to anyone who wishes to view them. Some documents are restricted after transfer, for example for reasons of national security or because they contain personal data. Encryption is a security measure that regulates access to documents. However, this measure is not permitted to be applied during and after transfer. If a decryption key does not work for any reason, this may result in a document becoming permanently inaccessible. There are other technical and organisational measures that can provide adequate security and access control, such as metadata and authorisation matrices.

Chapter 3. Replacement and migration

Requirements for process description replacement

The basis for replacement is set out in Section 4.3 of the Act and Section 4.1 of the Decree. The decision was made to introduce a process description instead of drawing up an administrative replacement decision. The aim is to reduce the administrative burden while maintaining the quality of the content. This Regulation sets out the specific requirements for a process description for replacement. The basic principle is that relevant requirements are set, but that the specific implementation of these requirements (the 'how' is left to the archive creator. This maintains a balance between guidance and direction in the regulations and scope and flexibility in implementation. The requirements that the methodology must meet are derived from practice. Furthermore, the requirements for replacement are in line with the requirements for sustainable accessibility (metadata and overview) and destruction. The approach to replacement must be reviewed periodically to ensure that it remains in line with information management and information governance. The National Archives will develop a knowledge product to support responsible government bodies in drawing up a process description.

Migration plan and migration declaration

Migration is an important management activity for documents. On the one hand, it is a way of ensuring sustainable accessibility. Transferring documents from an outdated system to a system that offers more options for sustainable document management can improve sustainable accessibility. At the same time, migration can also lead to information loss. Information loss can occur when the functionality of the system from which and to which documents are transferred changes. Furthermore, document metadata can be lost during migration. Information loss can also occur during document selection for migration. Destruction may occur during migration. A failure to migrate documents, or to migrate them completely, in combination with terminating the old system before the retention period has expired, means that documents have been destroyed prematurely. To prevent this, documents that are not eligible for migration (because they will no longer be used) can, for example, be managed in a separate facility until the retention period expires.

That is why this Regulation includes the requirement that a responsible government body draw up a migration plan for functional migration. A migration plan can be drawn up separately, but it can also be part of a broader project plan. The latter is recommended from an integrated approach to information management. When drawing up the migration plan, two aspects are important in light of the interests set out in the Act: sustainable accessibility and compliance with the prescribed retention periods from the selection decision. Ensuring sustainable accessibility involves taking measures that comply with the substantive requirements of the Decree and this Regulation. Sustainable accessibility means that documents are findable, consultable, readable and reliable during the retention period, can be understood in their context and are protected against unauthorised changes and deterioration. The measures relate to these aspects. More specifically, attention must be paid to, metadata, unmodified and undamaged storage, and search functions.

After the functional migration, the responsible government body draws up a migration declaration, which accounts for the migration.

Chapter 4. Destruction

The basis for the elaboration of the process description and declaration of destruction is laid down in Article 5.3 of the Act and Articles 4.3 and 4.4 of the Decree. By elaborating on the requirements for the process description and declaration, this Regulation provide more guidance to the government bodies responsible for implementing the destruction obligation.

Destruction process description

Destruction is regulated in the Act. This concept is further defined in Article 4.1 of the Decree. The process description for destruction is new. The requirements set for the process description further elaborate on the objectives set out in the Decree. An explanation of the various objectives and provisions is provided below. Firstly, it is important to have a clear understanding of which documents are to be or must be destroyed in which systems. This Regulation therefore stipulates that there must be a link to the information management overview. However, it is not technically impossible to destroy documents if the responsible government body does not yet have an information management overview. Secondly, lawful destruction can only take place on the basis of a selection decision. In order to guarantee the lawfulness of the destruction, the link with the selection decision is prescribed. Thirdly, it is important that it is clear how a responsible government body destroys documents. That is why this article includes a provision specifying the method of destruction to be used and its effect. Not all documents can and should be destroyed in the same way. The destruction of paper requires a different method than the destruction of data elements in a database or digital files in a task-specific application. Documents with a high confidentiality level require a different approach than documents with a low confidentiality level. Various methods have been developed with different destruction effects, such as making documents inaccessible, breaking links between documents, between documents and cases, between documents and processes, removing data from systems, overwriting, and physically destroying hardware or physical documents.⁷ This provision allows the regulation to differentiate between the methods to be used, provided that they are appropriate for the type of documents being destroyed and that their application is consistent. The National Archives will draw up guidelines that can be helpful in drawing up a process description and determining policy. Fourthly, for a proper and well-managed process, it is important to have a clear understanding of the steps and control mechanisms that have been built in by the responsible government body. That is why the provision describing the roles and responsibilities has been included in the elaboration. Finally, the process description must include a requirement specifying how the responsible government body verifies that documents have been destroyed. This retrospective check is necessary, on the one hand, because the essence of destruction is that it actually takes place and, on the other hand, because it forms the basis for drawing up the declaration referred to in Article 4.1 of this Regulation.

⁷ An overview of methods and their effects can be found in *the Guidelines for Digital Destruction* drawn up by the National Archives, available at: nationaalarchief.nl/archiveren/kennisbank/handreiking-digitaal-vernietigen.

Declaration of destruction

In terms of content, the requirements that a declaration of destruction must meet have remained largely the same. For documents in a digital form, the requirement to specify the systems in which they have been destroyed has been added to the existing requirements. This modernises the declaration of destruction and brings it more in line with modern information management.

Government bodies have questions about the level of detail required in a declaration of destruction. It is not possible to establish a single standard model for all declarations of destruction in the regulations. The type and amount of information can vary when it comes to destruction. Specifications in declarations of destruction are therefore situational to a certain extent. In the case of destruction in case systems or task-specific applications, for example, a description at case or file level may suffice. The chosen level of aggregation must, however, be appropriate for the type of documents being destroyed. The destruction of (parts of) data sets requires a description of the destroyed data set or parts thereof. Although there is no standard model that applies, there are prescribed details that the statement must contain. For example, the declaration must always include a level of detail that shows which documents or categories of documents have been destroyed, for documents in digital form, in which systems the destruction took place, and which articles from the selection decisions were applied.

In the context of the obligation to draw up the declaration of destruction, it may be necessary to process personal data. This depends on the nature and content of the documents to be destroyed. The necessity of the processing must lie in the performance of this obligation. Other interests, such as (future) research interests or relevance, cannot form the basis for the processing of personal data in the context of the declaration of destruction. The processing of special categories of personal data is, of course, subject to the special regime set out in Article 9 of the GDPR.

Chapter 5. Building requirements and storage conditions for permanent storage of physical documents

General

The term 'archive service' has been introduced in the Act.⁸ With a view to implementation, this Regulation distinguishes between management requirements for non-transferred and transferred physical documents. All documents to be transferred are subject to the general requirements until the moment of transfer. Once transferred, whether or not with a relocation, the additional requirements apply. As in the Act, the period during which the documents must be permanently accessible is decisive for the requirements imposed on the materials to be used and the storage conditions.

As in the previous Archives Regulation, this Regulation distinguishes between documents that are to be stored temporarily and those that are to be stored permanently. This Regulation does not impose any requirements on the storage conditions for physical documents to be stored temporarily. Nevertheless, it may be desirable for a responsible government body to store these documents or part thereof in accordance with the requirements of this Regulation during the retention period.

There are two ways in which the obligation to transfer documents can be waived, namely through suspension and exemption⁹. In the case of suspension, transfer is postponed for a maximum of ten years and the general requirements regarding storage conditions are met. The possibility of exemption is new and is based on the Decree. In the case of exemption, the additional requirements for storage conditions apply. The reason for this is that, in the event of an exemption, the documents remain with the responsible government body that created the archive for a very long period of time. In order to preserve these documents, it is therefore intended that this responsible government body should treat the documents as if they had been transferred. In that light, it is necessary that the additional requirements in the area of storage conditions be met.

⁸Parliamentary Papers II 2021-2022, 35968, No 3 (Explanatory Memorandum to the Archives Act 20xx), p. 10.

⁹ Article 5.5, first to fifth paragraphs, and Article 5.6 of the Act.

Requirements for buildings

In the previous Archives Regulation, the articles relating to buildings were included in three chapters, namely chapters 4, 5 and 6, which contained regulations for the construction and design of archive rooms and storage facilities. In this Regulation, they have been combined into a single chapter, which distinguishes between general requirements for buildings and additional requirements. The provisions are formulated as much as possible in the form of target regulations. In this way, the regulations leave scope for the responsible government bodies to determine how they can meet the requirements of this Regulation.

The general requirements for buildings are largely the same as the requirements in the previous Archives Regulations with regard to archive rooms and archive storage facilities. There are a few changes compared to the previous Archives Regulations. The smoking ban has been removed. There is already a general smoking ban in place that applies to buildings where archives are stored, so there is no longer any need to include a specific provision on smoking in this Regulation. The requirement relating to underground construction has been replaced by general requirements aimed at reducing risks, such as conditions relating to the selection of the location, fire protection, moisture protection, flood protection, construction and burglary protection.

Furthermore, this Regulation stipulates that a contingency plan must be drawn up. In the event of an emergency, the provisions regarding the location and construction of the building, alarm systems, fire safety and fire extinguishing equipment already provide some protection. In addition to this, in the event of a disaster it is necessary to have proper agreements on how to act and which parts of the archive must then be secured.

Storage conditions in repositories

General provisions

There are two important changes to the general provisions. Firstly, it has been stipulated that the repository may only contain facilities for short-term consultation. This is also related to the second general requirement: no unnecessary light is to enter into the archive. It follows from these requirements that the importance for the sustainable preservation of documents is paramount. This means, for example, that the repository may not be used as a workplace.

Air circulation, climate and air treatment in repositories

Adequate air circulation, temperature control and humidity are important for a proper climate in repositories. A number of new requirements have been included in this Regulation, existing requirements have been adjusted and some requirements have been removed. Air must be able to circulate sufficiently between packaging materials, racks, walls, and ceilings to prevent the accumulation of dirt and mould spores. Therefore, rules on the placement of archives are also included in this Regulation. These requirements are in line with what is commonly applied in practice. For example, air must be purified, but chemical air purification is not strictly necessary. The requirements for temperature and air humidity in the repository have been adapted to the latest developments and insights in the field of sustainable management of archives. The relative humidity and temperature within a repository will inevitably fluctuate due to, inter alia, the use of the repository and the continuous activity of climate control installations. The Regulation therefore assumes an annual target value for the measured temperature and humidity in repositories. This may fluctuate within certain evaluation limits. Gradual fluctuations during the year, such as the influence of seasons, do not adversely affect the documents and are therefore permitted. Abrupt fluctuations in temperature and humidity are detrimental to the archives, as is a combination of high temperature and high relative humidity. For this reason, the average target value is relatively low and the bandwidth within which these fluctuations occur is limited. The requirements take the form of target regulations. The Archives Regulation leaves room for choices as to how these provisions can be complied with.

Repository hygiene

Existing documents must be carefully managed. Dirt, mould and pests pose a serious threat to documents. Prevention of damage caused by such pests is better than cure. Repository hygiene is

therefore of great importance. This Regulation therefore stipulates that the responsible government body, including archive services, must draw up and apply a cleaning protocol and a protocol for the prevention and control of pests. The plan must be up to date, which is why it is stipulated that the plan must be evaluated and updated annually.

Chapter 6. Requirements for packaging materials and materials to be used for physical documents to be stored permanently

This chapter concerns packaging materials and materials to be used for new and existing physical documents that are eligible for permanent storage. Due to the permanent retention period, it is important that the physical documents to be created are made of durable materials and stored on durable media.

Requirements for packaging materials for permanently stored documents

Documents are still being stored on non-durable media, both digital and analogue. These media are not durable for a variety of reasons. Techniques for reading the media are falling into disuse and the lifespan of certain materials is limited. Well-known examples of this are floppy disks, cassette tapes and video tapes, but this also applies to CD-ROMs and Blu-Ray discs. Materials can also emit harmful emissions that endanger the sustainable accessibility of other documents. This Regulation therefore prescribes that these documents must be replaced to the greatest extent possible. In doing so, the responsible government body must comply with the requirements relating to replacement.

Requirements regarding materials to be used for physical documents

Although the creation of physical documents is becoming less common, it is still necessary to include the requirement for paper in this Regulation. Paper is often still required for civil registry documents or in international contexts, for example. This Regulation includes an alternative standard for paper in order to guarantee security of supply. According to the previous Archives Regulation, paper had to comply with NEN 2728:2006. The number of parties supplying paper in accordance with this standard is declining. This stems from several factors. Firstly, NEN-2728:2006 is a specific Dutch standard. Secondly, due to digitalisation, there is less demand for paper that complies with this standard and therefore less supply. It is expected that the number of suppliers who can supply paper that complies with NEN-2728:2006+C1:2011 nl will continue to decline. By extending NEN-2728:2006+C1:2011 nl with NEN-EN-ISO 9706:1998, the quality of paper remains guaranteed and there are also more suppliers who can supply it. The long-term accessibility of paper documents is guaranteed by combining the storage conditions prescribed in this Regulation with paper of sufficient quality.

No quality standard is prescribed for inks, toners and writing materials, but specific requirements are set out in the Regulation that inks, toners and writing materials must meet.

Chapter 7. Reporting obligation

The obligation to report incidents is new and is intended to involve the Inspectorate in a timely manner in the event of damage to, loss or misplacement of documents, or inaccessibility of documents. The detailed rules in the Act concern the manner in which reports are made. This Regulation sets requirements for the process and content of the report.

The reporting obligation applies to responsible government bodies as referred to in Articles 2.1, 2.4 or 2.5 of the Act and relates to documents that have not been transferred and documents that have been transferred. This means that central government bodies are subject to the reporting obligation, as are the National Archives, insofar as they are responsible for managing the national collection, and the provinces, insofar as they are responsible for the archives of the King's Commissioner as a national body.

In this Regulation, the term 'immediately' from the Act is given concrete expression in a period of up to 72 hours within which the notification must be made. This time limit allows the responsible government body to create the notification and take action. In addition, this period enables the

Inspectorate to conduct an effective investigation into the causes of the incident and, if necessary, to advise on (emergency) measures to limit the damage. Finally, this period encourages a responsible government body to take timely and concrete action in the event of an incident. It is up to the responsible government body as to how and by whom the obligation to report is implemented internally.

The GDPR has a reporting obligation for data leaks.¹⁰ It is possible that an event is both an incident under the Archives Act and a data leak under the GDPR. It is the responsibility of the responsible government body to make this assessment and to report to all relevant supervisory authorities.

Impact on the Caribbean Netherlands

For the Caribbean Netherlands, the Archives Act BES has applied as of 10 October 2010. Because the practice of archival and information management in the Caribbean Netherlands is still very much in development, the Act, and consequently this Regulation, does not apply to the Caribbean Netherlands.¹¹

Establishment

To establish this Regulation, the Minister set up a project organisation in which the following parties participated: the Ministry of Education, Culture and Science, the National Archives, the Inspectorate, the Ministry of the Interior and Kingdom Relations, including CIO-Rijk, the Association of Netherlands Municipalities, the Interprovincial Consultation and the Union of Water Boards. In addition, experts and stakeholders have been involved in different ways in the design of the various parts of this Regulation.

Compatibility with European law and notification

This Regulation contains technical requirements as referred to in the Notification Directive.¹² This concerns Articles 2.5, first paragraph, 5.5, second, third and sixth paragraphs, 5.6, fourth paragraph, 5.9, first and second paragraphs, 5.10, third paragraph, 5.16, parts (a) to (c), 6.2, 6.3, 6.4, first paragraph, and 6.8, first paragraph. These articles prescribe standards with which goods must comply. This concerns both Dutch NEN and ICN standards as well as international ISO standards. No distinction is made between Dutch and foreign goods in the application of these standards. All goods used by responsible public bodies for the implementation of the Archives Regulation must comply with the same standards prescribed in this Regulation. The imposition of technical requirements in this Regulation is justified in the light of an overriding reason of public interest. These measures safeguard the four objectives set out in Article 1.3 of the Archives Act 20xx, which can be regarded as being in the public interest. This concerns safeguarding: the performance of public tasks by responsible government bodies and accountability for those tasks, the recognition and exercise of the rights and obligations of everyone, research, and cultural heritage. The measures taken in this Regulation are appropriate to safeguard the aforementioned interests, since they are all aimed at the preservation and sustainable accessibility of documents. These measures have been coordinated with various organisations involved, such as the NA and the Inspectorate, to ensure that they will achieve the intended effect. This has always been based on the least intrusive option, in order to comply with the principle of subsidiarity.

The draft regulation was submitted to the European Commission on [date of notification] pursuant to Article 4 of the Notification Directive. Following the responses from [PM the European Commission or other stakeholders], the following is noted. [PM response or adjustments made].

¹⁰ Having regard to Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), Article 33, first paragraph.

¹¹ For more information, see: *Parliamentary Papers II 2021/22*, 35968, No 3 (Explanatory memorandum to the Archives Act 20xx), para. 9.

¹² Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 concerning an information procedure on technical provisions and rules regarding the services of the information society (codification) (*PbEU* 2015, L 241).

Consequences (excluding financial consequences)

It is expected that these measures will have a positive impact on the state of information management. In addition, it is expected that these measures will also contribute to proper and seamless implementation of the Woo, the AVG and the Who. An improvement in information management in the government will contribute to better handling of Woo requests. For the purposes of the GDPR, consideration may be given to the proper and timely handling of requests or compliance with the principle of storage limitation. For the Who, one can think of the seamless and timely processing of requests for reuse, for example because it is known which documents and datasets are available and the export function that should be available. This will help in making it available for reuse.

Execution

Regulatory burden

The Advisory Board on Regulatory Pressure Review (ATR) issued an opinion on this Regulation on 10 May 2024. This opinion concerned the regulatory burden for businesses, citizens and professionals in the care, education, safety and social security sectors. The requirements set out in this Regulation do not apply to citizens. The regulatory burden and feasibility for government organisations has been examined in various implementation assessments. In its opinion, the ATR states that the usefulness and necessity of the Regulation is sufficiently substantiated and that, to the greatest extent possible, less burdensome alternatives have been chosen. The ATR recommends that when evaluating the Regulation, the impact on the regulatory burden should be included in the evaluation, distinguishing between the impact on private organisations and that on organisations performing a public service. This will be taken into account in the evaluation. Finally, the ATR notes that the consequences for regulatory pressure have only been assessed qualitatively and that the consequences for the topics of information management overview, the emergency plan, the repository hygiene protocol and the further elaboration of the process description and the declaration of destruction are still lacking. The ATR recommends that the regulator pressure paragraph be completed in accordance with the methodology used nation-wide. It has been chosen to provide a qualitative picture of the regulatory burden. It is not possible to quantitatively measure the impact of the regulatory burden on the Archives Regulation because it is not possible to understand the time investments and costs requested, as they vary from one aspect to another, and from one organisation to another. These are very diverse small and large organisations, such as, inter alia, inspection services, guarantee institutions, the cultural funds established on the basis of the Act on specific cultural policy, colleges, MBO institutions, universities and schools that are maintained by a legal person governed by private law, medical-ethical review committees, the notary and the bailiffs. It is not possible to arrive at a quantified basis that would do justice to reality. Therefore, it was decided to adopt the recommendation of the ATR to take over the regulatory burden paragraph only in a qualitative sense. The recommendation to supplement the regulatory pressure paragraph on the topics of overview of information management, the emergency plan, the repository hygiene protocol and the further elaboration of the process description and the declaration of destruction has been adopted, with a qualitative picture of the consequences.

In the opinion previously issued by the ATR on the bill on 20 March 2020, it recommended to identify the consequences for private organisations with a public duty (public authority) and explain how these organisations are involved in the measures arising from the bill. Private organisations with a public authority are subject to the Archives Act with regard to public authority, as was already the case under the Archives Act 1995.

In general, these organisations are not significantly affected by this Regulation or the Archives Act 20xx, as they only have to manage the documents related to the exercise of public authority under the Archives Act and underlying regulations. This category of organisations has been taken into account in different ways. For example, an equality provision has been stored in Chapter 1. This is intended to create room to meet standards that occur in the Regulation in an alternative way. For some provisions, such as the provision relating to security, the comply-or-explain principle has been

applied. This allows scope for the use of domain-specific standards and means that it is not necessarily necessary to use an extra standard to comply with the Archives Regulation.

Chapter 2 contains general provisions for sustainable accessibility. In arriving at these provisions, the regulatory burden has also been taken into account. This links up with existing standards or scope of adjacent legislation (such as the GDPR) so that the regulatory burden is minimal. The overview of the information system is being modernised, with organisations being obliged to have an up-to-date overview. This means that the obligation to permanently retain all overviews will lapse. It is expected that this will lead to a reduction in the regulatory burden on this component.

In Chapter 3 of this Regulation, the drafting of an administrative replacement decision has been replaced by a process description. This amendment is intended to reduce the administrative burden on all responsible government bodies. A decree must be adopted at the administrative level, while this is not necessary for a process description. At the same time, a process description is to be prepared once. For the same purpose, the declaration required in the previous regulation for the conversion of documents has been removed. It is difficult to estimate exactly how much this will save, as the frequency with which this process is carried out varies from organisation to organisation. New elements in this Regulation include the preparation of a migration plan and a migration declaration. The burden on the responsible government bodies is expected to be limited, as these requirements can be incorporated into regular plans and accountability for migration projects.

The requirements from chapters 5 and 6 have largely remained the same in terms of content and application as those from the previous regulation. Some requirements relating to materials that have fallen into disuse have been removed. The requirement relating to inks, toners and writing materials is an open standard in this Regulation. Two new requirements have been included in this Regulation, namely the possession of an up-to-date management and emergency plan (Article 5.3(3)) and having a repository hygiene protocol. The increase in regulatory pressure on these points is expected to be very limited. Private organisations will have to prepare a management and emergency plan as well as a repository hygiene protocol. Private organisations vested with public authority will be supported through the multi-year implementation programme with models to minimise the workload. In addition, they can make use of the knowledge and expertise of the National Archives.

Chapter 4 contains articles on destruction. Destruction is an existing obligation under the Archives Act. Article 4.1 prescribes the drafting of a process description. This is new and requires a one-off investment in the sense that this process description will have to be prepared. It is expected that the regulatory burden on this point will be limited, because organisations were already obliged under the Archives Act 1995 to destroy documents in a timely manner. There is therefore an existing working practice that can be included in the description. Article 4.2 deals with the preparation of a declaration of destruction. Article 4.2 is a modernised continuation of an existing obligation under the Archives Decree. Organisations will also be supported on both points in the preparation of a process description as well as a declaration of destruction, by making models available for this purpose. This is part of the implementation programme. This minimises the regulatory burden to the greatest extent possible.

Chapter 7 elaborates on the reporting obligation. The regulatory burden of this new requirement is expected to be limited. The Inspectorate provides for a notification mechanism. Organisations will have to set up an internal procedure for implementation. It is difficult to estimate how often organisations will be forced to report, because there is a new system that has not yet been applied.

Feasibility assessment by the State

The National Audit Service has tested the feasibility for the organisations that fall under the supervision of the Information and Heritage Inspectorate. The findings of this study were further developed in additional interviews commissioned by OCW. The assessment presents a mixed picture when it comes to the effects of the Archives Regulation.

Organisations indicate that administrative attention and priority are needed in order to comply with the requirements of the Archives Regulation, with timeliness in particular being seen as a bottleneck. Organisations indicate that there is currently a lack of policy on certain aspects of sustainable accessibility and that the breadth of the information landscape and legacy systems pose challenges. There is also a need to develop the rules for other types of digital documents, in particular data and databases. In addition, small organisations indicate that implementation will be challenging as they expect it will be difficult to find and deploy the right capacity and knowledge. The implementation of the Archives Regulation is accompanied by a multi-annual programme, where specific attention will also be paid to smaller organisations and to administrative attention to archiving and information management. In addition to the implementation programme, OCW is committed to a multi-year policy for training archivists and information professionals. The Archives Act requires the drafting of management rules by which government bodies implement the policy with which documents are made and stored accessible on a sustainable basis. This gap can be remedied through this method. In addition, the Archives Act provides scope for taking appropriate measures to align with 'natural moments'. This provides scope for organisations to gradually align legacy systems with the requirements from this Regulation. For the implementation and training, attention can be paid to keeping databases accessible in a sustainable manner. The regulatory authority assigned to the ARA will contribute to guiding and standardising implementation practice. It is expected that this will benefit the implementation process.

Specifically, questions have been raised concerning the content of the article that made application of the BIO mandatory. Following the renewal of the European Cybersecurity Directive, this article has been removed from the Archives Regulation and replaced by a best efforts obligation in the Archives Decree. In addition, organisations have indicated that they foresee issues when it comes to capturing metadata at the document level. In this respect too, the Archives Regulation has been adapted, giving more scope for recording metadata at different levels.

For the following topics, organisations indicated that they did not expect any implementation issues and they expect positive effects. The provisions on destruction have been perceived as clear and a continuation of existing practice. However, there is a need for guidance and the sharing of *best practices* on the destruction of digital documents in order to give impetus to the actual implementation. This will be addressed in the implementation programme. Stimulating information management involvement in migration is seen as positive. At the same time, respondents indicate that they do not always have a seat at the table. In order to give organisations time to adapt their processes and working methods and to avoid disrupting ongoing projects, a two-year transition period has been included for these provisions. There are also no major implementation issues expected with regard to the reporting obligation. However, questions have been raised about the further translation of the types of incidents and categories of documents that must be reported. The Inspectorate will elaborate on this further.

Feasibility test for municipalities

On behalf of OCW, VNG has assessed the enforceability of the Archives Regulation for municipalities. The assessment shows that the consequences of the changes to the Archives Regulations appear to be less serious than anticipated.¹³ The municipalities indicate that they are pleased with the attention given to physical and digital documents, temporary and permanent documents, but at the same time feel that the Regulation does not go into sufficient detail. More rules and guidance for the management of data, databases and algorithms would have been welcome. That finding is understandable. At the same time, there is even less experience with making and keeping (dynamic) data, datasets and algorithms accessible in a sustainable manner. In some parts, such as unmodified and undamaged storage and metadata, the explanatory memorandum to the Regulation has been supplemented to provide further clarity. In part, norms, standards and solutions still need to be developed or find their place in implementation. By making and keeping these types of digital documents accessible in a sustainable way, more experience can be gained over the coming years. This will be addressed in the implementation process. In order to continue to translate this experience into rules, this Regulation will be evaluated every five years, in addition to the evaluation moments stipulated in the Archives Act.

¹³ Implementation assessment of the Archives Decree and Regulation 20xx. Final report, 2024 p. 4, available at: <https://vng.nl/kennisbank-impactanalyse/uitvoeringstoets-archieffbesluit-en-regeling-20xx>.

Municipalities also indicated that a change in culture is necessary, with information professionals expected to have a strong position and advisory role. The Ministry of Education, Culture and Science is committed to strengthening the knowledge and skills of archivists and information professionals through a suitable range of training and courses, with a focus on both substantive knowledge and skills.

The implementation assessment shows that most municipalities indicate that they can cope well with the open standards from this Regulation and the scope that this offers them during the implementation. At the same time, there is also a call for more concrete clarifications. In this Regulation, efforts have been made to give more direction to the open standards in a number of respects. In addition, it is expected that the regulatory authority of the ARA, which is legally limited to bodies of the central government, will generally lead to further standardisation that will provide more guidance for implementation, including in municipalities.

Finally, there are a number of specific comments on substance. The consultation version of this Regulation included an article that made the application of the BIO mandatory for municipalities. Local authorities have raised questions about this, due to the revision of the European Information Security Directive. Due to the renewal of this directive, this article has been deleted from this Regulation and replaced by a best efforts obligation in the Archives Decree. With regard to the articles overview and organisation, questions have been raised about the added value of storing all of the versions. The Archives Regulation has been amended on this point. The obligation to retain all versions of the information management overview has been removed. With regard to organisation, the article relating to version management has been eased. In addition, there is a call to provide good examples and guidelines for various components in collaboration with the National Archives and the Association of Netherlands Municipalities (VNG). This will be included in the multi-year implementation programme.

Feasibility assessment by provinces and water boards

The feasibility of the Archives Regulation was carried out on behalf of the Interprovincial Consultation (IPO) and the Union of Water Boards (UvW). The overall picture that emerged from the test is that 'the amendments to the Archives Decree and the Archives Regulation do not lead to very significant changes in the practicability and enforceability of the Dutch laws and regulations with regard to archiving'.¹⁴ At the same time, this does not mean that provinces and water boards are indicating that there is no impact on the enforceability of the Archives Regulation.

Provinces and water boards foresee an impact due to the changes to the Archives Regulation in the field of information provision and ICT, working methods and processes and knowledge and skills. In terms of content, surveyed bodies have indicated that unfamiliarity with regulations, unclear and interpretation of regulations, open standards and the lack of tools for making and keeping digital documents other than traditional documents (e.g. data and databases and algorithms) sustainably accessible can lead to problems in implementation.

These comments will be addressed in different ways. The Ministry of Education and Science will establish a multi-year implementation programme. Information is an important part of this programme, with attention also being paid to awareness in the organisation and administrative attention to information management. The aim here is to contribute to awareness of information management in the organisation. In addition, there will be a multi-year focus on training and development by promoting appropriate educational and training programmes.

Information professionals at provincial and water boards indicated that they need to be in the right position on certain topics. Involvement in migration pathways was given as an example. The Archives Regulation has been amended and provides for transitional law in this regard, so that organisations and professionals can adapt their working methods.

¹⁴ R. Looije, H. Sparringa, J. Smit, Implementation assessment of the new Archives Decree and the new Archives Regulation, 2024, p. 4. [\[PM - link to assessment\]](#).

The Archives Regulation and its explanatory memorandum have been tightened on a number of points. In this way, a number of open standards are provided with a context within which they must be implemented. In addition, this is intended to promote the interpretation of the rules in general. For example, the 'reasonable period' within which documents must be found and available is placed in the context of deadlines from laws and regulations and (service) standards from the organisation. The Archives Act also provides for a regulatory authority for the ARA. Although this authority is limited to central government bodies, it is expected that these standards will generally contribute to better implementation through standardisation and greater guidance in the translation and application of rules in practice. Finally, it is noted that the Archives Regulation provides more guidance for making 'classical' digital documents accessible on a sustainable basis (e.g. managing PDF files, word documents or websites) than with new categories of digital documents such as data, databases and algorithms. Further clarification is provided in several places on this. In addition, reference is made to the response to the feasibility test of the municipalities.

Supervision and enforcement

The supervision of this Regulation forms part of the overall supervision of the Act. For an explanation of the structure of the supervisory system, see the explanatory memorandum to the Act.

At the request of the Minister of Education, Culture and Science, the Inspectorate has issued advice on the enforceability of the Archives Decree and the Archives Regulation. The Inspectorate issued this advice on 1 August 2024. Advice relating solely to the Archives Act or the Archives Decree falls outside the scope of this Regulation. The Inspectorate raised the following topics concerning the Archives Regulation.

Open standards and appropriate measures

The Inspectorate indicated that open standards and the ability to take 'appropriate measures' presuppose a grasp of information management and require additional effort in terms of enforcement, as standards must be interpreted. Appropriate measures and more open standards do indeed require further elaboration. This is also the case under the current legislation. For bodies of the central government, it is to be expected that this will also be implemented through the ARA's regulatory authority. It will also draw on the expertise of the Inspectorate.¹⁵ In addition, the Inspectorate is financially supported for the revision of the testing framework for which a one-off amount of €500,000 is made available.

Sustainable accessibility

The Inspectorate requested clarification of the relationship between the organisational structure and documents. The Decree and the Regulation have been brought in line with each other on this point. In addition, the wording of the article has been adapted so that it is clear that it only concerns the location of documents. As regards information security, the Inspectorate indicated that arrangements for monitoring compliance with this provision must be clear and unambiguous, and asks for an explanation of the relationship between the BIO and the renewal of the European Information Security Directive. As explained elsewhere, the Archives Regulation has been amended on this point. In addition, the Inspectorate may cooperate with the National Digital Infrastructure Agency on this point. The Inspectorate indicates that supervision abroad requires additional effort. That is correct. However, the previous regulation had no geographical restriction on the location of archive locations or archive storage locations. In this Regulation, however, it is demarcated in such a way that a connection is sought with the GDPR. The Inspection is of the opinion that the standard for findability and legibility of documents needs further clarification within 'a reasonable period of time' and proposed a fixed period. The suggestion to set a fixed deadline has not been adopted, as it does not fit in with the starting point of a risk approach, does not promote the adoption of appropriate measures and does not promote practicability. The reasonable period of time is specified in the Archives Regulation, with procedural time-limits guided by laws, regulations and service standards.

¹⁵ Parliamentary Papers II 2024/25, 35968, No 11, p.4.

Migration

The Inspection called for further safeguards in terms of migration. Safeguards are included in chapter 3 of the Archives Regulations. Migration is an important management operation for documents that can both prevent information loss and keep documents accessible in the future. The effectiveness of the articles in chapter 3 will be evaluated. If the evaluation gives cause to do so, the articles will be amended.

Analogue archives

The Inspectorate proposes to also impose requirements on repositories for physical documents with a destruction period longer than ten years and, in addition, proposes to amend the term 'plus repository'. This Regulation does not impose any further requirements on repositories for physical documents to be temporarily stored, as this would lead to an additional implementation burden, while at the same time the volume of physical documents will decrease in the coming years. The term 'plus repository' has been adjusted.

Financial impact

Sustainable accessibility

Responsible public bodies should take into account the assurance of sustainable accessibility in their business operations. However, for several reasons, it is expected that the introduction will not lead to additional costs. The Act – and therefore this Regulation – provides for the possibility of applying a risk approach. This means that there is scope to differentiate in the measures taken to ensure sustainable accessibility, for example in relation to information value (e.g. duplicates and retention periods). Furthermore, the Act provides scope for implementing the Archives Act and therefore for aligning this Regulation with natural moments in business operations, such as the replacement of systems.

The implementation of this Regulation may also lead to savings. Firstly, the Act notes that archiving *by design* leads to better implementation of the Act. Secondly, there are possible savings, due to the smooth implementation of the GDPR, Who and Woo. Once information management is in order, Woo requests can be handled more efficiently and smoothly. This may lead to lower costs incurred by the use of legal remedies, such as a notice of default, objection or appeal. The GDPR has various penalty provisions. Having your information management in order means that you can better comply with the obligations under the GDPR, thereby avoiding any associated penalties. These expected savings are difficult to quantify. Firstly, because these are costs that do not need to be incurred if matters are in order. Secondly, various studies conducted in the past, for example into the reduction of transfer times, have shown that these costs are not always easy to quantify.¹⁶

It is not to be expected that responsible government bodies or archive services will suffer any adverse financial consequences from the requirements related to physical archives. The requirements for buildings and storage conditions are and remain applicable to archives that are to be stored permanently. The previous regulation provided for transitional provisions for pre-existing repositories. This transitional law has been continued in this Regulation. With regard to the provisions on temperature, relative humidity and permitted fluctuations, it is to be expected that financial benefits can be achieved, because responsible government bodies and archive services are enabled to work with energy-efficient installations.

Evaluation

The Act, the Decree and this Regulation shall enter into force simultaneously. The Archives Act will be evaluated after two and a half, and five years. With regard to the Regulation, this is aligned so that it can be evaluated together with the Act and the Decree. In addition to this Regulation, the decision has been made to review the Regulation every five years and amend it if necessary. This five-year cycle is useful in several respects. Firstly, it provides the opportunity to review substantive developments on a regular basis and, if necessary, to translate them into legislation. In particular

¹⁶ Feasibility test for the Archives Act:

<https://www.rijksoverheid.nl/onderwerpen/archieven/documenten/rapporten/2020/07/02/onderzoeksrapport-uitvoerbaarheidstoets-gemoderniseerde-archiefwet> <https://open.overheid.nl/documenten/ronl-c54243fb-1931-4227-a082-9b0b657af305/pdf>.

with regard to documents in digital form, developments follow each other at a rapid pace. As a result, requirements from this Regulation will become obsolete. Implementing organisations can then rely on principles from the Act and the Decree, but it is also necessary to keep this Regulation up to date. Secondly, a period of five years provides sufficient time to implement any necessary adjustments. Thirdly, a fixed cycle provides predictability for the implementation.

Advice and consultation

The draft regulation was submitted in an open internet consultation between 15 December 2023 and 9 February 2024. 36 responses were received. In addition, the National Archivist (hereinafter: ARA) issued an opinion.

Internet consultation

Chapter 1: General

Concepts

Several proposals have been made to include, adapt or remove certain terms in the definitions. The following proposals have been adopted. The terms 'repository' and 'plus repository' caused a great deal of confusion. Therefore, these terms have been deleted and replaced by the term 'physical repository'.

In addition, an inconsistency has been resolved with regard to the unit of time used to express the arithmetic average for the annual average and the monthly average. The annual average was expressed in hours, while the monthly average was expressed in days. Both arithmetic averages are now expressed in hours.

Finally, some editorial changes and factual corrections have been made.

Addressing standards

Questions were raised about the future-proofing of the standards in question. It has been clarified that, when these standards are amended or replaced by new versions, these new versions shall apply pursuant to Article 1.2, second paragraph, of this Regulation. In the event that a single standard is withdrawn, this will require an amendment to this Regulation. In addition, several editorial corrections have been made in response to the comments.

Chapter 2: Sustainable accessibility

Information security

During the internet consultation, questions were raised about information security and making the application of the BIO mandatory. These questions concerned, inter alia, the revised European directive on information security, the relationship with the BIO, and the division of tasks and responsibilities between the archivist, archive and information management, and the parts of ICT management that deal specifically with information security.¹⁷ Due to the renewal of the Directive, it was decided to delete the article on the application of the BIO in the Archives regulation and to replace it with an obligation to use best endeavours in the Archives Decree. For the division of tasks, this means that it is possible to continue to adhere to the existing implementation practice and monitoring system.

Overview of information management and organisation

Many organisations have commented on the articles concerning information management and organisation. In general, splitting the article from the previous rules into separate articles for overview and organisation is acceptable.

Both in the information management overview and in the organisation, there were objections to the requirement to permanently retain all versions of the information management overview. This was perceived as a significant administrative burden. It was also pointed out that it is preferable to include retention periods in selection decisions instead of in the Act. These concerns have been

¹⁷ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972 and repealing Directive (EU) 2016/1148 (NIS 2 Directive)(OJ 2022, L 333).

addressed. In the case of the information management overview, the requirement to permanently retain all versions has been removed. In the case of organisation, this requirement has been eased by deleting this requirement as such and replacing it with the more flexible requirement that when an organisation has several organisational structures that are described, the way in which they are applied and how these organisational structures relate to each other is to be described. There is scope to describe this at an appropriate level of aggregation.

Finding, reproducing, exporting and accessing

The article and the accompanying explanatory memorandum have been amended on a number of points in response to questions and comments. Firstly, the article has been reworded to focus more on the result. In addition, at the end of the first paragraph, the word 'or' has been replaced by 'and'. In the consultation version, the intent of the article was therefore unintentionally that a responsible government body would have to generate a reproduction or export with the correct or complete representation of the content, or a partial reproduction or export. This has now been corrected. Finally, it has been clarified more clearly within which context the concept of 'reasonable time' should be understood and interpreted. This context is shaped by requirements from other legislation, such as the Woo, procedural deadlines from the General Administrative Law Act (Awb), and service standards applied by the responsible government body itself. The concept of 'reasonable period' itself has been retained and not further specified with a single specific period, because this is not consistent with the concept of 'appropriate measures' from the Archives Act, and depends on the context in which the documents are needed. This means that a single fixed term would be both too broad and too strict at the same time.

Metadata (Article 2.5, 2.8 and 2.12)

Many questions have been asked about the articles dealing with metadata (Articles 2.5, 2.8 and 2.12). On a number of points, this has led to an adaptation of the articles or the explanatory memorandum.

For all three articles, questions have been asked about the level of aggregation at which these metadata should be recorded. In response to these questions, the wording of Articles 2.5, second paragraph, and 2.8 has been amended by deleting 'for each document'. This leaves more scope for differentiation in the aggregation level at which metadata is assigned. On the one hand, this is necessary because, due to the different technical nature of different categories of documents, metadata cannot always be assigned at the same level. On the other hand, it is also in line with the appropriate measures from the risk approach.

The consultation asked for further clarification about the uniqueness of the unique identifier and the permanent unique identifier. The explanatory memorandum has been adjusted to indicate that the uniqueness must match the level at which a document functions.

Parts of articles or the explanatory memorandum have also been adapted as a result of input from various organisations. In Article 2.5, second paragraph, part (d), which concerns file formats, the phrase 'if available' has been added. A document does not always have a representation. In those cases, it is not necessary to capture the file format, because the document is not represented by a file. The second paragraph, part (e), concerning electronic signatures, has been placed into a separate article. Article 2.5, second paragraph, part (i), adds a new metadata field that refers to the recording of the category applied in the selection decision. Together with part (j) which concerns the determination of the retention period, this provides for necessary metadata for timely destruction and transfer.

Finally, the request was made for additional clarification at the time of assigning metadata for documents to be transferred. The explanatory memorandum has been amended to clarify that these should be recorded at the latest at the time of transfer.

Electronic signatures

The responses to the internet consultation on electronic signatures revealed that there was some confusion about what was exactly required. It was therefore decided to clarify this by amending the article and adopting the structure of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic

transactions in the internal market and repealing Directive 1999/93/EC. In the interests of clarity and legibility, this has been included in a separate article.

Sustainable file formats

Several comments have been made on the second paragraph of the article dealing with compression. It was indicated that this provision was perceived as too restrictive. The paragraph has been adjusted accordingly, leaving more space to apply compression if necessary. This links up with the relevant provision of the previous Archives Regulation. Questions have also been raised on the prevention of environmental pollution through the use of compression techniques. The purpose of the article is and remains to prevent information loss. Environmental considerations are not taken into account, because with compressed storage, hardly any sustainability gains can be achieved. Other solutions, such as the use of green electricity, more rigorous choices when assessing and selecting documents and – in the case of documents to be destroyed – timely destruction are more effective.

Unmodified and undamaged storage

In the version submitted for consultation, bit preservation was discussed. During the internet consultation, many questions were asked about this and the associated terms such as 'bitperfect copy' and 'bit series'. With regard to Article 2.10, on the one hand there was uncertainty, on the other hand the wording was perceived as too specific and therefore difficult to apply to various types of documents in digital form, in particular data and databases. The wording of the article has therefore been adapted and has become more targeted: the unaltered storage and retention of documents are the focus. Responsible government bodies will be supported in the implementation of this article through the implementation programme.

Special preservation measures for sustainable accessibility

During the internet consultation, several questions were asked about this article. The article was perceived as unclear. The general explanatory memorandum has therefore been amended to provide more clarity to the article. It was also stated that, if necessary, a special preservation strategy may be chosen on a case-by-case basis, provided that the reasons for this and how sustainable accessibility will be guaranteed are recorded.

Chapter 3: Replacement and migration

Replacement

Article 3.1 on replacement has remained largely unchanged. Following comments, part f has been amended: it is the description of the technical infrastructure itself, not the requirements imposed on the infrastructure. In addition, as a result of the internet consultation, it was stressed in the explanatory memorandum that documents that are replaced will be destroyed. This is because destruction of paper originals is the distinguishing feature between replacement and digitalisation of documents. See also the explanatory memorandum for the Archives Decree.

Migration

The articles relating to the migration plan and the migration declaration have remained largely the same. Following input from the internet consultation, an element has been added to Article 3.2, namely that when drawing up a migration plan, it must be indicated which system is being migrated from and to which system.

In addition, the general explanatory memorandum and the article-by-article explanation have been adapted in response to questions and comments on Article 3.2. In the general explanatory memorandum, the indication that documents whose retention period has expired should not be migrated has been deleted. It is possible that in certain cases destruction can only take place after migration. However, this does not affect the obligation to destroy documents at the end of the retention period. It has also been noted that migration, in addition to a management act that can lead to information loss, can also be a way to ensure sustainable accessibility. In response to this comment, the article-by-article explanatory memorandum has been amended to mention this positive aspect. Finally, the article by article explanation of the migration declaration has been

clarified, so it is clear that it is not a decision within the meaning of the General Administrative Law Act.

Chapter 4: Destruction

Various comments have been made and questions asked concerning destruction. With regard to the process description of destruction, more explanation has been requested as to whether destruction also concerns the destruction of metadata. For this purpose, reference is made to the explanatory memorandum to the Archives Act.

As regards the declaration of destruction, several questions have been raised. Firstly, a question was asked about the relationship between parts (b) and (c) of Article 4.2. Part b referred to the location(s) where the destroyed documents were located before their destruction, and part (c) referred to the systems where the documents were destroyed. It was stated that this is particularly important in the case of documents in digital form. In order to clarify the article, it was decided to remove part (b). Secondly, clarification has been requested as to the level of detail at which the declaration of destruction is to be drawn up. Thirdly, further clarification was requested on the processing of personal data in the declaration of destruction in the light of the GDPR. In response to these questions, the general explanatory memorandum has been amended. The essence of the interpretation is that the level of detail in the destruction statement is, to a certain extent, situational and must be appropriate to the type and quantity of documents being destroyed. Personal data may be processed for the purpose of carrying out the task of destruction.

Chapter 5: Requirements for buildings and storage conditions

The concepts of repository and plus repository led to many questions and comments. These concepts have therefore been removed (see also above under chapter 1). This amendment has also been implemented in chapter 5.

With regard to climate control, questions have been raised about the further elaboration of the requirement in Article 5.14(6), that there must be sufficient sensors in a physical repository to enable careful measurement of the climate in which the documents are stored and to include the measurement interval as a requirement in this Regulation. The National Archives has drawn up guidelines for climate control. The number of sensors, the placement and the measurement interval have been worked out. This is now referred to in the article-by-article explanatory memorandum.

During the consultation, it was noted that there are photographs in existing physical files. Due to the requirement to store certain processes, including colouring processes, under cooler and drier conditions, these should be stored separately. It has been indicated that this would lead to a large implementation burden and could be undesirable, because the context of the photo would not be immediately visible and the file would no longer be complete. In view of the implementation burden, both in terms of management and availability, and in order to preserve context, a third paragraph has therefore been added to Article 5.17, stipulating that the obligation to store certain processes separately does not apply to limited numbers of processes that occur in existing files.

Finally, a new Article 5.2 has been inserted providing for transitional law. Buildings and furnishings, such as pipes, climate control installations and scaffolding, have a long service life. In addition, modifications to buildings and layout have a major impact. It is desirable to provide for transitional regulations again for existing repositories that comply with the requirements of the previous regulation or that were subject to the transitional law of the previous regulation. Therefore, this Regulation provides for a possibility to obtain an exemption for one or more articles from this chapter.

Chapter 6: Requirements on packaging materials

From the point of view of the contribution, many questions have been raised in particular about Article 6.7(2), which concerns the replacement of existing physical documents that are stored permanently and are not resistant to ageing or that emit harmful emissions. The intent of the article is understood, but the requirement to replace it with a durable digital file format and

inclusion in a durable digital system is considered too restrictive. Speakers point out that replacement with an analogue copy is a valid preservation strategy that is easier to implement. The article has been amended accordingly, giving it more the character of a best-efforts obligation and removing the obligation to replace these documents with a durable digital document and to store them in a durable digital system.

In addition, a number of editorial changes have been proposed, which have been incorporated.

Chapter 7 Notification obligation

During the consultation, questions were raised about the consistency between the obligation to report data breaches under the GDPR and the reporting of incidents under the Archives Act. As a result of these questions, the relationship between these reporting obligations has been explained in more detail.

Advice from the National Archivist

The General National Archivist issued an opinion on 15 July 2024 on the Archive Decree and the Archives Regulation. In the case of the Archives Regulation, the General National Archivist has made three recommendations that are discussed below.

Future-proofing regulations

In its opinion, the ARA points to the importance of future-proofing legislation. The management of digital documents in particular is subject to change, which means that regulations can be particularly susceptible to obsolescence. The ARA therefore emphasises the importance of leaving scope for new technologies and what these mean for implementation, and recommends reviewing the concepts of 'document', 'file' and 'information', particularly in relation to the articles on overview, organisation and metadata. These articles have been reviewed. Every effort has been made to align with the concept of 'document', as this is a guiding concept in the Act. In certain places, the terms 'file' or 'information' are used where this is technically different or in line with the general understanding of the term. As regards metadata, but also, for example, unmodified and undamaged storage, the Regulation and explanations have been revised to leave more scope for different levels at which data should be recorded.

Concepts of authenticity and integrity

The ARA recommends defining the concepts of authenticity and integrity and clarifying the relationship between these concepts and the DUTO characteristics. This recommendation has not been adopted. The concepts of authenticity and integrity do not appear in the articles of this Regulation and there is therefore no basis for including them as a concept in chapter one of this Regulation. The connection between the concept of sustainable accessibility and the DUTO framework is discussed in the explanatory memorandum to the Archives Decree.

Regulatory management

The ARA stresses the importance of active regulatory management to enable the management of government documents according to the latest insights. In doing so, it refers to the evaluation tools and the regulatory authority provided for in the Act. The government recognises the importance of active regulatory management. That is why this Regulation stipulates from the outset that, in addition to the moments when the Act is evaluated, the effectiveness and effects of this Regulation in practice will be evaluated every five years.

Transitional legal provisions and entry into force

This Regulation entered into force at the same time as the Act and the Decree. Exceptions to this are the following articles.

Firstly, Article 2.12 on metadata for documents to be transferred. This Article provides for transitional rights for the allocation of such metadata. This Regulation stipulates that specific metadata must be added to documents in connection with the disclosure of documents. In order to give organisations the opportunity to meet these requirements, a transitional period of ten years has been chosen. The transitional period chosen is consistent with the shortening of the transfer

period and the fact that it is not introduced retroactively. In practice, this means that this requirement applies to documents to be transferred that are drawn up or received from the time the Act enters into force.

Secondly, Articles 3.2 and 3.3, which concern the migration plan and the migration declaration, will enter into force two years after the date of entry into force of this Regulation. This was chosen primarily because of migration processes already underway. The aim is to give organisations the opportunity to complete these trajectories before they have to comply with the requirements laid down in this Regulation. Secondly, a deferred entry into force was chosen in order to give the responsible government bodies the opportunity to prepare themselves organisationally for the change.

Finally, it is stipulated that exemptions granted under Article 57 of the previous Archives Regulation will apply as from the entry into force of this Regulation as exemptions under Article 5.2 of this Archives Regulation. The aim is to reduce the regulatory burden and facilitate implementation by preventing responsible government bodies that had already been granted an exemption from having to reapply for it under this Regulation. See also the article-by-article explanatory memorandum to Article 8.2.

Explanatory notes by article

Chapter 1. General

Article 1.1 Definitions

This article contains terms that are used in this Regulation. The terms contained in Article 1.1 of the Act and Article 1.1 of the Decree are fully applicable to this Regulation.

Article 1.2 Equivalence of technical requirements and private standards

With regard to the application of NEN standards, the first paragraph of this article contains an equality provision which stipulates that the technical requirements specified in this Regulation are equivalent to the requirements imposed in another Member State of the European Union or in a state that is party to the Agreement on the European Economic Area, provided that those requirements guarantee at least an equivalent product or process quality.

This Regulation contains static references to different NEN, DIN and ISO standards. These standards are always under development and are periodically reviewed. By applying the second paragraph of this assimilation provision, these references have a dynamic effect. The inclusion of the static reference means that the specified standard must be complied with. The dynamic effect means that if a newer version of the same standard has been adopted, it will be set equal to the old standard and this will give scope to comply with the new version of the standard. This provision has been included in order to ensure the enforceability of the requirements with regard to the standards. In the periodic evaluations of this Regulation, attention will always be paid to the manner of reference to the standards, the applicability of the standards or revisions thereof.

Article 1.3 Equivalence provision

This equivalence provision allows for compliance with the requirements for documents in a manner other than through the standards explicitly included in this Regulation, provided that at least the same level of quality is achieved as when the prescribed standards are followed. The standards prescribed in this Regulation serve as a reference that the stipulated requirement has been met.

Chapter 2. Sustainable accessibility

Section 2.1 General requirements for sustainable accessibility

Article 2.1 Storage and processing within the European Union

Archives are stored and managed within the borders of the European Union or in countries within the European Economic Area (Norway, Liechtenstein and Iceland). This limitation is in line with the GDPR, which is applicable in the European Union. Organisations may deviate from this due to their task under international treaties. The European Commission has thus far taken an adequacy decision for a number of countries, among others, and determined that these countries provide the same adequate protection as countries within the European Union under the GDPR. The storage and processing of documents may therefore also take place in these countries on the basis of Article 2.1.

Article 2.2 Organisation

The first paragraph of this article provides that the responsible government body shall have at least one organisational structure that is in any case consistent with the duties and work processes of the responsible government body. The paragraph relates, on the one hand, to the organisation of documents (categories) and, on the other hand, to the organisation of the overview. An organisational structure is well thought out and given a formal status by adoption. In addition, the organisation needs to be worked out. This means that the metadata on which the organisational structure is based is described.

The second paragraph of the article stipulates that an organisational structure contains values that indicate the logical location of documents within the organisational structure. This refers to the *logical* place in the organisation, not the physical place in the organisation. Furthermore, the location in the organisational structure is not the same as the location where the item was found.

The location is included in the overview of information management, referred to in Article 2.3. Moreover, it concerns the structural organisation which the responsible government body maintains, not ad hoc means of organising, for example, search results.

The third paragraph provides that the relationship between the organisation and the documents shall be recorded. In any case, the relationship between documents and the organisational structure, based on tasks, must be recorded. In addition, the relationship with the other organisational structures is set out. This second structure will generally not apply to all documents.

Article 2.3 Overview of information management

The purpose of the overview of information management is to clarify which categories of documents are drawn up and within which process they are stored. This requires an overview in which the tasks and work processes and the associated (categories of) documents are included. It is not necessary to include every individually formatted document in the overview. The article provides scope to define this at a higher level of aggregation. The article also offers the scope to create an overview based on an automated process. The overview therefore does not need to be physically available at all times. In this case, however, the responsible government body must be able to create the overview directly (e.g. by a printout from the computer) at any time.

Part (a) of this article establishes the principle of archives as process-related information. This process requirement should be interpreted in a broad sense. Documents are linked to a process when they are received, created or consulted in the context of a task or work process. This means that documents can be part of different processes, whether or not at the same time.

Part (b) of this article provides that a description of the applications and other technical and organisational systems used in the preparation and receipt of documents is to be made for each organisational unit. This enables the responsibility for the documents to be followed as part of the information management of the responsible government body.

Part (c) of this Article provides that an overview shall contain a description of the location of documents and their consistency. Documents in digital form shall have a logical and physical location. For physical documents, the logical and physical locations usually coincide. Both locations are included in the overview. The logical location is a file system or database in which documents are included. For example, a mid-office application or case system containing an application or a database containing data from an investigation. The physical location is the storage location where the document is actually stored. For paper, this is the address of the storage location. This is different for documents in digital form, as they are often stored dynamically, meaning that a document is not always stored on a single fixed server. Furthermore, data centres are often duplicated at separate locations. In the case of documents in digital form, the overview should only record whether the storage takes place inside or outside of the European Union. The exact locations can then be requested from the supplier if necessary. For documents in digital form, the maintenance of the physical location is important in the context of document security and the processing of personal data, which must take place on the territory of the European Union.

Responsible government bodies may have multiple organisational structures at their disposal. In those cases, it is desirable that these be described in the information management overview. It is also necessary, in accordance with part (d), to determine how these structures are applied and how they interact with each other.

Article 2.4 Reproductions and exports

This Article further elaborates the availability from Article 2.1 of the Decree. Reproduction means that the document is visible and readable for every user without any barriers or obstacles. A user can be both a human or a machine. Technically, this means that a user should not need any additional items or programmes to be able to consult the document, or if this is the case, these must be supplied for consultation. An example includes a specialised database environment. In this case, the information should be converted into a more accessible environment or a viewer should be made available to the user. Services relating to access to archives for users with disabilities fall outside the scope of the Act and therefore also outside the scope of this Regulation.

Article 2.4 specifies what should be available on request. 'On request' refers to the fact that the responsible government body does not need to have the aforementioned reproductions or exports available at all times, but must be able to produce them when requested to do so by a user, whether human or machine. Part (a) requires that a document must be reproduced or exported with the correct and complete representation of the content and metadata. An accurate and complete reproduction means that the content when consulting the document is the same as the content of the document at the time it was received and created.

For documents containing personal data or confidential information, as well as documents that have been made publicly available on a restricted basis after transfer, part (b) stipulates that it must be possible to reproduce and export parts of the document. Here, the parts of the document to which access is not permitted shall be removed, or not reproduced.

Article 2.5 General metadata

For the adoption of metadata schemes, the first paragraph refers to the NEN-ISO standard 23081-1:2017, which sets out the principles for metadata. A NEN-ISO standard for metadata was included in the previous Archives Regulation (NEN-ISO-23081:2006). Through the introduction of this standard, guidelines and standardised metadata profiles have been developed.

The second paragraph contains a list of metadata that must be recorded in accordance with the metadata schema. It is up to the responsible government body to determine at what level which metadata should be recorded for a particular document. This may therefore be at document level or at any other level of aggregation and may also be recorded in an external registration.

Part (a) of the second paragraph refers to the content. The content of a document is what the document is about, what is the subject matter or what is expressed in it.

Part (b) of the second paragraph stipulates that the structure of a document must be recorded as metadata. In this paragraph, structure refers to the logical relationship between the elements of a document or part of an archive and, on the other hand, the physical or technical structure.

Part (c) of the second paragraph relates to the definition of the appearance of a document as metadata. Appearance refers to the form in which the document presents itself to the user. Examples include: data files, websites, text messages, emails, diaries, reports, decrees, orders, etc. An appearance is relevant when it contributes to understanding the content of the document, what status a document has, what role it has played in the process.

Part (d) of the second paragraph stipulates that the file format of documents must be recorded as metadata at the document level. This is the file format in which the document was received or created. In order to read out a document containing software, it is necessary to know in which file format it is stored. The extension name is a way of indicating the file format. However, a document does not always have representation. In those cases, it is not necessary to capture the file format, because the document is not represented by a file.

Part (e) of the second paragraph concerns the recording of metadata relating to the level of uniqueness. For an explanation of the unique identifier, see the general part of the explanatory memorandum.

Part (f) of the second paragraph provides that it is to be recorded as metadata when, by whom and by virtue of which task the document was drawn up and received by the responsible government body. As already explained in the general section, these context data are important for understanding the documents and their importance in the context of the Act. The context in this paragraph focuses on the task or work process in which the document has played a role on the one hand and on the players on the other. Players must be defined at a level appropriate to the interest of the Act that a document fulfils. A document can fulfil a role in multiple tasks at the same time or in a sequence. In this case, the metadata must be defined for each task.

Part (g) of the second paragraph refers to metadata relating to the consistency of the document with other documents drawn up and received by the responsible government body and their nature.

The connection can be both physical and virtual. Documents are, for example, physically in the same folder or are part of the same case. The connection may be recorded in a file or case number, client number, location or object identification (or classification code). There may be different levels of aggregation, for example case, file, series, sub-archive.

Part (h) requires metadata to be recorded regarding the location of the documents in the organisational structure. This is in line with the requirement set out in Article 2.3(2) of this Regulation. See also the article-by-article explanatory memorandum for that article.

Part (i) of the second paragraph provides that metadata must be recorded in relation to the management activities carried out in relation to the document. Management activities referred to in this paragraph are management activities within the meaning of the Act, namely migration, replacement, disposal, destruction and transfer.

Pursuant to part (j) of the second paragraph, the responsible government body shall record metadata on the category to be applied from the selection decision. This links the document to the basis of the selection decision by means of metadata. This part is also in line with part (k) of the second paragraph.

Part (k) of the second paragraph stipulates that metadata must be recorded with regard to the retention period. This refers to: the retention period, as set out in the selection decision.

Article 2.6 Electronic signatures

Article 2.6 concerns the recording of metadata relating to the electronic signature, in so far as it has been used. In line with the eIDAS Regulation, a distinction is made between three types of electronic signatures.¹⁸

When using any kind of electronic signature, the signatory is recorded. This refers to the natural person who creates the electronic signature. If an advanced electronic signature is used, the responsible government body shall also record data that can be used to prove that the document is linked to the signatory. This is in line with the requirements of Article 26 of the eIDAS Regulation. If a qualified electronic signature is used, it shall also record metadata on the identification of the qualified means and the qualified certificate of the electronic signature used. As was also the case under the Archives Act 1995 and the previous Archives Regulation, the signature itself does not need to be saved.

The signature, like the metadata described in Article 2.5, may also be recorded in an external registration.

Section 2.2 Additional requirements for long-term retention of documents in digital form

Article 2.7 Scope

Additional requirements apply to documents to be stored long-term in digital form, which are set out in Articles 2.8 to 2.11.

Article 2.8 Additional metadata

This Article sets out which metadata, in addition to what is provided for in Article 2.5 of the Regulation, are to be recorded for documents to be stored long-term in digital form. As with the metadata recorded pursuant to Article 2.5, it is for the responsible government body to determine at what level of aggregation metadata for a document should be recorded. The metadata may also be recorded in an external registration.

Part (a) refers to a description of at least the name and version of the hardware, operating software and application software used. The term 'hardware' refers to tangible computer or peripheral equipment, such as servers, PCs or laptops, cameras, measuring equipment or scanners. 'Operating

¹⁸ Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (*PbEU* 2014, L 257).

software' is used to refer to the software that controls the hardware after the start-up of the device. Examples of this are operating systems for computers and telephones. 'Application software' refers to the software intended for the end user, such as text processors, email programs, (internet) browsers, modelling software and database management systems.

Part (b) also stipulates that the results of the integrity checks carried out must be reported. Which metadata should be recorded depends on the technique used. Part (b) stipulates that explicit consideration must be given to the possibility of using multiple techniques in parallel to perform integrity checks, depending on the type of documents. See also the article-by-article section of the explanatory memorandum to Article 2.11.

Finally, pursuant to part (c), a permanent unique identifier must be assigned. This requirement is stricter than the general requirement set out in Article 2.5(2)(e). For a more detailed explanation, see Section 2.2.3 of the General Part of this explanatory memorandum.

Article 2.9 Sustainable file formats

The first paragraph of this article provides that documents shall be stored in a sustainable file format as early as possible in the process. This is an identifiable, validatable, documented, widely used, well-supported and preferably open file format.

The second paragraph of this article is a continuation of the standard set out in Article 26(3) of the previous Archives Regulation. This underscores that the use of compression techniques by responsible public bodies is only permitted to the extent that this does not result in a loss of information in such a way that the requirements set out in this Regulation with regard to the accessible and ordered state of digital archival documents can no longer be met.

Article 2.10 Unmodified and undamaged storage

Bit preservation refers to the work required to keep documents unchanged and undamaged. This contributes to the technical integrity and reliability of the documents. Responsible government bodies are obliged to take appropriate measures to this end.

Article 2.11 Special preservation measures for sustainable accessibility

It is important to determine which preservation operations, other than migration, conversion or emulation, have been chosen and how they comply with the substantive requirements set out in chapter 2 of this Regulation. For further explanation, see also the general part of this explanatory memorandum.

Section 2.3. Additional requirements for documents to be transferred

Article 2.12 Metadata for documents to be transferred

The responsible government body must, under the Act, grant access to or provide information on transferred documents, unless the grounds for restriction set out in Article 7.2 of the Act preclude this. In connection with these actions, it is important to record additional metadata relating to the documents to be transferred, in addition to the provisions of Article 2.6 of this Regulation. This concerns four types of metadata that are important for determining the status of a document and for enabling the responsible government body, in the case of restricted public documents, to determine whether and, if so, to what extent it can comply with a request for access or provide information in another form as referred to in Article 8.4 of the Act. This metadata shall be recorded by the responsible government body at the latest upon transfer. This may also be done by means of an external registration.

Article 2.13 Decryption of documents to be transferred

Documents may be protected against unauthorised access by means of encryption. Keys and additional software are needed to make documents readable and accessible again. After transfer, documents are, in principle, public. Encryption is not appropriate in this case. Documents must therefore be decrypted upon transfer.

Chapter 3. Replacement and migration

Article 3.1 Requirements for process description replacement

Article 3.1 contains minimum requirements with which a process description for replacement as referred to in Article 2.4(2) of the Decree must comply. For example, a process description for replacement, based on part (a), must contain a description of the documents to which the process description relates. Documents can be described at a higher level of aggregation, for example by category.

Part (b) stipulates that a process description must also contain a description of the content, structure and form of the documents to which the process description relates. Structure is defined in definitions from Article 1.1 of this Regulation. For the meaning of the content and form, please refer to the explanatory memorandum to Article 2.6 of this Regulation.

The process description for replacement shall, pursuant to part (c), justify the grounds on which the replacement is based. The grounds for replacement focus on the manner in which the legal interests referred to in Article 1.3 of the Act have been taken into account. A special mention must be made of the heritage value. Part (d) therefore stipulates that the process description must describe the cases in which the archivist must be consulted prior to the replacement of physical documents that are to be stored permanently. The process description shall also indicate how the consultation is carried out and where the results of the consultation are recorded. Advice from the archivist beforehand prevents paper documents with heritage value, such as old maps, from being destroyed after they have been replaced by digital copies.

Pursuant to part (e), the process description describes the cases where documents are digitalised but do not need to be replaced. This concerns, for example, documents for which it is practically necessary to digitalise them, but for which the physical original must also be stored.

Part (f) stipulates that the process description for replacement shall also include a description of the technical infrastructure. It contains, for example, a description of the scanning equipment used and of the systems in which the scans are managed.

Part (g) provides that the process organisation is to be described in the process description. This includes, for example, a description of the scanning process and the metadata that are being registered. With regard to metadata, the responsible government body must comply with the requirements set out in Articles 2.6, (where applicable) 2.8, and 2.12 of this Regulation.

The documents in digital form shall have the status of original after being replaced. The quality of the scans is therefore extremely important. For that reason, part (h) requires that the process description for replacement contains a description of the quality procedures. This description may include, for example, a description of the risks, controls and audits. Questions such as, 'What risks lead to documents not being scanned or not being scanned properly, and what measures are being taken to address this?' 'What checks are carried out to guarantee the quality of the scans?' and 'How are periodic checks carried out to ensure that the replacement process is being carried out correctly?' can serve as guidelines.

After replacement, the original documents are to be destroyed. Part (i) provides that the process description describes the manner in which destruction of the documents takes place. The method of destruction must comply with the requirements of Article 5.3 of the Act, Article 4.1 of the Decree and Articles 4.1 and 4.2 of this Regulation.

The information system is evolving. In order to ensure that the replacement process remains in line with organisation and technological developments, it should be periodically reviewed and, if necessary, adapted. In order to ensure the effectiveness of the review, part (j) provides that the process description shall set out the manner in which this review takes place.

Part (k) stipulates that the process description contains a description of image quality and meta-dating, with which the replacement documents must at least comply when replaced in order to prevent loss of information when replacing documents (e.g. by scanning them) and thus ensure the sustainable accessibility of the documents in question. The fact that the replacement document is considered to be the original after replacement means that the image quality must be such that a replacement document is just as legible as the original.

Article 3.2 Requirements for the migration plan

In order to avoid a loss of information, a migration plan must in any case include a description of how the sustainable accessibility of the relevant documents is ensured as well as a description of how the retention periods set out in the selection decision are ensured. The last part relates to the systems from and to which the documents have been migrated. In this context, 'systems' should be understood as 'one or more systems'. The definition of 'system' is consistent with the definition in Article 4.2 of this Regulation.

Article 3.3 Requirements for migration declaration

This article contains three requirements that a migration statement must meet in order to ensure long-term accessibility. The migration declaration is an official report that is drawn up ex officio. A migration declaration is therefore not a decision within the meaning of the General Administrative Law Act. This is because it is not intended to have any legal effect.

Chapter 4. Destruction

Article 4.1 Requirements for the description of the destruction process

This Article lays down a number of requirements for the process description of destruction. Pursuant to part (a), a process description must include a description of the relationship with the information management overview, the management choices made to ensure sustainable accessibility and the selection decisions. It is important to make it clear which documents should and should not be destroyed by the responsible government body.

The responsible government body must draw up a policy for the various methods of destruction. Part (b) requires that a description of this policy and its intended effect be included in the process description. This can also describe, for example, the policy regarding the preparation of a risk analysis and cross-system destruction.

On the basis of part (c), a division of roles and responsibilities is included in the process description. This breakdown may be general or detailed, as long as the description shows how the responsible government body has organised the destruction process.

Finally, part (d) stipulates that the process description must include a description of how the responsible government body determines that documents have been destroyed. This concerns a best efforts obligation for the responsible government body. The responsible government body is expected to make every effort that can reasonably be expected of it to ensure that the documents to be destroyed have actually been destroyed. It is important here that the way in which the confirmation of destruction takes place is also made clear in the process description.

Article 4.2 Requirements for a declaration of destruction

A declaration of destruction shall be issued ex officio by the responsible government body which carries out the destruction. It therefore serves as an official report. A declaration of destruction is therefore not a decision within the meaning of the General Administrative Law Act.

Part (a) stipulates that a declaration of destruction shall contain a description of the documents destroyed. This description may take place at an aggregation level other than the document level. The chosen level of aggregation must, however, be appropriate for the type of documents being destroyed. For the methodology, reference can be made to the process description. On its own, it is possible to draw up a statement at a higher level of aggregation, indicating the work process and the period involved. In addition, a responsible government body may temporarily retain a more specific statement or transfer it to the archive service for permanent retention with a restriction on public access, for example in connection with personal data.

It may be that digital versions of a document are still stored in one or more task-specific applications. It is important that sufficient assurance is provided that a document will be destroyed in all systems in which it is stored. Therefore, part (b) requires the declaration to mention the system in which the documents have been destroyed in the declaration. The term 'system' here refers to an application in which documents are stored in digital form. Of course, there may also be several systems, all of which must be mentioned in the declaration, provided that the documents therein have actually been destroyed.

Furthermore, the declaration pursuant to part (c) contains the articles of the selection decision on the basis of which the documents were destroyed. This is to make the link with the selection decision conscious and explicit.

Pursuant to part (d) of this article, the declaration of destruction must state the manner in which the process, as described pursuant to Article 4.2 of this Regulation, has been carried out.

Chapter 5. Building requirements and storage conditions for permanent storage of physical documents

Section 5.1 General requirements for buildings

Article 5.1 Requirements for repositories

This Article provides for a general possibility of de-application of the requirements in Chapter 5. This provision is intended to leave room for innovative solutions, which offer the same level of protection as the requirements in Chapter 5, in the case of a construction or renovation of the repository. In that case, the relevant provisions of Chapter 5 may be disregarded. Without prejudice to any linguistic modernisation, this article has remained the same in terms of content as in the previous Archives Regulation.

For the sake of completeness, it is noted that the building of which the repository is part must also comply with the Decree on Construction Works in the Living Environment (BBL). Insofar as similar requirements apply under the Decree on Construction Works in the Living Environment and this Regulation, the most stringent requirement prevails.

Article 5.2 Exemptions

This article constitutes a continuation of Article 57 of the previous Archives Regulation. Pursuant to this article, the Minister of Education, Culture and Science may grant an exemption if the repository is already built or installed and compliance with the requirements of chapter 5 of this Regulation cannot reasonably be required of the responsible government body for the repository in question. This may be the case, for example, when complete new construction, major renovation or relocation is required or the building was adapted shortly before this Regulation so that it complied with the previous regulation. When granting an exemption, the Minister may stipulate that the exemption will only be granted for a certain period of time or may attach other conditions to the exemption. This could include the real and concrete prospect of a repository meeting the requirements.

Article 5.3 Location of repositories

For each repository, the choice of location determines to a significant extent the risks to which the documents may be exposed. When determining a location for the repository, the applicable risks must be identified. Pursuant to the first paragraph, the responsible government body has a duty to minimise the aforementioned risks as much as possible when determining the location and construction method of a repository. In addition, the second paragraph stipulates that the responsible government body is obliged to take measures to minimise the aforementioned risks when managing a repository. After a repository has been constructed and taken into management, risks may change over time, for example as a result of climate change or alterations to the building. Therefore, the third paragraph stipulates that the risks and the management measures taken must be periodically reviewed and, if necessary, adjusted in an up-to-date management and emergency plan.

Article 5.4 Fire safety

Taking into account, inter alia, the documents, the responsible government body must choose the most appropriate means and facilities to minimise the harmful effects of the extinguishing agent on the documents present.

Article 5.5 Preventing and delaying fires

Pursuant to the first paragraph of this article, no unnecessary materials or equipment that could pose a fire hazard or contribute to the spread of fire may be stored in a repository. This includes, for

example, computers or laptops, stocks of office supplies, or other materials that are not necessary for the management and preservation of documents.

In the event of a fire, it is also important that the materials used in the partitions, furniture and equipment at least slow down the progress of the fire. To this end, a number of minimum requirements are laid down in the second and third paragraphs.

Wherever the fire resistance of partitions is affected by openings made necessary therein, fire protection flaps may prevent the direct transfer of fire to an adjacent space. In this way, (fire) compartmentalisation remains in place. The fourth paragraph therefore contains an obligation to equip ventilation and air treatment ducts in partitions with proper fire dampers.

Only when closed does a fire-resistant door have its fire and smoke-resistant effect. Pursuant to the fifth paragraph, a mechanism must be installed on the fire-resistant door so that the door is automatically closed.

Finally, the sixth paragraph stipulates that a storage facility must be equipped with smoke detectors that comply with the prescribed NEN standards for operation and management. Smoke detectors shall ensure that a fire is detected at an early stage. Automatic reporting to the fire brigade and frequent automatic testing of the signal of notification shall ensure a timely detection of the fire by the fire brigade. It can then be on site as soon as possible to extinguish the fire.

Article 5.6 Fire extinguishing equipment

The first and second paragraphs of this article contain a number of conditions that the responsible government bodies must observe when using sprinkler systems. When using a sprinkler system, in order to prevent the fire from propagating rapidly in height, it is important that it is applied at all levels of the repository. Sprinklers must therefore be installed not only at the ceiling, but also (in the longitudinal direction) in the positions. This makes it possible to fight the fire locally. A fully automatic sprinkler system is a fixed system that is connected to a permanently pressurised fixed water pipe filled with water and enters into operation if the temperature on site exceeds a certain value. This means that a dry line or water tank is not allowed. Each individual sprinkler head only activates when the thermal element in the head melts. To limit damage to documents caused by extinguishing agents, it is preferable to use sprinkler heads that close automatically when the ambient temperature has dropped sufficiently. For this reason, the second paragraph stipulates that sprinkler systems with open sprinkler heads are not permitted.

In addition to a sprinkler system, portable fire extinguishers are an effective way to extinguish incipient fires. In order to be able to extinguish an incipient fire, it is also necessary to have an extinguishing agent available as soon as possible. The third paragraph therefore contains two requirements which must be complied with when fire extinguishers are placed in a repository. For example, portable extinguishers must be visibly marked so that they are easy to find. The extinguishers must be located in the repository at a maximum of 30 metres walking distance from each other. This ensures that the distance is not too long if multiple extinguishers are required.

To ensure that these fire extinguishers can be used, the fourth paragraph of this article contains an obligation for the responsible government body to check and maintain all portable fire extinguishers in the repository in accordance with the prescribed NEN standard.

There is a risk of leaks with fire hose reels. For this reason, the fifth paragraph stipulates that fire hose reels must be located just outside the repository. It is necessary for a reel to be placed near the door of the repository so that it can also be used in the repository. It is necessary that the fire hose reel is firmly connected to the water pipe, so that it can be used at any time.

The sixth paragraph stipulates that the presence or use of a powder extinguisher in or near the repository is not permitted. Powder extinguishers are unsuitable for use in a repository due to their harmful effect on documents and the environment.

Finally, the seventh paragraph states that responsible government bodies must take into account the harmful impact on the documents present in the relevant repository when choosing extinguishing agents and must choose the extinguishing agent that would cause as little damage as possible to the documents present when used. This means that for certain documents, it is better to

choose a foam extinguisher, and for other documents, a reel would cause less damage to the documents present in the repository.

Article 5.7 Water detector

Water detectors are necessary to prevent damage to documents due to penetrating water or leakage of extinguishing agents. An automatic notification is necessary so that action can be taken as quickly as possible in the event of a flood. Notifications can be forwarded in various ways, for example to the building management system, the security system or the installation management system.

Article 5.8 Construction of cables, pipes or ducts

Installing cables, pipes or ducts is the best solution because this method of construction causes minimal damage to the documents due to the visibility and accessibility of the penetrations. For this reason, the first paragraph stipulates that this is the only permitted form of cables, pipes or ducts in a repository.

Pursuant to the second paragraph, only cables, ducts and pipes (penetrations) that are necessary for the compartment in question are permitted in a repository. Penetrations that are necessary for other purposes or other compartments may therefore not run through a compartment of a repository if they are not necessary for that compartment. This is because penetrations affect the fire resistance of the partitions and can lead to damage to documents due to leakage or the ingress of micro-organisms. In addition, the openings for penetrations or the penetrations themselves also pose a risk to climate control, the ingress of micro-organisms, and so on.

Article 5.9 Structural requirements

The Dutch Code of Good Practice (NPR) 9998:2020 nl contains various regulations for load and (seismic) resistance that are also related to consequence classes. For repositories, the heaviest consequence class is required due to the total weight of the documents. For this reason, the first paragraph stipulates that the main supporting structure and the internal and external partitions must comply with this class. The 'extraordinary loads' mentioned in the text can be understood as earthquakes and subsidence of the subsoil causing similar effects.

The second paragraph contains two requirements with which the partitions must comply.

Pursuant to the third paragraph, the maximum weight of the equipment and documents in a repository must be included in the calculation of the floor load. For the calculation of the floor load can be based on 10 kN/m² or more than 1019 kg/m² with seven layers (shelves) in a rack and then 2kN/m² extra for each additional layer that the construction must be able to bear. In view of possible emergency situations, it is also advisable to base the calculation on a doubling of the total weight of the documents. Documents become heavier when they get wet, for example due to water used while firefighting or due to flooding.

The fourth paragraph provides that windows in a repository are not permitted because they affect the requirement to achieve fire resistance for 60 minutes. This prohibition also indirectly follows from Article 5.5(3) of this Regulation. This is important in order to allow sufficient time to detect, report and combat the fire in order to safeguard the documents in the repository.

Article 5.10 Security measures

The first paragraph stipulates that the responsible government body must take effective measures to prevent and deter unauthorised access to the repository. This could include, for example, organisational measures to prevent unauthorised employees from having access to the repository. These measures are important for protecting personal data that may be contained in the archives and for preventing damage to the archives or the removal of documents.

The material requirements for hinges and locks of external partitions and façade elements from the second and third paragraphs have not changed compared to Article 46 of the previous Archives Regulation. Only the references to the relevant NEN standards have been updated.

Section 5.2 Requirements for storage conditions

Article 5.11 General rules for repositories

This article describes general regulations regarding repositories. As stipulated in the first paragraph, the repository may only be used as a storage facility for documents. This includes data carriers and the materials referred to in Article 5.12 of this Regulation.

The second paragraph further stipulates that physical documents must be stored in designated racks and cabinets. When these are full, new shelving or cabinets must be added so that this storage requirement can be met.

It is important that no (permanent) workstations are set up in the repository. As stipulated in the third paragraph, only facilities that can be used for short-term consultation of documents may be present. This could include a table and a chair for (short-term) consultation.

Light can damage the quality of documents. Unnecessary light or lighting is therefore not permitted, pursuant to the fourth paragraph. Therefore, if there are no people in the repository, the light should be switched off in order to maintain the quality of the documents.

Article 5.12 Materials, equipment and substances in the repository

For the management, preservation and use of documents, substances, materials and devices are required in the repository. These include smoke detectors, extinguishing materials, folders, enclosures, boxes, fixtures, lighting and the like. These materials and devices are permitted in the repository, but must comply with the conditions set out in the first paragraph.

When choosing these materials, it is important that they do not cause damage to the documents. The second and third paragraphs therefore determine how to deal with materials or substances from which electromagnetic radiation or harmful gases may be released.

For certain categories of materials, specific standards are prescribed in Chapters 5 and 6 of this Regulation. For other materials, the basic standards in this article apply.

Article 5.13 Air circulation and installation of racks and cabinets

This article describes how the shelving, racks and cabinets for archives are placed in the repository. This provides clarity for implementation and facilitates monitoring of placement. Pursuant to the first paragraph, the responsible government body is obliged to ensure sufficient air circulation in the repository to prevent local climate deviations. Insufficient air circulation may cause the relative humidity in certain areas of the repository to deviate from the overall climate. This may increase the risk of mould growth or other pests. This can be prevented by placing shelves, racks and cabinets for archives at a sufficient distance from each other, walls, partitions, structures and ceilings, and by ensuring adequate air circulation.

Article 5.14 Climate control in physical repositories

This article contains requirements for climate control in a physical repository. Dust, fine dust and mould spores can affect the integrity of documents. For this reason, it is important to ensure that dust, fine particles and mould spores are kept out of the repository. It is therefore important that the repository provides adequate air purification by means of recirculation and purification. This is because recirculation causes movement in the air, which has a fungicidal effect. For this reason, the first paragraph stipulates that the air must be purified and recirculated at least once a day.

The second paragraph contains two requirements with which the climate of a repository must comply. For example, the relative air humidity for documents should be between 35 and 60 % RH. For documents made of parchment and leather, a lower limit of 35% relative humidity is maintained in practice. Because documents of different materials are stored in the repository, this is generally held as a lower limit. In addition, the permitted air temperature is limited to a minimum of 13 °C and a maximum of 22 °C. The upper limits for temperature and relative humidity are mainly determined by the risk of biological damage, in the form of mould and pests, and chemical degradation, in the form of acidification, discolouration and the increasing brittleness of documents.

The relative air humidity and the temperature within a repository inevitably vary somewhat. However, frequent fluctuations can lead to accelerated degradation. For this reason, the third to fifth paragraphs of this article set out limits for the range within which the climate inside the repository may fluctuate.

In order to comply with the requirements set out in the first to fifth paragraphs of this article, it is important that physical repositories have sufficient sensors to monitor the climate. This is therefore set out in the sixth paragraph. For a more detailed definition of the term 'sufficient sensors', reference is made to the manual on the preservation and management of physical archives, climate control module of the NA.¹⁹ It is important to measure the temperature and relative humidity near the documents, because these are by definition not the same everywhere in a room.

The seventh paragraph contains two requirements regarding a climate assessment protocol and a logbook containing all measurements taken by the measuring instruments installed. The climate assessment protocol clearly describes how the indoor climate is monitored. This may include, among other things, the positions, the measurement interval and the accuracy of the equipment. It also includes how the resulting data are used and what feedback and adjustments are made to ensure that the indoor climate meets the requirements. It is important for the responsible government body to keep a digital or physical logbook containing all measurements taken by the measuring instruments in the repository, so that it is easy to check whether the requirements of the article are being met.

Article 5.15 Repository hygiene

Article 5.15 stipulates that the responsible government body must have an up-to-date protocol for repository hygiene. When drawing up this protocol, the specific requirements of the documents present in the relevant repository are paramount. An annual evaluation of the protocol ensures that it is monitored whether the measures and policies are still appropriate for the documents in question. Nevertheless, each repository hygiene protocol must contain at least a cleaning protocol and a protocol for pest and fungal control.

Section 5.3 Additional requirements in the case of transferred documents to be stored permanently

Article 5.16 Additional requirements for buildings

In addition to the requirements imposed on all repositories, this article sets a number of additional and deviating requirements for buildings in which transferred permanently stored documents are stored.

Part (a) stipulates that, with regard to the fire propagation contribution of internal and external partitions, class A1 of the prescribed standard must be met as a minimum. The fire propagation requirement has been increased to class A1 in respect of class A2 for repositories where documents to be stored permanently are kept, as set out in Article 5.5(1) of the Regulation, because the nature of the documents included requires greater protection.

The standards and test methods used in the Netherlands for fire resistance of partitions and doors do not exceed 120 minutes. By virtue of part (b), this maximum requirement is applied to repositories where documents to be stored permanently are kept. It follows automatically that windows are also not permitted in such a repository. Windows compromise the 60-minute fire resistance requirement and therefore also compromise the more stringent 120-minute requirement.

To prevent smoke damage to documents, it is important to ensure that a repository where documents are stored permanently is resistant to smoke penetration. For this purpose, a resistance of R200 according to NEN 6075:2020 nl is prescribed in part (c).

¹⁹ 'Climate Control Module', *nationaalarchief.nl*.

For sprinklers in a repository where permanently stored documents are stored, part (d) prescribes a two-detector dependent system. This is referred to as a 'command system', consisting of smoke and temperature detectors, which prevents premature water release for fire extinguishing purposes. When smoke develops, the smoke detector emits a signal, after which water is released from the sprinkler at a temperature higher than 70 °C.

The accessibility of extinguishing devices in the event of an onset fire in the repository where documents to be stored permanently are stored must be optimised. For this reason, part (f) stipulates that portable fire extinguishers must be provided in the plus repository directly adjacent to the entrance door and at the greatest distance from that door. Pursuant to part (e), these extinguishers must comply with the requirements of Article 5.6(2) and (3).

In a repository where documents to be stored permanently are kept, it is necessary for people who are in the repository to be able to connect with people who are outside the repository. It may be that due to a calamity, network failure or network overload, no mobile phone traffic is possible. Therefore, under part (g), it is mandatory that there are means of communication in a repository to ensure that communication is possible even in such cases.

Article 5.17 Quarantine room

For transferred documents, the responsible state administration body is required to have a quarantine area. The term 'quarantine area' should be interpreted in a broad sense. This may also concern, for example, a cabinet that meets the requirements of Article 5.17. Documents that have not (yet) been checked for damage-causing factors such as pests, mould or dust upon arrival can be temporarily stored in this room. It should also be possible to quarantine documents already checked in case of suspicion of contamination. In addition, in order to prevent any contagion from spreading across the entire repository area, it is necessary that the quarantine area is located outside the repository and the quarantine area must have a separate air handling system.

Article 5.18 Specific requirements for climate control for processes

For certain processes, by way of derogation from the requirements set out in the second to fifth paragraphs of Article 5.14, specific requirements relating to climate control apply.

Part (a) of the first paragraph sets out a number of specific requirements for climate control in relation to colouring processes on glass, paper and polyester. This provision therefore applies to both prints and negatives. Part (b) of the first paragraph contains different requirements for relative humidity and temperature for processes on cellulose acetate media. These requirements with regard to temperature and relative air humidity ensure the right conditions to keep these materials sustainably accessible for a long term.

The second paragraph sets requirements for acclimatisation. This is a continuation of Article 54a of the previous Archives Regulation and aims to prevent condensation, because of the damage that this can cause to the documents.

The third paragraph stipulates that the requirements set out in the first and second paragraphs do not apply to small numbers of processes in existing dossiers. This concerns, for example, cases where incidental proceedings occur.

Chapter 6. Requirements for packaging materials and materials to be used for physical documents to be stored permanently

Section 6.1 Requirements for packaging materials for physical documents to be stored permanently

Article 6.1 General requirements for packaging

This article provides a general basis for the duty of care for responsible government bodies with regard to packaging. In this process, the packaging referred to in this article shall protect documents against injurious factors and shall not cause damage to the documents themselves.

Article 6.2 Enclosures

The content of this article is the same as Article 9 of the previous Archives Regulation.

For the sake of clarity, an editorial distinction has been made between enclosures and folders without fastening mechanisms on the one hand (paragraph 1) and enclosures and folders with fastening mechanisms on the other (paragraph 2). The ICN quality requirements mentioned are included in Appendix 2 to this Regulation.

Article 6.3 Archival boxes

This article is identical to Article 10 of the previous Archives Regulation. The substantive requirements set out in this article are still relevant and applicable.

Parts (a) of both paragraphs of this article contain specific quality requirements for cases where the edges of documents are covered by an enclosure and do not come into direct contact with the (inner) cardboard of the box.

Parts (b) of both paragraphs of this article refer to cases where documents come into direct contact with the (inner) cardboard of the archival boxes. In such contact, the cardboard must have essentially the same characteristics as document enclosures.

Article 6.4 Labels

This article is identical to Article 11 of the previous Archives Regulation. The substantive requirements set out in this article are still relevant and applicable.

The ICN quality requirement 15 referred to in the first paragraph contains, inter alia, standards for the paper quality of self-adhesive labels and for the adhesive strength of the adhesive applied to them.

With regard to the second paragraph, it should be noted that, pursuant to Article 6.8(1) of this Regulation, the paper used for non-self-adhesive labels must comply with the standards prescribed in that paragraph.

Article 6.5 Other packaging materials

This article contains a substantive update compared to Article 12 of the previous Archives Regulation. The general prohibition on harmful substances from the second paragraph (old) has been moved to Article 6.1 of this Regulation. The third paragraph (old) has also been removed because it refers to different types of film as material for newly created documents. These materials have fallen into such disuse that it is no longer necessary to impose requirements on their use.

The materials referred to in the first paragraph, under (a) to (d), are known to damage documents or promote their degradation if they come into direct contact with them. However, it is not possible to provide an exhaustive list of all harmful materials. Article 6.1 of this Regulation therefore stipulates that any other substance that may have such a harmful effect may not come into direct contact with the documents.

The second paragraph contains an exhaustive list of plastics that are permitted in materials that come into direct contact with documents.

Article 6.6 Prevention of reactions with other archival documents

This article is identical in substance to Article 13 of the previous Archives Regulation. Only the text of the provision has been updated.

Whereas Article 6.5 concerns the prevention of harmful effects of packaging materials, this article aims to protect documents from harmful chemical or physical reactions with other documents. In some cases, this requires separate packaging of the documents. This applies, for example, to photographs and light printing in mixed files.

Section 6.2 Requirements regarding materials to be used for physical documents

Article 6.7 General requirements for documents to be stored permanently

The first paragraph of this article contains requirements relating to new physical documents that are eligible for permanent preservation. These requirements are important to ensure the sustainable accessibility of these documents.

In order to ensure the sustainable accessibility of existing physical documents, the second paragraph requires that documents that are not resistant to ageing or that emit harmful emissions are replaced to the greatest extent possible. This paragraph provides scope for the responsible government body to make a risk-based assessment. However, the basic principle remains that the documents referred to in the paragraph must be replaced in a manner appropriate to the specific context of the case.

Article 6.8 Additional requirements for paper, inks, toners and writing materials

The first paragraph contains two standards for the paper to be used. The Dutch NEN standard 2728:2006+ C1:2011 nl for paper remains in force. Because less and less paper is being produced according to this standard, the NEN-EN-ISO standard 9706:1998 for paper is also permitted.

The second paragraph contains some requirements for inks, toners and writing materials that give direction to the prescribed open standard.

Pursuant to the third paragraph, documents may not contain materials that are or may be harmful to the paper or ink of the document.

Chapter 7. Obligation to report incidents

Article 7.1 Obligation to report incidents

Pursuant to the first paragraph, a responsible government body as referred to in Articles 2.1, 2.4 or 2.5 of the Act must report an incident within 72 hours of its discovery. This period commences at the time of discovery and is not bound by working or office hours. This means that the period must not or cannot be suspended as a result of, among other things, weekends or public holidays.

The second paragraph stipulates what information the notification must contain. The contact details of the responsible government body must include indicating a contact person with whom the Inspectorate can contact in relation to the specific notification.

The description of the incident referred to in part (b) of the second paragraph may be provided in broad terms. This description refers to the type of incident involved (damage, disappearance, unlawful destruction or otherwise becoming inaccessible) and, if possible, the cause of the incident (e.g. fire, flood, hostage software).

Part (c) of the second paragraph provides that, if any, it is necessary to define what constitutes the significant importance of the documents referred to in Article 1.3 of the Act.

The descriptions referred to in parts (d) and (e) of the second paragraph may be reported in general terms.

Finally, pursuant to part (f), the notification must indicate the extent of the number of documents that have been damaged, lost or missing or otherwise made inaccessible. If the scope is not yet clear, this may also be an estimate of the number of documents.

Chapter 8. Final and transitional provisions

Section 8.1 Evaluation

The Minister shall follow the evaluations of the Act and the Decree for the evaluation of this Regulation. In addition, this Regulation shall be evaluated every five years, in the sense that if an evaluation has taken place, the next evaluation will take place five years later.

Article 8.2 Transitional provision

Article 2.12 does not apply to documents drawn up prior to 1 January 20XX. This provision aims to limit the implementation costs for responsible government bodies upon the entry into force of the Regulation. The Act does not introduce any shortening of the transfer period.

Article 5.2 of this Regulation is a continuation of Article 57 of the previous Archives Regulation. In order to ensure that the exemptions granted under Article 57 of the previous regulation do not lapse upon the entry into force of this Regulation, they shall be suspended. This means that from the entry into force of this Regulation any exemptions already granted will be deemed to have been granted on the basis of Article 5.2. This also applies to exemptions that have been suspended with the entry into force of the previous Archives Regulation by means of Article 59(3) of that regulation.

Article 8.3 Repeal of the Archives Regulation

The Archives Regulation shall be repealed.

Article 8.4 Entry into force

This Regulation shall enter into force at the same time as the Decree. Articles 3.2 and 3.3 constitute an exception to this. In order to reduce the implementation burden on the responsible government bodies, it is provided that these articles shall enter into force two years after the entry into force of this Regulation.

Article 8.5 Citation title

This Regulation shall be cited as the Archives Regulation, followed by the year in which it was published in the Government Gazette.

The Minister of Education, Culture and Science,

Gouke Moes