

THE PRESIDENT

Order No. 10/2011/L-CTN of November 25, 2011, on the promulgation of law

THE PRESIDENT OF THE SOCIALIST REPUBLIC OF VIETNAM

Pursuant to Articles 103 and 106 of the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of December 25, 2001, of the Xth National Assembly, the 10th session;

Pursuant to Article 91 of the Law on Organization of the National Assembly;

Pursuant to Article 57 of the Law on Promulgation of Legal Documents,

PROMULGATES:

the Law on Archives,

which was passed on November 11, 2011, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.

President of the Socialist Republic of Vietnam
TRUONG TAN SANG

Law on Archives

(No. 01/2011/QH13)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10;

The National Assembly promulgates the Law on Archives.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of regulation

1. This Law provides archival activities; rights and obligations of agencies, organizations and individuals in archival activities; training and retraining in archival operations; archival services and archives management.
2. This Law applies to state agencies, political organizations, socio-political organizations, socio-political-professional organization, social

organizations, socio-professional organizations, economic organizations, non-business units, people's armed forces units (below referred to as agencies and organizations) and individuals.

Article 2. Interpretation of terms

In this Law, the terms below are construed as follows:

1. *Archival activities* means activities of collecting, revising, valuing, preserving, making statistics of and using archival materials.
2. *Material* means an information carrier formed in the course of operation of an agency, organization or individual.

Materials include documents, projects, design drawings, maps, research works, books, statistical tables; negative and positive films, photos, microfilms; audio and video tapes and discs; e-documents; literary and art manuscripts; work records, diaries, memoirs, autographs, handwritings; drawn or printed pictures; publications and other information carriers.

3. *Archival materials* means materials of value for practical activities and scientific and historical research, which are selected for storage.

Archival materials comprise the masters and originals, and lawful duplicates in case the masters or originals are unavailable.

4. *Institutional archives* means an organization making archives of archival materials of an agency or organization.
5. *Historical archives* means an agency making archives of materials of permanent archival value received from institutional archives and other sources.
6. *Collection* means an aggregation of archival materials formed in the operation of an agency, organization or individual.
7. *National Collection of Vietnam* means the aggregation of archival materials of the Vietnamese State, regardless of their times of formation and places of storage, socio-political regimes, information-recording techniques and information carriers.

The National Collection of Vietnam comprises the Collection of the Communist Party of Vietnam and the Collection of the Vietnamese State.

8. *Collection of the Communist Party of Vietnam* means the aggregation of archival materials formed in the operations of organizations of the Communist Party of Vietnam, the forerunner of the Party and socio-political organizations; historical and typical figures of the Party and its forerunner and of socio-political organizations.

9. *Collection of the Vietnamese State* means the aggregation of archival materials formed in the operations of state agencies, socio-political-professional organization, social organizations, socio-professional organizations, economic organizations, non-business units, people's armed forces units, historical and typical figures and other materials formed in different historical periods of the country.

The Collection of the Vietnamese State comprises collections of the agencies, organizations and individuals mentioned in this Clause.

10. *Record* means a file of related materials on a specific issue, event or subject or of common characteristics, formed in the monitoring and settlement of affairs within the scope of functions and tasks of an agency, organization or individual.

11. *Record making* means the gathering and arrangement of materials formed in the monitoring and settlement of affairs of an agency, organization or individual into a file according to certain principles and methods.

12. *Material collection* means the process to identify material sources, select, receive and deliver valuable materials for transfer to institutional archives or historical archives.

13. *Material revision* means the classification, valuation, arrangement, statistical making and establishment of search engines for materials formed in the operation of an agency, organization or individual.

14. *Material valuation* means the evaluation of materials according to principles, methods and standards provided by competent authorities in order to determine materials of archival value, storage duration and invalid materials.

15. *Insured archival material backup* means copies of archival materials made by certain methods and standards to be kept as reserve upon occurrence of risks to archival materials.

Article 3. Principles of archives management

1. The State uniformly manages the National Collection of Vietnam.
2. Archival activities are uniformly carried out under law.
3. The State makes statistics of materials of the National Collection of Vietnam.

Article 4. State policies on archives

1. To provide funds and human resources for the protection, safe preservation and effective use of materials of the National Collection of Vietnam.
2. To modernize physical and technical foundations and apply science and technology to archival activities.
3. To recognize the right to own archival materials; to encourage organizations and individuals to donate, deposit and sell their archival materials to the State; make contributions to and finance archival activities; and provide archival services.
4. To increasingly expand international cooperation in archival activities.

Article 5. Management of materials of individuals, families and clans

1. The following materials of individuals, families and clans (below referred to as individuals) which are of value for practical activities and scientific and historical research for the country and society may be registered to belong to the National Collection of Vietnam:

- a/ Family annals, clan annals, diplomas, royal conferment, biographical records;
- b/ Manuscripts, printed copies with autographs, scientific research works, creative works, correspondences;
- c/ Films, pictures; audio and video tapes and discs; e-documents;
- d/ Works and articles on individuals;
- e/ Publications and materials collected by individuals.

2. Historical archives at which materials are registered shall value materials of individuals belonging to the National Collection of Vietnam specified in Clause 1 of this Article.

3. Individual owners of materials may:

- a/ Register their materials at historical archives, receive guidance and assistance in preservation techniques and be given conditions to promote values of the materials specified in Clause 1 of this Article;
- b/ Donate or deposit materials at historical archives;
- c/ Agree on purchase and sale of materials;
- d/ Receive priority in using their donated materials;
- e/ Allow others to use their materials deposited at historical archives without harming national security, state interests and rights and legitimate interests of agencies, organizations and individuals;
- f/ Be commended by the State under law.

4. Individual owners of materials shall:

a/ Donate or sell only to historical archives national security-related materials;

b/ Pay preservation fees under law for materials deposited at historical archives, except registered materials.

Article 6. Responsibilities of heads of agencies and organizations

The head of an agency or organization shall, within his/her tasks and powers, manage archives and take measures to raise the effectiveness of the collection, management, preservation and use of archival materials; and promulgate regulations on archival work of his/her agency or organization.

Article 7. Archivists

1. Archivists of state agencies, political organizations, socio-political organizations, people's armed forces units and public non-business units must satisfy criteria under law; be trained and retrained in archival operations and other relevant necessary knowledge; and may enjoy corresponding regimes and benefits of their agencies or organizations, allowances for particular jobs and other incentives under law.

2. Archivists other than those provided in Clause 1 of this Article must be trained and retrained in archival operations and other relevant necessary knowledge and may enjoy regimes and benefits applicable to employees of their organizations.

3. Persons assigned to perform archival work on a part-time basis must be trained in archival operations and other relevant necessary knowledge.

Article 8. Prohibited acts

1. Appropriating, damaging or losing archival materials.

2. Tampering with, modifying or falsifying contents of archival materials.

3. Unlawfully buying, selling, transferring or disposing of archival materials.

4. Using archival materials for the purpose of harming state interests or rights and legitimate interests of agencies, organizations or individuals.

5. Unlawfully bringing overseas archival materials.

Chapter II

COLLECTION OF ARCHIVAL MATERIALS

Section 1

RECORD MAKING AND MANAGEMENT OF RECORDS AND MATERIALS AT INSTITUTIONAL ARCHIVES

Article 9. Responsibilities for making records and transferring records and materials to institutional archives

1. A person assigned to settle and monitor an affair of an agency or organization shall make records of such affair and transfer records and materials to the archives of that agency or organization. Before retiring, quitting his/her job or being transferred to another work, this person shall fully hand over records and materials to a responsible person of that agency or organization.
2. The head of an agency or organization shall manage archival materials of his/her agency or organization; and direct, inspect and guide the making and transfer of records and materials to the archives of his/her agency or organization.

The head of a unit of an agency or organization shall organize the making, preservation and transfer of records and materials of his/her unit to the archives of that agency or organization.

Article 10. Responsibilities of institutional archives

1. To assist the agency or organization head in guiding the making and transfer of records and materials to institutional archives.
2. To collect, revise and value materials; to make statistics of, preserve and organize the use of archival materials.
3. To hand over archival materials of permanent preservation value on the list of materials to be transferred to historical archives; to dispose of invalid materials under decisions of the agency or organization head.

Article 11. Time limit for transfer of records and materials to institutional archives

1. The time limit for transfer of records and materials to institutional archives is provided as follows:
 - a/ One year after completing an affair, except the case provided at Point b of this Clause;
 - b/ Three months after finalizing a construction work, for records and materials on capital construction.
2. A unit or person that needs to keep records and materials due for transfer under Clause 1 of this Article to serve its/his/her work must obtain approval of the agency or organization head and make and send to institutional archives a list of records and materials to be kept.

The time limit for a unit or person to keep those records and materials is 2 years counting from the date due for transfer.

Article 12. Responsibilities for handing over and receiving records and materials to and from institutional archives

1. A unit or person responsible for handing over records and materials shall finalize records of the completed affair, make an index of records and materials transferred to institutional archives and hand over those records and materials.
2. Institutional archives shall receive records and materials and make a minutes of handover and receipt of records and materials.
3. The index of transferred records and materials and the handover and receipt minutes shall be made in 2 copies, 1 to be kept by the transferring unit or person and 1 by institutional archives.

Article 13. Management of e-archival materials

1. E-archival materials means materials created in the form of data messages which are formed in the operation of an agency, organization or individual and selected for storage or digitalized from archival materials in other information carriers.
2. E-archival materials must satisfy criteria of input information; assure continuity, consistency, truthfulness, security and accessibility; and be preserved and used by particular professional and technical methods.
3. Materials digitalized from archival materials in other information carriers are not of value to replace the original materials.
4. The Government shall detail the management of e-archival materials.

Article 14. Management of archival materials of communes, wards and townships

1. Materials formed in the operations of People's Councils, People's Committees, social organizations and socio-professional organizations of communes, wards or townships shall be selected and stored at the offices of People's Committees of communes, wards or townships.

Archivists of the offices of People's Committees of communes, wards or townships must satisfy professional criteria of archives and may enjoy regimes and benefits under law.

2. Archivists of the offices of People's Committees of communes, wards or townships shall guide the record making, receive records and materials, revise, make statistics of, preserve and serve the use of archival materials under the law on archives.

Section 2

REVISION AND VALUATION OF MATERIALS

Article 15. Revision of materials

1. The head of an agency or organization shall direct and organize the revision of materials under his/her management.
2. Revised materials must meet the following basic requirements:
 - a/ They are classified according to the principles of archival operations;
 - b/ Their preservation time limit is determined;
 - c/ Records are finalized and systemized;
 - d/ Indexes of records, search database and lists of invalid materials are available.

Article 16. Valuation of materials

1. Materials must be valued politically, historically, comprehensively and generally.
2. Materials must be valued by the methods of systemizing and analyzing their functions, information and historical materials.
3. Valuation of materials must be based on the following basic indicators:
 - a/ Contents of materials;
 - b/ Position of the agency, organization or individual forming materials;
 - c/ Significance of the event, time and place in which materials are formed;
 - d/ Level of integrity of the collection;
 - e/ Form of materials;
 - f/ Physical conditions of materials.

Article 17. Time limit for material preservation

1. Materials subject to permanent preservation are those of timeless significance and value.

Materials subject to permanent preservation comprise those on views, guidelines, policies, platforms, strategies; national key and target plans, programs and projects; those on land and housing and other materials prescribed by competent authorities.

2. Materials subject to preservation for a definite term are those other than the ones specified in Clause 1 of this Article and shall be preserved for less than 70 years.

3. Invalid materials subject to disposal are those containing the same information or with expired preservation duration under regulations and no longer necessary for practical activities and scientific and historical research.

4. The Minister of Home Affairs shall detail Clauses 1 and 2 of this Article.

Article 18. Material valuation council

1. A material valuation council shall be formed to advise the head of an agency or organization in determining preservation duration, selecting materials for transfer to institutional archives, selecting archival materials of institutional archives for transfer to historical archives and sorting out invalid materials.

2. A material valuation council shall be formed by the head of an agency or organization, comprising:

a/ Council chairman;

b/ Council secretary being an archivist of the agency or organization;

c/ Council member being the representative of the unit having the materials;

d/ Council member being a person conversant with the field of the materials.

3. A material valuation council shall make collegial discussion and make conclusion by majority; diverse opinions must be written in the council meeting minutes for submission to the agency or organization head.

4. Based on proposals of the material valuation council, the agency or organization head shall decide on material preservation duration, select materials for transfer to institutional archives, select archival materials of institutional archives for transfer to historical archives; and dispose of invalid materials under Article 28 of this Law.

Section 3

COLLECTION OF MATERIALS INTO HISTORICAL ARCHIVES

Article 19. Historical archives

1. Historical archives shall be organized at central and provincial levels for keeping materials of permanent preservation value on the list of materials to be transferred to historical archives.

2. Historical archives shall:

- a/ Propose the competent archives authority of the same level to promulgate a list of source material providers to historical archives and approve lists of materials to be transferred to historical archives;
- b/ Guide source agencies and organizations in preparing materials to be transferred;
- c/ Collect, revise, value, make statistics of, preserve and organize the use of archival materials.

Article 20. Collection and receipt of materials by historical archives

1. Historical archives of the Communist Party of Vietnam shall collect materials belonging to the Collection of the Communist Party of Vietnam under this Law and regulations of competent agencies of the Communist Party of Vietnam.

2. Historical archives of the State shall collect materials belonging to the Collection of the Vietnamese State under the following provisions:

a/ Central historical archives shall collect and receive archival materials formed in the operations of central agencies and organizations of the State of the Democratic Republic of Vietnam and the Socialist Republic of Vietnam; ministerial-level agencies and organizations, interzones, zones and special zones of the State of the Democratic Republic of Vietnam; central agencies and organizations of the Provisional Revolutionary Government of the Republic of South Vietnam and other central organizations of the revolutionary administration from 1975 backward; state enterprises established by the Prime Minister and other economic organizations under law; agencies and organizations of social regimes existing in the territory of Vietnam from 1975 backward;

b/ Provincial-level historical archives shall collect and receive archival materials formed in the operations of provincial- and district-level agencies and organizations and special administrative-economic units not under the agencies and organizations specified at Point a of this Clause.

3. Historical archives shall collect materials of individuals on the basis of agreement.

Article 21. Time limit for transferring materials to historical archives

1. Within 10 years after the year of completing an affair, an agency or organization on the list of source material providers to historical archives shall transfer materials of permanent preservation value to historical archives.

2. The time limits for transferring materials to historical archives of the public security, defense, foreign affairs and other sectors comply with the Government's regulations.

Article 22. Responsibilities for delivery and receipt of materials to and from historical archives

1. An agency or organization on the list of source material providers to historical archives shall:

a/ Revise materials prior to transfer and make indexes of records and materials to be transferred;

b/ Make lists of materials affixed with confidentiality marks of different levels;

c/ Deliver archival materials and search engines to historical archives.

2. Historical archives shall receive records and materials and make minutes of delivery and receipt of records and materials.

3. Indexes of transferred records and materials and delivery and receipt minutes shall be made in 3 copies, 1 to be kept by transferring agencies or organizations and 2 by historical archives, which shall be stored permanently at those agencies or organizations and historical archives.

Article 23. Management of archival materials of agencies and organizations not on the list of source material providers or materials not on the list of materials to be transferred to historical archives

Archival materials formed in the operations of agencies and organizations not on the list of source material providers or materials not on the list of materials to be transferred to historical archives shall be managed at institutional archives.

Article 24. Management of archival materials in case of division, split, merger or dissolution of agencies or organizations; division, split, merger, dissolution, ownership transformation or bankruptcy of state enterprises

For an agency or organization which is divided, split, merged or dissolved; or an economic organization being a state enterprise which is divided, split, merged or dissolved, transforms its ownership or goes bankrupt, the head of such agency, organization or enterprise shall manage and hand over materials according to the following provisions:

1. Materials formed in the operation of an agency or organization shall be revised, inventoried and preserved according to the collection of that agency or organization;

2. When the decision on division, split, merger or dissolution of an agency or organization or on division, split, merger, dissolution, ownership transformation or bankruptcy of an enterprise is available, all completely processed records and materials of units and individuals of that agency, organization or enterprise shall be transferred to institutional archives for revision under regulations.

3. After being revised, archival materials shall be managed as follows:

a/ Archival materials of an agency, organization or enterprise on the list of source material providers to historical archives shall be transferred to competent historical archives;

b/ Archival materials of an agency, organization or enterprise other than those on the list of source material providers to historical archives shall be managed at institutional archives of the new agency, organization or enterprise taking over the former's office. When the dissolved agency or organization or the dissolved or bankrupt enterprise has no or more than one agency, organization or enterprise to take over its office, its archival materials shall be transferred to institutional archives under the decision of its immediate superior agency or organization or a competent authority.

Chapter III

PRESERVATION AND INVENTORY OF ARCHIVAL MATERIALS, DISPOSAL OF INVALID MATERIALS

Article 25. Responsibilities for preservation of archival materials

1. The head of an agency or organization shall build and arrange repositories and necessary equipment and means and take professional and technical measures to safely protect and preserve archival materials and assure the use of archival materials.

2. A non-state funded organization which cannot afford the protection and preservation of materials under Clause 1 of this Article may deposit its materials at historical archives and shall pay fees under law.

Article 26. Management of valuable and rare archival materials

1. Valuable and rare archival materials are materials of permanent preservation value and have one of the following characteristics:

a/ Having special ideological, political, socio-economic, scientific or historical value of special importance to the country and society;

b/ Being formed in a special historical circumstance in terms of time, space, place or author;

c/ Being presented in an original information carrier typical to a historical period.

2. Valuable and rare archival materials, regardless of their ownership, may be registered with central and provincial-level archives state management agencies and selected for registration for world and regional programs and titles.

3. Valuable and rare archival materials shall be inventoried, preserved and used under special regimes and have their insured backup made.

Article 27. State archival statistics

1. Materials of the National Collection of Vietnam shall be statically listed in books, database and management dossiers.

2. Agencies and organizations with archival materials shall regularly implement the regime on archival statistics. Annual statistics shall be made from January 1 through December 31.

3. Archival statistics shall be made according to the following provisions:

a/ Central agencies and organizations shall summarize statistics of their attached units and report them to the central archives state management agency;

b/ Provincial-level agencies and organizations shall summarize statistics of their attached units and report them to provincial-level archives state management agencies.

Provincial-level archives state management agencies shall summarize statistics of provincial-level agencies and organizations, and district-level archives state management agencies and report them to the central archives state management agency.

c/ District- and commune-level agencies and organizations shall summarize statistics of their attached units and report them to district-level archives state management agencies.

District-level archives state management agencies shall summarize statistics of district- and commune-level agencies and organizations and report them to provincial-level archives state management agencies.

Article 28. Disposal of invalid materials

1. The competence to decide on the disposal of invalid materials is provided as follows:

a/ The head of an agency or organization may decide on the disposal of invalid materials of institutional archives.

b/ The head of a competent archives authority of a level may decide on the disposal of invalid materials of historical archives of the same level.

2. Procedures for disposing of invalid materials are provided as follows:

a/ At the proposal of the material valuation council, the head of an agency or organization on the list of source material providers to historical archives shall request the archives state management agency of the same level to evaluate invalid materials subject to disposal. The head of an agency or organization not on the list of source material providers to historical archives shall request institutional archives of the immediate superior agency or organization to give opinions on invalid materials subject to disposal;

Based on evaluations of the material valuation council or opinions of the immediate superior agency, a competent person mentioned in Clause 1 of this Article shall decide on the disposal of invalid materials.

b/ At the proposal of the material value verification council, the head of an archives state management agency shall decide on the disposal of materials with the same information at historical archives.

A material value verification council shall be set up by the head of an archives state management agency to verify invalid materials at historical archives;

3. Disposal of invalid materials must ensure destruction of all information of those materials and must be recorded in writing.

4. A dossier of invalid material disposal comprises:

a/ Decision on council establishment;

b/ List of invalid materials; proposal for disposal and explanation about invalid materials;

c/ Minutes of meetings of the material valuation council and material value verification council;

d/ Request for verification or opinions, made by the agency or organization with invalid materials;

e/ Written verification or opinions of a competent agency;

f/ Decision on invalid-material disposal;

g/ Record of transfer of materials subject to disposal;

h/ Record of disposal of invalid materials.

5. Dossiers of invalid-material disposal shall be preserved at agencies or organizations with disposed materials for at least 20 years from the date of disposal.

Chapter IV

USE OF ARCHIVAL MATERIALS

Article 29. Rights and obligations of agencies, organizations and individuals in use of archival materials

1. Agencies, organizations and individuals may use archival materials for their work, scientific or historical research or other legitimate needs.

2. When using archival materials, an agency, organization or individual shall:

a/ Indicate the archival serial number and level of originality of archival materials and agency or organization managing archival materials; respect the originality of materials when publishing, introducing or quoting them;

b/ Not harm state interests, rights and legitimate interests of agencies, organizations and individuals;

c/ Pay the fee for use of archival materials under law;

d/ Observe this Law, rules and regulations of the agency or organization managing archival materials and other related laws.

3. An agency or organization with archival materials shall:

a/ Take the initiative in introducing its archival materials and create favorable conditions for use of archival materials under its management;

b/ Annually review and notify archival materials on the list of materials with confidentiality marks, which are no longer confidential.

Article 30. Use of archival materials at historical archives

1. Archival materials at historical archives may be publicly used, except those on the list of materials restricted from use and the list of materials with confidentiality marks.

2. Materials restricted from use bear one of the following characteristics:

a/ Archival materials not on the list of materials with confidentiality marks containing information, which, if being used publicly, may seriously harm state interests or rights and legitimate interests of agencies, organizations or individuals;

b/ Archival materials which are seriously damaged or are likely to be damaged but are not yet upgraded or restored;

c/ Archival materials which are currently being processed archivally.

The Ministry of Home Affairs shall promulgate a list of materials restricted from use suitable to socio-economic conditions in each period.

The head of historical archives may decide on the use of archival materials on the list of materials restricted from use.

3. Archival materials on the list of materials with confidentiality marks must be used under the law on state secret protection.

4. Archival materials on the list of materials with confidentiality marks may be used publicly in the following cases:

a/ They are declassified under the law on state secret protection;

b/ Forty years after the year of completing the work involving materials with strict or top confidentiality mark even though those materials have not been declassified.

5. Materials relating to a person may be used publicly 40 years after the year of death of that person, except a number of special cases provided by the Government.

6. Materials which are due for public use under Point c, Clause 4, and Clause 5 of this Article may not be used publicly under the decision of a competent agency or organization.

7. An user of archival materials at historical archives must have an identity card or passport and a letter of introduction or written request of his/her employer in case of use for work.

Article 31. Use of archival materials at institutional archives

The head of an agency or organization shall, pursuant to this Law and other related laws, provide the use of archival materials at the archives of his/her agency or organization.

Article 32. Ways of using archival materials

1. Using materials at the reading room of institutional archives or historical archives.

2. Publishing archival publications.

3. Introducing archival materials in the mass media or on websites.

4. Exhibiting or displaying archival materials.

5. Quoting archival materials in research works.

6. Issuing duplicates or certified copies of archival materials.

Article 33. Duplication and certification of copies of archival materials

1. Duplication and certification of archival materials shall be made by institutional archives or historical archives.

Persons competent to permit the use of archival materials may permit the duplication of archival materials.

2. Certification of copies of archival materials means certification of information of archival materials by an agency or organization or historical archives or copies of archival materials managed by that agency or organization or historical archives.

Agencies, organizations and historical archives duplicating or certifying copies of archival materials shall take legal responsibility for their duplicates or certified copies of archival materials.

3. Persons obtaining duplicates or certified copies of archival materials shall pay fees.

4. Duplicates and certified copies of archival materials are as valid as their originals in relations and transactions.

Article 34. Bringing archival materials out of institutional archives and historical archives

1. An agency, organization or individual may bring archival materials out of institutional archives or historical archives to serve its/his/her work, scientific research or other legitimate needs after being permitted by a competent state agency and shall return those archival materials intact.

2. The Minister of Home Affairs and competent agencies of the Party may decide on the bringing of archival materials of historical archives overseas and provide the bringing of archival materials out of historical archives for use domestically.

Heads of agencies or organizations may decide on the bringing of archival materials of their institutional archives overseas and provide the bringing of archival materials out of institutional archives for use domestically.

3. Before bringing registered archival materials overseas, an organization or individual shall notify such to historical archives where archival materials are registered.

4. Archival materials of historical archives and materials of individuals registered at historical archives must have their insured backup made before being brought overseas.

Chapter V

TRAINING AND RETRAINING IN ARCHIVAL OPERATIONS,
ARCHIVAL SERVICES

Article 35. Training and retraining in archival operations

1. Organizations eligible under law may train and retrain in archival operations.
2. The Ministry of Home Affairs shall provide programs and contents of archival operation retraining; and coordinate with the Ministry of Education and Training in providing the framework training program on archival operations.

Article 36. Archival services

1. An organization may provide archival services when:
 - a/ It has registered its archival service provision with a provincial-level archives state management agency;
 - b/ It has physical foundations and human resources for archival service provision; and
 - c/ Its staff providing archival services possess an archival practice certificate.
2. A person may independently provide archival services when he/she:
 - a/ Possesses an archival practice certificate;
 - b/ Has suitable physical foundations for archival service provision; and
 - c/ Has registered his/her archival service provision with a provincial-level archives state management agency.
3. Archival services include:
 - a/ Preservation, revision, improvement, disinfection, deacidification, mold removal and digitalization of archival materials outside the list of state secrets;
 - b/ Research, counseling and application of archival science and technology transfer.

Article 37. Archival practice certificates

1. A person may obtain an archival practice certificate when he/she:
 - a/ Is a Vietnamese citizen with full civil act capacity;
 - b/ Has a clear personal record;
 - c/ Holds a relevant professional diploma in archives;
 - d/ Has directly engaged in archival work or archives-related work for at least 5 years; and
 - e/ Has passed the professional exam held by a competent authority.

2. Ineligible for obtaining an archival practice certificate are:
 - a/ Persons being currently examined for penal liability;
 - b/ Persons currently serving prison sentences or being administratively handled through confinement to a health establishment or reformatory;
 - c/ Persons having been convicted of a national security-related crime; or the crime of intentional disclosure of work secrets or appropriation, trading in, or disposal of materials of work secrets.
3. A person having obtained an archival practice certificate who falls into one of the cases specified in Clause 2 of this Article shall have his/her certificate revoked.
4. The Government shall provide the competence and procedures to grant and revoke archival practice certificates.

Chapter VI

MANAGEMENT OF ARCHIVES

Article 38. Archives management responsibility

1. The Government shall perform the uniform state management of archives.
2. The Ministry of Home Affairs shall take responsibility before the Government for performing the state management of archives and managing materials of the Collection of the Vietnamese State.
3. The Party's competent agency shall manage materials of the Collection of the Communist Party of Vietnam.
4. Ministries, ministerial-level agencies, government-attached agencies and central agencies of socio-political organizations shall, within the ambit of their tasks and powers, manage archives.
5. People's Committees of all levels shall, within the ambit of their tasks and powers, perform the state management of archives in their localities.

Article 39. Funds for archival work

1. Funds for archival work of state agencies, political organizations and socio-political organizations shall be allocated in annual state budget estimates and be used for:
 - a/ Building and improving archival repositories;
 - b/ Procuring equipment and means for preservation and use of archival materials;
 - c/ Collecting and buying valuable and rare archival materials;

- d/ Revising materials;
- e/ Taking technical measures to preserve archival materials;
- f/ Improving and making insured archival material backup;
- g/ Announcing, introducing, displaying and exhibiting archival materials;
- h/ Studying and applying archival science and transferring archival technology;
- i/ Carrying out other activities to modernize archival work.

2. The State encourages domestic and overseas organizations and individuals to donate and finance the protection and promotion of values of archival materials.

Article 40. International cooperation on archives

1. International cooperation on archives shall be carried out on the basis of respect for independence and sovereignty, equality and mutual benefit.

2. International cooperation on archives covers:

- a/ Conclusion, accession to and implementation of treaties on archives; accession to international organizations on archives;
- b/ Implementation of international cooperation programs and projects;
- c/ Exchange of specialists and archivist training and retraining with foreign parties and international organizations;
- d/ Organization of scientific conferences and seminars and international exhibitions; collection of archival materials; compilation and publishing of archival publications;
- e/ Improvement and restoration of archival materials;
- f/ Research and application of archival science and transfer of archival technology;
- g/ Exchange of lists of archival materials, duplicates of archival materials and archival operation materials.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 41. Effect

This Law takes effect on July 1, 2012.

Ordinance No. 34/2001/PL-UBTVQH10 on National Archives ceases its effect on the effective date of this Law.

Article 42. Implementation detailing

The Government and competent authorities shall detail articles and clauses of this Law as assigned.

This Law was passed on November 11, 2011, by the XIIIth National Assembly of the Socialist Republic of Vietnam at its 2nd session.-

Chairman of the National Assembly
NGUYEN SINH HUNG

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