

Guidelines for access to the archives of the Buchenwald and Mittelbau-Dora Memorial Foundation

In accordance with § 5 and § 6 of the archive law of the state of Thuringia of 23 April 1992, the following guidelines apply to the archives of the Buchenwald and Mittelbau-Dora Memorial Foundation (henceforth the Foundation archive):

§ 1 Area of application

These archive guidelines apply to the preservation and use of archival materials and archival holdings held in the archives of the Buchenwald and Mittelbau-Dora Memorial Foundation.

§ 2 Definitions

- (1) Public archival materials are all documents of archival value, including resources to assist in their use, that were produced by the Foundation archive or its legal predecessor, other public bodies, or natural or legal persons under private law and transmitted to the Foundation archive for safekeeping.
- (2) Documents of archival value are defined as documents of legal, political, economic, social or cultural value that may serve as sources for the investigation and understanding of historical and contemporary conditions, or documents which must under law be preserved and held in safekeeping.
- (3) Documents within the meaning of these guidelines are paper files, single written papers, plans, maps and books, as well as data, pictures, film, sound and other records, including all resources designed to assist in their organisation, evaluation and use.
- (4) Public archival materials also include documents of archival value and documentary materials which the Foundation archive has compiled, acquired or taken possession of for the purpose of inclusion in its archival holdings.
- (5) Preservation includes the recording, capturing, safekeeping, conservation and making available of said archival holdings.

§ 3 Status and powers of the archive

- (1) The Buchenwald and Mittelbau-Dora Memorial Foundation maintains an archive in the Buchenwald Memorial that is the coordinating centre for the archival holdings of the Foundation, as well as an archive at the Mittelbau-Dora Concentration Camp Memorial. The archives assist the Foundation in fulfilling its duties as defined by the Foundation statutes (Law of the State of Thuringia regarding the establishment of the Buchenwald and Mittelbau-Dora Memorial Foundation of 17 March 2003, in particular §2 Par. 2 of said law).
- (2) The Memorial archives maintain all documents of archival value which it has acquired or taken possession of during its existence, as well as documents pertaining to the administration of the Foundation that are no longer relevant to such administration, and makes these documents available for use.
- (3) The Foundation archives provide assistance and support to the various departments within the Foundation regarding the management and organisation of their written material and the later archival preservation of said materials.
- (4) Private individuals, in particular former prisoners or their families, may enter into a deposit agreement with the Foundation and transfer their archival documents to the Foundation archives for preservation.
- (5) The Foundation archives support scholarly research on the history of the Buchenwald and Mittelbau-Dora concentration camps under National Socialism, the history of the Soviet internment camp, and the history of the Buchenwald and Mittelbau-Dora Memorials. They maintain and expand their collection of documentary material relevant to the history of the region, and the region today.
- (6) The Foundation archives are also charged with supporting research on the fate of former prisoners of the National Socialist concentration camps.

§ 4 Access Rights

- (1) Any person who demonstrates a legitimate interest has the right to access the holdings of the Foundation archives in accordance with these guidelines, provided such access is not restricted by the term of protection, agreements reached with third parties, or other limitations.
- (2) A legitimate interest is deemed to exist when the access is requested for personal, official, scholarly, journalistic or educational purposes, or to fulfil other legitimate concerns, and when such access does not infringe upon the rightful interests of the affected individuals or third parties.

§ 5 Forms of use

- (1) In general, archival materials, whether original or reproductions, archival holdings and books shall be consulted in the designated archive reading room.
- (2) In addition, the archive may reply to inquiries verbally or in writing, and may provide copies, transcriptions or other forms of reproduction in accordance with the schedule of fees.
- (3) In some instances, the archives may respond to an inquiry with only a reference to relevant archival holdings.
- (4) Users do not have a legal right to borrow materials or have materials sent to them.
- (5) The archives reserve the right to determine the form of use.

§ 6 Application for use

- (1) Individuals who wish to access the archives directly must complete an application form. This shall include a precise and detailed description of the topics under investigation, as well as any required supporting documentation regarding the purpose of such use and access. Applications for use cannot be made via telephone or by written request. The archives will instruct the user on the guidelines for access to the archives and the schedule of fees.
- (2) The application for direct access to archival materials must be submitted with a written statement confirming that all copyright laws, personal rights, and legitimate interests of third parties will be maintained when evaluating and using all information obtained from archival materials.
- (3) Additional information and documentation may be required along with the application for use (powers of attorney or other credentials relating to the user).
- (4) Users are required to observe the archive guidelines and present identification upon request.
- (5) The requirement to submit, unprompted, free sample copies to the Foundation archives is governed by § 16, Par. 4 of the archive law of the state of Thuringia (ThürArchivG).

§ 7 Permission for use

- (1) The archives reserve the right to make all decisions regarding access and use.
- (2) Approvals are granted only for the purpose specified in the application, and expire at the end of the calendar year during which the application was made.
- (3) A new application is required if the purpose of use or the object of investigation is amended in any fashion.

§ 8 Limitations or denials of use

- (1) Conditional approvals, limited approvals, or denials of use may be issued in the event that:
 - a) the user has violated the archive guidelines or has failed to observe the conditions for archival use (including the anonymization of information relating to individuals in any ensuing publications and the prohibition on passing on copies and transcripts to third parties);
 - b) the central purpose stipulated by the user for access and use of the archives can be achieved via secondary sources;
 - c) the physical preservation of the archival documents would be at risk;
 - d) the archival materials are currently in use for archival or official purposes and not available for other uses;
 - e) administrative work would arise which could not be justified.

- (2) Approvals may be revoked if information later emerges that would have resulted in the denial of access, the user has violated the archive guidelines, or if the user has violated the stipulated limitations on use.

§ 9 Term of protection and shortening of the term of protection

- (1) As a rule, archival materials are released for use when they are 30 years old. In addition to this general term of protection, archival materials which refer to private individuals (person-related archival materials) may be used only 10 years after the death of the person concerned. If the year of death cannot be ascertained or can only be ascertained with an unjustifiable effort the term of protection expires 90 years after the birth of the person concerned.
- (2) The term of protection specified under Par.1, first sentence does not apply to documents that were intended for publication when under preparation. It also does not apply to documents covered by § 3 Par. 2 of the law on archives of the state of Thuringia (ThürArchivG) or documents relating to governmental bodies of the former GDR, provided these do not refer to private individuals.
- (3) The terms of protection specified in Par. 1 also apply to the use of materials by public agencies. The use of archival materials by the agency which prepared or submitted the materials is possible within the term of protection.
- (4) The term of protection may be shortened upon application in cases when such access is in the public interest. In the case of archival materials referring to private individuals, the term of protection may be shortened when:
 - a) use of the documents is indispensable for scholarly research projects and the interests warranting of protection relating to the person concerned or to third parties are not impaired, or when the public interest served by the scholarly research project substantially outweighs such interests relating to the person concerned or to third parties. If the person concerned is not an individual of public interest, scholarly publications may make use of such information provided no data relating to individual persons obtained from the archival materials are released.
 - b) such use is necessary for the purpose of legal proceedings; rehabilitation of victims, missing persons, and deceased persons; compensation proceedings; the provision of services and assistance; the protection of personal rights; clarification of administrative actions; and the clarification of the fate of missing and deceased persons.
- (5) The director of administration of the Foundation shall make all decisions regarding the shortening or lengthening of the specified terms of protection and any limitations or denials of access and use relating to public archival materials in the Foundation archives.
- (6) The stipulated terms of protection do not apply to the use of archival materials by the individual concerned. It also does not apply when the person concerned has granted permission for use of such archival materials, or when the family of a deceased person concerned has granted such access.
- (7) Other decisions regarding terms of protection are governed by § 17, Par. 3 of the law on archives of the state of Thuringia (ThürArchivG).
- (8) Users who intend to make scholarly use of information relating to private individuals without anonymization must identify said individuals in their application for use. The user must provide scholarly justification for citing individuals by name, and explain why such identification is indispensable to the scholarly research project.

§ 10 Direct use

- (1) Access and use of archival materials is generally permitted only in the dedicated reading room at the Foundation archives, or in other designated and appropriate facilities.
- (2) Access and use of the Foundation archives is granted only within the specified periods of operation. Any exceptions can be granted only by the archives.

§ 11 Loans and shipping

- (1) Under exceptional circumstances and with prior permission, archival materials and objects from the collection may be placed on loan by the archives of the Mittelbau-Dora archives for examination, or may be borrowed by said archives, provided this does not place the physical preservation of such materials and objects at risk, violate the stipulated terms of protection, or violate the interests warranting of protection relating to the person concerned or to third parties. The archive reserves all rights to grant or deny such permission.
- (2) Archival materials and objects from the collection may be placed on loan for exhibition purposes. Such loans require a contract between the lender and the borrower.

§ 12 Preparation of reproductions

- (1) Upon payment of the specified fees, users may request reproductions of archival materials, objects from the collection, or books, provided this does not place the physical preservation of such materials and objects at risk, violate the stipulated terms of protection, or violate copyright law, the rights of private individuals, or the interests warranting of protection relating to the person concerned or to third parties. The archive reserves all rights to grant or deny such permission.
- (2) Reproductions may only be copied or transmitted to third parties with prior permission by the archives for the purposes specified in such a request. Such use also requires proper citation of the Foundation archive and the official file designation, and the proper citation of all copyright, rights of dissemination, and rights of reproduction held by the archives for such materials.

§ 13 Fees

Fees for the use of the archives are outlined in the schedule of fees. The archives shall be reimbursed for expenses incurred.

§ 14 Source citations

- (1) Publications which make use of archival materials, objects from the collection, or books belonging to the archives of the Buchenwald Memorial must include the following source citation: „Buchenwaldarchiv (BwA), [file number]“. Use of reproductions must include the following source citation: „Sammlung Gedenkstätte Buchenwald, [designation]“.
- (2) Publications which make use of archival materials, objects from the collection, books or reproductions b belonging to the archives of the Mittelbau-Dora Concentration Camp Memorial archives must include the following source citation: „KZ-Gedenkstätte Mittelbau-Dora, [file number]“.
- (3) Citation of the Foundation archives, the archival record group, and file number is mandatory. This also applies to citations in an original scholarly work.

§ 15 Entry into force

These archive guidelines shall enter into force on the first day of the calendar month following their proclamation.

Weimar, 21 November 2007

Dr. Jens Goebel
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Council of the Buchenwald
and Mittelbau-Dora Memorials
Foundation