

THE LAW OF THE UKRAINE

About access to the archives of the repressive organs of the communist totalitarian regime of 1917-1991.

(Report of the Verkhovna Rada (VVR), 2015, No. 26, Article 218)

{With changes in accordance
with Law No. [1089-IX](#) dated 12.16.2020 }

Verkhovna Rada of Ukraine,

Recognizing that the archives are an inalienable and indispensable part of the historical heritage of the Ukrainian people;

believing that archives guarantee the preservation of human memory;

that everyone has the right to objective information about their story
the country is one of the foundations of a democratic state;

Taking into account the growing public interest in the story,
in particular, the history of Ukraine of the 20th century;

taking into account the complexity of the issues related to
Access to the archives of the repressive bodies of the communist totalitarian regime, which operated in 20 Data
protection and recognition of the need to ensure wide access to historical information;

recognizing that a better understanding of the new story contributes
avoidance of conflict and enmity in society;

Taking into account the recommendation of the Committee of Ministers of the Council of Europe
to the Member States regarding the European policy on access to archives No. R (2000) 13;

Recognizing that the closure of the archives is one of the prerequisites for the
annexation of the Crimean Peninsula and the military conflict in Donetsk and Luhansk regions has become;

to contribute to the establishment of public relations;

with the aim of preventing future repetition of the crimes of totalitarian regimes, any discrimination
based on national, social, class, ethnic, racial or other characteristics, restoration of historical and social
justice, elimination of threats to independence, sovereignty, territorial integrity, national security of Ukraine

adopt this law.

Chapter I GENERAL PART

Article 1. General provisions

regulates relations related to archival information of the repressive organs of the communist totalitarian regime 1917-1991

year

2. The purpose of this Law is to ensure the openness of archival information of the repressive organs of the communist totalitarian regime 1917-1991.

3. The [Law of Ukraine "On Protection of Personal Data"](#) does not apply to relationships, connected with the acquisition of archival information of the repressive organs of the communist totalitarian regime of 1917-1991.

4. The legislation of Ukraine on access to archival information of the repressive bodies of the communist totalitarian regime of 1917-1991 is based on [the Constitution of Ukraine](#) and consists of this Law, [the Law of Ukraine "On the National Archival Fund and Archival Institutions"](#),
by our normative legal acts of Ukraine.

Article 2. Conditions

1. In this Law, the terms are used in the following sense:

1) Archival information from the bodies of repression - information is available on any information carriers, created, stored or in repression bodies;

2) A victim of repressive bodies is a person who has been persecuted or oppressed whose fundamental rights of freedom have been violated by representatives of repressive bodies;

3) archival information carrier - any material carrier on which archival information of repressive bodies is stored. According to the law, the archives of the repressive bodies belong to the National Archive Fund and are the property of the state;

4) Digitization of the archival data carrier - making a digital copy
Carrier of archival information by means of scanning, photography, X-ray photography, etc.
methods of providing access to archival information through electronic communication networks and creating a backup digital copy;

{Clause 4 of the first part of Article 2 with changes introduced in accordance with Law [No. 1089-IX](#) Wed 12/16/2020 }

5) Freelancers of repressive bodies - persons who worked in 1917-1991.
They divided the organs of repression as agents for the execution of any
Special orders, agents, agents under special conditions, agents of all were registered
of other categories, informants of all categories, falconers,
Employees, residents of all categories, managers or owners of rental, cooperative or
executive addresses, conscription apartments, "mail boxes", conscription
Contact persons, trusted or secret contact persons of all categories, etc
Persons who in any way cooperated with the repressive bodies of 1917-1991, including providing information about our persons;

6) organs of repression - the organs of the communist totalitarian state are defined by this Law regime, as they did in 1917-1991 on the territory of Ukraine and determined the means and methods state coercion of terror against
Individuals or groups of individuals for political, social and social-class, national, religious or other motives, whose activities are
influenced by numerous
marked violation of human rights;

7) The manager of archival information is the Sectoral State Archives of Ukraine of the Institute of National Monuments (hereinafter referred to as the State Archive of the Institute of National Monuments of Ukraine), and in the cases specified by this Law, also state Bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, archival institutions, how they actually store archival information of repressive bodies;

8) full-time employees of repressive bodies — military servicemen, employees (workers, employees) of repressive bodies, as they were with these bodies in official labor or service in a relationship

Article 3. Repressive bodies

1. In this Law, repressive bodies shall mean:

1) All-Russian Extraordinary Commissariat for Combating Counter-Revolution and Sabotage, All-Ukrainian Extraordinary Commissariat for Combating Counter-Revolution, Speculation, Sabotage and Official Crimes, the Supreme Court, the Supreme Court of Cassation, the Supreme Court of Cassation, the Intelligence Directorate of the Army, (4th Intelligence Directorate of the Information and Staff Directorate Labor and Statistical Headquarters). Peasant Administration of the Workers' and Peasants' Red Army, Red Army, Peasants' Secret Service of the Workers' and Peasants' Red Army. Army, V. Directorate of the People's Commissariat of Defense, Secret Service of the General Staff of the Red Army, Main Directorate of the People's Commissariat of Defense, Main Directorate of the General Staff of the Armed Forces), State Political Directorate, United Supreme Court, State Security Committee, Ministry of Internal Affairs, Ministry of Internal Affairs, Ministry of Health, Ministry of Justice, People's Commissariat of Internal Affairs, People's Commissariat of State Security, People's Commissariat of Justice, Political Department of the United States, Prosecutor's Office of the Supreme Court, Prosecutor's Office (General Prosecutor's Office, Prosecutor's Office), Counterintelligence "SMERSH", People's Courts, provincial, district, regional courts, revolutionary courts, military tribunals;

2) territorial, functional, structural distribution of the bodies specified in clause 1 of the first part of this article, as well as combat units directly subordinated to these bodies, Convoy guard (guard, convoy guard, troop convoy), troop (internal service (guard) forces, internal forces), border guard (forces), state communications forces, engineering and construction units and special units;

3) Main administration of correctional labor camps, correctional labor settlements, colonies, in therefore, the number of camp administrations, administration camps, colonies, etc Especially teams, special meetings and special commissions in the first part Paragraph 1 of the bodies, defined in the article, mzvdomch pozasudov bodies in The composition of the People's Commissariat of Internal Affairs (head of the Department of the People's Commissariat of Internal Affairs oblast), the prosecutor of the Ukrainian SSR (oblast) ("two"), the republican, oblast "special trike",

Supply units (Vorkommandos), auxiliary units, economic units for were available;

4) other repressive bodies, their territorial, functional or structural Subdivisions, positions of persons whose activities are compatible with the basic rights and freedoms of citizens The people, the citizens were irreconcilable and caused massive violations of Art human rights in the form of individual mass murders, shootings, deaths , deportations, torture, use of forced labor, etc

forms of physical terror, persecution based on ethnic, national, religious, political, class, social or other motives, causing moral and physical harm through the use of psychiatric drugs for political purposes, violation of the rights to freedom of conscience, thought and expression of views, freedom of the press and absence of politics pluralism

Article 4. Basics of state policy regarding access to Archival information of repressive bodies

1. The state guarantees everyone the right of access to archival information of repressive bodies.
2. The state guarantees free access to archival information of the organs of repression, taking into account the signs established by this law.
3. The state guarantees conditions for proper collection, Replication and use of archival information of repressive bodies.
4. The state takes care of the digitization of archival data carriers of repressive bodies.
5. The state takes measures to ensure search and retrieval of archival information of repressive bodies, which is collected in the respective institutions of foreign states.
6. Cabinet of Ministers of Ukraine, Ukrainian Institute of National Remembrance, other state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies, archival institutions implement state policy in the spheres of access to archival information of a repressive nature through bodies within their competence.

Article 5. Guarantees of access to archival information of repressive bodies

1. The right of access to archival information of repressive bodies is guaranteed:
 - 1) the duty of managers of archival information, archival information Provide and publish repressive bodies, except for this cases provided for by law;
 - 2) maximum simplification of the information collection process;
 - 3) free choice of the form of access to archival information;
 - 4) prohibition of entering the archives of repressive bodies into secret information;
 - 5) prohibition of entering the archives of repressive bodies into confidential or official information, except in the cases provided for by this Law. cases;
 - 6) Determination of liability for violations of the legislation on access to Archival information of repressive bodies.

Article 6. Principles of ensuring access to archival information of repressive bodies

1. Access to archival information of repressive bodies in accordance with this Law is based on the following principles:
 - 1) the opening of activities of archival information administrators;

- 2) Legality, transparency and fairness of the access procedures to the archives of the organs of repression;
- 3) free receipt and distribution of information, even if due to restrictions established by this Law;
- 4) Active search, systematization of archival information from repressive bodies in Ukraine and abroad;
- 5) state support in conducting scientific research on restoration of the national memory of the Ukrainian people;
- 6) a person's responsibility for disseminating archival information of repressive bodies;
- 7) Equality regardless of race, political, religious and other beliefs, gender, ethnic and social origin, property status, place of residence, language and other characteristics.

Chapter II

LEGAL STATUS OF ARCHIVED INFORMATION

LAW ENFORCEMENT BODIES

Article 7. Providing access to archival information of repressive bodies

1. Access to archival information of repressive bodies is provided by:
 - 1) Archival media or its copy for viewing by any person to make it possible to create a self-service filling machine;
 - 2) making a copy of archival data or its individual parts;
 - 3) Access to a digital copy of archival information;
 - 4) publication of a digital copy of archival information on the official website the website of the archive information manager;
 - 5) providing a copy of archival information or individual copies of it at the person's request parts;
 - 6) preparation of archival documents, extracts from documents;
 - 7) publication, exhibition, and other forms of popularization of the Archives of Repressive Bodies;
 - 8) effective use of archival information of repressive bodies and satisfaction asked natural and legal persons in other forms provided for by law.

Article 8. Disclosure of archival information of repressive bodies

1. Archival information of repressive bodies is open, except for the cases specified by this Law.
2. Access of repressive bodies to archival information should not be limited to:
 - 1) about the state of the natural environment, the quality of food products and household items;

2) about accidents, catastrophes, dangerous natural phenomena and other emergency situations, as they are or may be, they threaten the safety of people;

3) about the state of health of the population, their standard of living, including Food, clothing, housing, medical care and social security, as well as socio-demographic indicators, legal and regulatory situation, education and culture
Population ;

4) about the facts of violation of the human rights of a citizen (murder, mutilation, use of torture, torture, persecution, organization of famine or mass starvation, deportation, political repression, or other illegal or criminal acts committed by representatives of totalitarian regimes).).);

5) about illegal action state authorities, revengeful self-government bodies, their positions and officials;

6) what constitutes public interest (publicly necessary information);

7) access may not be restricted in accordance with the laws and international treaties of Ukraine, the binding consent of which has been given by the Verkhovna Rada of Ukraine.

3. Access to archival information of repressive bodies, the bearers of which take revenge cultures of secrets, not provided for by the legislation of Ukraine, are not limited.

4. Archival information of repressive bodies regarding full-time or freelance employees of repressive bodies is open, access to such information cannot be restricted for any reason.

5. If the person specified in parts four of this article is simultaneously a victim of repressive authorities, access to information about such a person is not limited.

Article 9. Limitation of access to archival information of repressive bodies

1. A person who has suffered at the hands of repressive bodies has the right to limit access to archival information of repressive bodies about himself, with the exception of the persons specified in the fourth part of Article 8 of this Law.

2. The victim of repressive authorities during the establishment of the restriction of access to information about himself must specify which information is restricted (type of information, pages, paragraphs, etc.), as well as the period for which the restriction is set in parts. 4 take into account the requirements set forth in this article.

3. Members of communities and relatives of victims of repressive bodies, other persons, with exceptions the persons specified in parts of the fourth article 8 of this Law have the right to partially limit access to information about themselves for the period specified in parts of the fourth article 8 of this Law. of this article of the Law. At the same time, a person has the right to limit access only to his racial (ethnic) origin, political or philosophical views, upbringing, as well as data related to health and sexual life.

4. The persons specified in parts one - three of this article have the right to restrict access to the archives of repressive bodies about themselves for a period of no more than 25 years.

5. At the time of publicizing the archives of the repressive bodies about the persons specified in parts one - three of this article, the restriction of access to these homes does not apply.

6. Information, not documents, is the object of restricted access.

Chapter III

ACCESS TO ARCHIVE INFORMATION Z

LAW ENFORCEMENT BODIES V

ARCHIVE MEANS

Article 10. Ensuring access to archival information of repressive bodies in archival institutions

1. Everyone has the right to access archival information of repressive bodies.

2. Access to archival information is granted by the repression authorities

It is provided to the State Administration for the Affairs of Ukraine and other administrators of archival information.

3. Administrators of archival information provide access by any available means to archive information of repressive bodies.

4. Managers of archival information digitize archival information carriers repressive bodies, and also ensure the publication of digital copies of these media on the Internet, taking into account the restrictions established by this Law.

5. Administrators of archival information shall make public archival information of repressive bodies, taking into account the restrictions established by this Law.

6. Publication of archival information on official websites is carried out with ensuring proper indexing and the possibility of searching for such information.

7. Administrators of archival information ensure the availability of an up-to-date search apparatus, information on restrictions on access to archival information of repressive bodies, the term of such restrictions, as well as other information necessary for the realization of a person's right. access to archival information of repressive bodies are published on their official websites

Article 11. Work with archival information carriers in archival institutions

1. Access to archival media in archival premises is carried out on the basis of an identity document and a completed application.

It is forbidden to require the person to provide additional documents.

2. Before starting work with archival data carriers, the person is clarified that he carries full responsibility for the form and content of archival materials, as it distributes, and for all possible rights resulting from such distribution. A person is considered to have been dismissed due to responsibility when he started working with archival media.

3. A person has the right to private access to archival information carriers in the reading room archival institution or to their copies, taking into account the restrictions established by this Law.

4. A person can also use technical means for making copies of archival records materials from repression bodies or obtaining copies of documents and extracts from them from archival institutions, if this does not threaten the condition of the documents, and also to demand such copies or extracts to be closed by the archival institution

5. Independent creation by a person of a copy of archival information of repressive bodies from the carrier of this information is free of charge. It is forbidden to demand direct or indirect payment for the independent production by a person of a copy of archival information of repressive bodies.

6. Production of copies of archival information of repressive bodies according to their keeper has a right to compensation for the actual costs of this production.

7. Administrators of archival information publish on their official websites information about officials (officials) responsible for ensuring access to archival information of repressive bodies, including their contact information, job title, surname, first name, and patronymic.

Chapter IV

DISTRIBUTORS OF ARCHIVE INFORMATION

Article 12. Partial state archive of the Ukrainian Institute of National Remembrance

1. GDA UINP is created for the purpose of protecting the right of access to archival information repressive bodies directly to ensure.

2. Procedure for creation of the Ukrainian Institute of National Remembrance determined by law.

3. The State Administration of the National Security and Defense Council of Ukraine is formed by a decision of the Cabinet of Ministers of Ukraine on the full proposal of the Ministry of Justice of Ukraine and the Ukrainian Institute of National Remembrance.

4. Home about the State Administration of Ukraine, its structure, tasks, decisions and other documents that are subject to publication in accordance with the law are published on its official website, as well as in our way in the extent and order. provided for by the Law of Ukraine "On Access to Public Information".

5. GDA UINP ensures:

- 1) archiving and storage of archival data carriers;
- 2) preservation of the state documents of the National Archival Fund;
- 3) Creation and preservation of the insurance fund of archival documents and the fund of use by them;
- 4) discovery of rare documents of the National Archival Fund;
- 5) Creation and improvement of the reference device;
- 6) Organization of the use of archival documents, issuance Archival documents, copies, extracts from archival documents for legal and physical individuals in the prescribed manner;
- 7) personal access to archival information of repressive bodies;

8) systematic search of archival information in Ukraine and abroad;

9) systematic renewal and digitization of archival information carriers, as well as providing access to their digital copies on the official website;

10) Keeping the mzharkhv register of victims in repressive bodies and persons specified in [Article 9](#) of this Law as having limited access to information about themselves;

11) Exercising our statutory powers.

6. GDA UINP has a priority right over other persons to purchase (receipt) carriers with archival information of repressive bodies, carriers with archives information of the underground special services, structures of the women of the Ukrainian liberation movement under equal conditions.

Article 13. Liability, appeal of decisions, action or inaction keepers of archival information

1. For actions or inaction of the person responsible for providing access to the archival information of repressive bodies, the heads of archival information bear disciplinary, administrative and criminal responsibility.

2. Managers of archival records, their employees (positions of individuals) are not liable for the consequences of disseminating archival information of repressive bodies by requesters and persons who have been granted access to archival information of repressive bodies, except for cases when an official (official) does not pay for the consequences of disseminating archival information of repressive bodies.) the requester or a person who has the right of access to archival materials is the deputy administrator of archival records repressive bodies

3. Decisions, actions or inaction of officials (officials), as ordered archival information, may be appealed to the heads of the archival department, a higher-level body or a court.

Chapter V FINAL AND TRANSITIONAL PROVISIONS

1. This Law enters into force on the day of its publication.

The persons specified in [Article 9](#) of this Law have the right within one year from the date of entry into force of this Law to submit to the manager of archive information a statement on limiting access to archive information that is in the possession of repressive bodies about themselves, in accordance with the procedure established by law. established by this Law. If such a request is not submitted within the specified period, access to information about the specified persons will not be restricted.

3. Make changes to the legislative acts of Ukraine:

1) in [Article 212 - 3](#) of the Law of Ukraine on Administrative Offenses (Vdomost of the Verkhovna Rada of the Ukrainian SSR, 1984, appendix to No. 51, Article 1122):

in the first paragraph of the first part of the post-word "About access to public Information" should be supplemented with the words "On access to the archives of repressive organs of the communist totalitarian regime 1917-1991";

After the second part, add a new part with the following content:

"Violation of the requirements of the Law of Ukraine "On access to Archives of the repressive organs of the communist totalitarian regime 1917-1991", namely the unjustified introduction of information to information with limited access.

Access, failure to respond to a request for information, failure to provide

information, unlawful refusal to provide information, incomplete provision of information, non-notification of the extension of the term for consideration of the appeal, postponement of the consideration of the appeal, except for the cases specified by this Law, -

imposing a fine on officials from twenty-five to fifty untaxed minimum income of citizens".

In this connection, parts three to seven should be considered in full as parts four to eight;

In the first paragraph of the eighth part, replace the words "first - sixth" with the words the words "first - seventh";

2) in the [Law of Ukraine "On the National Archives Fund and Archives institutions"](#) (Annals of the Verkhovna Rada of Ukraine, 2002, No. 11, Article 81; 2007, No. 10, Article 91; 2013, No. 28, Article 302, 2014, No. 5, Article 62, No. 12, Article 178, No. 22, Article 816):

Article 2 is supplemented by the third part of the following content:

"Access to archival information of repression bodies is limited by law of Ukraine "On access to the archives of the repressive bodies of the communist totalitarian regime of 1917-1991" provides;

Article 8 after the fourth part is supplemented with a new part of the following content:

"Archival documents (carriers of archival information) of repressive bodies belong to the sectoral state archive of the Ukrainian Institute of States of National Remembrance."

In this connection, the fifth - seventh parts are exactly the sixth - eighth part for consideration;

Article 15 is supplemented with part eight of the following content:

"Peculiarities of access to archival information of repressive bodies are defined The Law of Ukraine "On access to the archives of the repressive bodies of the communist totalitarian regime of 1917-1991";

Article 16, after the fourth part, is supplemented with a new part of the following content:

"Peculiarities of access to archival information of repressive bodies are defined The Law of Ukraine "On access to the archives of the repressive organs of the communist totalitarian regime of 1917-1991".

In this connection, part five is considered part six;

Add the first part of Article 19 with the words "pd Taking into account the peculiarity defined by the Law of Ukraine "On access to Archives of repressive organs of the communist totalitarian regime 1917-1991";

3) [Article 25 of the Law of Ukraine "On Protection of Personal Data"](#) (Report of the Verkhovna Rada of Ukraine, 2010, No. 34, Article 481; 2014, No. 481).

14, Article 252) to supplement the third part with the following content:

"3. The provisions of this Law do not apply to relations regarding the receipt of an archival certificate information on repressive bodies";

4) [Exclude clause 15](#) of the Resolution of the Verkhovna Rada of Ukraine "On the interpretation of the Law of Ukraine "On the Rehabilitation of Victims of Political Repression in Ukraine" (Vdomost of the Verkhovna Rada of Ukraine, 1994, No. 15, Article 88).

4. State bodies, authorities of the Autonomous Republic of Crimea, bodies of the vengeful self-government, as well as enterprises, institutions and organizations belonging to their sphere of management, are obliged to conduct an inspection and report to the Ukrainian Institute of National Memory on the availability of archival information to repressive bodies within one year from the date of entry into force of this law.

5. The Cabinet of Ministers of Ukraine, the General Prosecutor's Office of Ukraine, the Security Service of Ukraine, the State Department of Justice of Ukraine, the Foreign Intelligence Service of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ministry of Defense of Ukraine, the State Penitentiary Service of Ukraine, the State State Archives of the Border Services of Ukraine, our state bodies, authorities of the Autonomous Republic of Crimea, local self-government bodies within six months from the date of entry into force of this Law to bring their regulatory acts into compliance. with this Law.

After the expiration of the specified period, the provisions of the standard become invalid Legal acts of such bodies that contradict this law, their validity.

6. Cabinet of Ministers of Ukraine:

within three months from the date of entry into force of this Law, the decision on

Establishment of the State Administration of the Ukrainian People's Republic of Art

Provision of a complex of material means for the placement of the archival institution for storage and archives;

during the preparation of the draft Law on Amendments to the [Law of Ukraine "On the State Budget of Ukraine for 2015"](#) budget allocations for provide service to the State Administration of Ukraine;

instruct the ministries, our central bodies of executive power, within two years from the date of entry into force of this law, to conduct an inspection of archival media of repressive bodies and organize the transfer of archival materials to the newly created GDA UINP.

7. Ministry of Internal Affairs of Ukraine, Ministry of Defense of Ukraine, Ministry of Justice of Ukraine, Security Service of Ukraine, Foreign Intelligence Service of Ukraine, General Prosecutor's Office of Ukraine, State Administration of Justice of Ukraine, State Criminal Enforcement Service of Ukraine. , to the Administration of the State Border Guard of Ukraine within two years from the date of entry into force of this Law, to transfer the archival information carrier for the years 1917-1991 to the State Administration of Ukraine.

8. The Ministry of Justice of Ukraine within three months from the date of entry into force by this Law, initiate the procedure for the use of documents of the National Archival Fund, as transferred by the states, to local self-government bodies.

include the use of archival information of repression bodies in accordance with this Law.

9. To the Ukrainian Institute of National Remembrance:

together with the Ministry of Justice of Ukraine provisions on
State Administration of the Ukrainian People's Republic to approve;

appoint the head of the state administration of Ukraine and conclude a fixed-term
employment contract with him for five years;

Ensuring the creation of a national register of persons specified in [Article 9](#)
of this Law, as having limited access to information about themselves.

President of Ukraine	P. Poroshenko
Kyiv , 04/09/2015 No. 316-VIII	