

**GOVERNMENT OF THE REPUBLIC OF LITHUANIA
DECISION**

**ON APPROVAL OF RULES ON ACCESS AND USE PROVISIONS OF RESTRICTED
DOCUMENTS OF A SPECIAL PART OF THE NATIONAL DOCUMENT FOUNDATION**

June 13, 2007 No. 579
Vilnius

Pursuant to art. 20 p. 3 of the Law on Documents and Archives of the Republic of Lithuania (Žin., 1995, No. [107-2389](#); 2004, No. [57-1982](#); 2007, No. [4-154](#))

the Government of the Republic of Lithuania has decided:

1. To approve Rules on access and use provisions of restricted documents of a Special Part of the National Document Foundation (enclosed).

2. To cancel legal effect of April 4, 2005 Decision of the Government of the Republic of Lithuania No. 364 “On approval of use provisions of the Soviet Union special services”, acted within a territory of Lithuania, documents with agent information, criminal and exile cases “ (Žin., 2005, No. [45-1447](#)).

Prime Minister

Gediminas Kirkilas

Minister of Justice

Petras Baguška

APPROVED
by June 13, 2007 Order No. 579
of the Government of the Republic of Lithuania

**RULES ON ACCESS AND USE PROVISIONS OF RESTRICTED DOCUMENTS OF A SPECIAL
PART OF THE NATIONAL DOCUMENT FOUNDATION**

I. GENERAL PROVISIONS

1. Rules on access and use provisions of restricted documents of a Special Part of the National Document Foundation (herein “Rules”) regulate conditions of access and use provisions of restricted documents of a Special Part of the National Document Foundation.

2. Terminology:

Person, suffered from the Soviet Union special services – a natural person, whose documents, prepared by the Soviet Union special services, belong to a Special Part of the National Document Foundation and who has been considered to be not guilty regarding the Republic of Lithuania and has been restituted all citizen rights according to the Law on Restitution of the Lithuanian Republic People, Repressed for Resistance against Occupational Regimes (Žin., 1990, No. [14-386](#); 1998, No. [28-729](#)) or who has got a legal status of 1939–1990 occupation victim according to the Law on the Legal Status of Lithuanian Republic Victims of 1939–1990 Occupation (Žin., 1997, No. [66-1609](#)) or who has got a legal status of a volunteer soldier or a participant of Fights for Freedom according to the Law on the Legal Status of the Participants of Lithuanian Republic Resistance Against Occupations (Žin., 1997, No. [12-230](#)).

Restricted documents – documents of a Special Part of the National Document Foundation, containing operative services’ information that reveals persons, who confessed collaboration with the Soviet Union special services and who were registered in Confessed Registrar, also documents,

containing information that a Victim of Soviet Union special services expresses his/her will to be restricted in use till his/her death.

Other terminology of the Rules matches one, used in the Law on Documents and Archives of the Republic of Lithuania (Žin., 1995, No. [107-2389](#); 2004, No. [57-1982](#)) and Law on Registration, Confession and Credit of Lithuanian Republic Secret Collaborators with ex-Soviet Union services and Protection of Confessed (Žin., 1999, No. [104-2976](#)).

3. Courts, Prosecutor's Offices, State Security Department of the Republic of Lithuania, other pretrial investigation services, subjects of operative actions, the Genocide and Resistance Research Centre of Lithuania, according to its functions, laid down in legislation, have a rights of access and use of the restricted documents (to get copies, to receive originals for a temporary use, as described in legislation).

4. The employees of institutions and entities, mentioned in art. 3 of the Rules have a right of access and use of the restricted documents after presenting the Lithuanian Special Archive a certification of an appropriate institution with an approval that the mentioned employee when performing his/her activity purposes (reasearch) has a right of access and use a type of documents, listed in the certificate.

5. Persons, who studied a restricted documentation, containing operative services' information that reveals persons, who confessed collaboration with the Soviet Union special services and who were registered in Confessed Registrar, have no right to use data, disclosing state and office secrets or personal data allowing to identify its subject, except cases, laid down in legislation.

6. Persons, who wish to study restricted documents with their personal data, have a right of access and use of the documents upon private information providing procedure, described in the Law on a Right to Get Information from State and Municipal Institutions of the Republic of Lithuania (Žin., 2000, No. [10-236](#); 2005, No. [139-5008](#)).

II. PROVISIONS OF ACCESS AND USE OF DOCUMENTS, CONTAINING OPERATIVE SERVICES' INFORMATION THAT REVEALS PERSONS, WHO CONFESSED COLLABORATION WITH THE SOVIET UNION SPECIAL SERVICES AND WHO WERE REGISTERED IN CONFESSED REGISTRAR

7. Persons, except institutions and entities, described in art. 3 of the Rules, have a right of access and use of documents, containing operative services' information that reveals persons, who confessed collaboration with the Soviet Union special services and who were registered in Confessed Registrar, after the Lithuanian Special Archive gets a written agreement of the Genocide and Resistance Research Centre of Lithuania.

Amendments:

No. [88](#), 2011-01-26, Žin., 2011, No. 12-526 (2011-01-29)

8. In case the Lithuanian Special Archive detects that a person's order for documents involves ones, containing operative services' information that reveals persons, who confessed collaboration with the Soviet Union special services and who were registered in Confessed Registrar, within one working day (not longer then within 10 working days/20 working days in case of a large amount of documents (over 5 files)) sends a written application to the Genocide and Resistance Research Centre of Lithuania on an agreement to allow access and use of the listed documents. An application should contain the following document search data: fonds, descriptions, files and numbers of pages (if required).

Amendments:

No. [88](#), 2011-01-26, Žin., 2011, No. 12-526 (2011-01-29)

9. After receiving the Lithuanian Special Archive application, mentioned in art. 8 of the Rules, the Genocide and Resistance Research Centre of Lithuania checks whether the listed documentation doesn't contain operative services' information that reveals persons, who confessed collaboration with the Soviet Union special services and who were registered in Confessed Registrar, within 15 working days (within 30 working days in case of a large amount of documents (over 5 files)). After checking as described above, the Genocide and Resistance Research Centre of Lithuania presents the Lithuanian Special Archive a written agreement or denial on access and use of the restricted documents within 5 working days.

Amendments:

No. [88](#), 2011-01-26, *Žin.*, 2011, No. 12-526 (2011-01-29)

III. PROVISIONS OF ACCESS AND USE OF DOCUMENTS, CONTAINING INFORMATION, A VICTIM OF SOVIET UNION SPECIAL SERVICES EXPRESSES HIS/HER WILL TO BE RESTRICTED IN USE TILL HIS/HER DEATH.

10. A Victim of Soviet Union special services (herein “Victim”) has a right to express his/her will regarding restriction of personal information till his/her death when presenting Lithuanian Special Archive a written application with the following data:

10.1. name, surname, personal code, contact information (address and telephone number), document, proving the Victim’s legal status;

10.2. documentation of a Special Part of the National Document Foundation, regarding the Victim, systematized upon appropriate criteria: criminal, exile, etc. cases, defined according to the Lithuanian Special Archive record data; if a case was formed for a group of persons, particular documents, related to the applicant, except documents, other victims are mentioned in;

10.3. provisions of restriction: subjects who have a right of access and use of the documents, purposes (for educational, scientific purposes), other conditions.

11. The Victim has a right to compose an application on restriction of use his/her personal information during a visit to the Lithuanian Special Archive, also to send it by mail or by courier. A document, certifying Victim’s identity or its copies, approved by a Notary, are to be attached to an application. In case the mentioned application is presented by the Victim’s representative, he/she presents identity certification document and the Letter of Attorney.

12. Documentation, restricted in use upon the Victim’s will till his/her death could be accessed and used observing conditions, mentioned in Victim’s application. In case one of the conditions is an agreement of the Victim, persons, who wish to get access to restricted documents, have to present the Victim’s personal agreement, written during a visit to the Lithuanian Special Archive or approved by a Notary.

13. After Victim’s death documents, containing his/her personal information could be accessed and used, as laid down in art. 19, p. 2 and 3 of the Law on Documents and Archives of the Republic of Lithuania.

IV. PROCEDURE OF ISSUING THE RESTRICTED DOCUMENTS FOR ACQUAINTANCE

14. In all cases, described in the Rules, a person, who wishes to study the restricted documents has to present the Lithuanian Special Archive a document of a personal identification (returned to the owner).

Issued restricted documents are to be studied in a reading-room of the Lithuanian Special Archive.

15. An access to restricted documents for persons (except employees of institutions and entities, described in art. 3 of the Rules) is forbidden in the following cases:

15.1. in case the Lithuanian Special Archive has received a written denial of the Genocide and Resistance Research Centre of Lithuania on access and use of the restricted documents;

15.2. in case an application of the Victim, who expresses his/her will regarding restriction of personal information till his/her death, contains a condition not to allow access of restricted documents.

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No. [88](#), 2011-01-26, *Žin.*, 2011, No. 12-526 (2011-01-29)

16. The Lithuanian Special Archive informs the applicant that restricted documents couldn’t be accessed and explains a legal basis and motives of a denial.

17. Persons, who have an agreement (mentioned in art. 7 or 12 of the Rules) to use restricted documents has a right to order and receive copies of the mentioned documents.
