

DECREE

of 23 June 2009

on Details of Records Management

The Ministry of the Interior lays down pursuant to Section 86 of Act No. 499/2004 Coll. on the Archives and Records Management and on the amendment to some other acts, as amended by Act No. 190/2009 Coll. (hereinafter referred to as "the Act"), to implement Section 9 (2), Section 13 (5) and Section 70 (1) of the Act the following Decree

Section

Scope of Application

This Decree lays down details for the performance of records management relating to the creators of records who shall be understood for the purpose of the Decree to be designated agencies¹, municipalities which are not designated agencies, organisational units of self-governing units, and legal persons established or founded by regional and local authorities in the scope in which they execute records management (hereinafter referred to as an "agency").

Capture of Records

Section 2

(1) Delivered records shall be received at the place designated for such capture by another legal regulation² or by the agency (hereinafter referred to as a "registry"). A record delivered to an agency outside the relevant registry or a record created on the basis of an oral statement shall be delivered, without undue delay, to the registry, unless otherwise stipulated herein. Records, subject to records under Section 3 (3), shall not be delivered to the registry.

(2) It is not required to register records not having an official nature. The agency shall stipulate the features of such records in their Records Management Rules. If an agency does not issue Records Management Rules³ such features shall be defined by another internal provision regulating the performance of records management.

Section 3

¹ Section 63 (1) of Act No. 499/2004 Coll. on archives and performance of records management and on amendment to some other acts, as amended by Act No. 190/2009 Coll.

² For example Section 11 (3) of Act No. 227/2000 Coll. on electronic signature and amending some other acts (the Act on Electronic Signature); and Section 2 (1) of Decree No. 496/2004 Coll. on electronic registries.

³ Section 66 of Act No. 499/2004 Coll.

(1) The agency shall furnish a delivered analogue record or its envelope with a delivery stamp or with any other technological means meeting the requirements for a delivery stamp under Section 5 (5). If analogue records are delivered outside the registry or if they are created on the basis of an oral statement the agency shall, as a rule, furnish them with the delivery stamp or with any other technological means on the date of delivery.

(2) The envelope for an analogue record shall be always kept with the record if

- a) the record is, in compliance with another legal regulation⁴, delivered as strictly private;
- b) it is necessary to determine when the record was delivered to the post office to be sent or when it was delivered to the agency in any other manner; or
- c) the data on the envelope is decisive for determining the address of the sender.

(3) If the address on a delivered envelope containing an analogue record states first the name, or names, and the surname of a natural person the envelope shall be handed over, closed, to the addressee or to the person designated by such addressee. If, after opening an envelope containing an analogue record delivered to him/her, the addressee finds out that the record is of an official nature the addressee shall forthwith arrange for additional marking and registering of the record. The same applies to an addressee who receives via his/her e-mail a digital record of an official nature.

Section 4

(1) If a digital record is furnished with a guaranteed electronic signature established on the basis of a qualified certificate issued by an accredited provider of certifying services⁵ (hereinafter referred to as a “advanced electronic signature”), or with an electronic mark established on the basis of a qualified system certificate issued by an accredited provider of certifying services⁶ (hereinafter referred to as “advanced electronic mark”) or with an qualified time stamp⁷, the agency shall verify their validity using the procedure laid down in another legal regulation⁸ if such data cannot be used from records pursuant to paragraph 2.

(2) If records are delivered via an electronic registry the records of the data concerning the results of verification of the validity of a qualified electronic signature and qualified electronic mark under another legal regulation⁹ may be used for the performance of records management in the electronic system of records management.

(3) A delivered digital record shall always be checked to determine whether it contains an incorrect data format, or a computer programme which could damage the software of the agency or information processed by the agency, or whether it could misuse information (hereinafter referred to as “malicious code”). If a malicious code is detected the digital record containing the wrong data format or encompassing factual information which can be safely used by the agency in relation to further processing of the record and which the agency may

⁴ For example Act No. 99/1963 Coll., the Code of Civil Procedure, as amended, Act No. 141/1961 Coll., the Code of Criminal Procedure, as amended, Act No. 500/2004, the Code of Administrative Procedure, as amended

⁵ Section 2 (b) of Act No. 227/2000 Coll. as amended by Act 440/2004 Coll.

⁶ Section 2 (c) of Act No. 227/2000 Coll. as amended by Act 440/2004 Coll.

⁷ Section 2 (r) of Act No. 227/2000 Coll. as amended by Act 440/2004 Coll.

⁸ Section 2 (6) (b) to (e) of Decree No. 496/2004 Coll.

⁹ Section 2 (9) of Decree No. 496/2004 Coll.

safely save outside the electronic registry shall be saved by the agency to a special storage place. The agency must not save other records in which malicious code was detected but must destroy them. In such a case the digital record shall be deemed not to have been delivered.

(4) If an agency is able to discern from the digital record containing malicious code the electronic address then the agency shall forthwith inform the sender thereof or shall inform the sender on destroying the record and shall specify further procedure for delivering an uncorrupted record. The agency shall make special records regarding receiving any record containing malicious code and regarding providing information thereof to the sender.

(5) The agency shall attach to the verified record the result of the verification of validity of the electronic signature, qualified electronic mark or qualified time stamp.

(6) If verification pursuant to paragraphs 1 and 2 proves that the electronic signature, qualified electronic mark or qualified time stamp is invalid the agency shall inform the sender thereof provided that such invalidity could have legal consequences for further record processing.

(7) A delivered digital record not containing malicious code shall be, without changes, saved in the relevant storage place for delivered data messages and shall be added to the electronic system of records management and marked with an unambiguous indicator.

Section 5

Record Marking

(1) An electronic system of records management is used to mark digital records of the agency, analogue records are marked within the registry of the agency.

(2) If an agency carries out records management electronically, register of analogue records may form part thereof.

(3) If an agency performs records management electronically

- a) delivered records or digital records created by the agency shall be furnished by an unambiguous identifier; such unambiguous identifier shall encompass, in particular, reference to an agency or an abbreviation of a reference to an agency, either as a numerical code or as an alphanumerical code or bar code;
- b) digital records delivered to an agency on data media shall be forwarded to the electronic registry to be saved in the storage place of delivered data messages and shall be added to the electronic system of records management;
- c) delivered analogue records, the nature of which enables conversion, can be converted by means of authorised conversion¹⁰, or by means of any other conversion, or the analogue

¹⁰ Section 22 of Act No. 300/2008 Coll. on electronic acts and authorised conversion of records

record shall be converted into a digital record¹¹; a newly created record shall be furnished with an unambiguous identifier.

(4) If agencies perform records management in the form of hard copies they

- a) shall furnish delivered analogue records and/or their envelope on the day of delivery with a date stamp or by using any other technological means pursuant to Section 3 (1); if an analogue record is not delivered to the registry or if it is created on the basis of an oral statement the agency shall proceed pursuant to Section 2 (1);
- b) shall furnish analogue records with a reference number or a file number from the special record register;
- c) a digital record shall be converted by means of authorised conversion¹⁰, or by means of any other conversion into an analogue record, or a digital record shall be converted into an analogue record¹²; an analogue record shall be furnished with a reference number or a file number from the special record register and a delivery stamp, or marked by any other technological means pursuant to Section 3 (1).

(5) Delivery stamps shall include the items to be completed as follows:

- a) the name of the agency;
- b) the record delivery date and, if stipulated by another legal regulation, also the delivery time;
- c) the reference number or the file number from the special record register;
- d) the number of record sheets;
- e) the number of analogue attachments and the number of sheets of such attachments and/or the number of volumes of analogue attachments; as regards attachments other than sheets of paper the number and type of attachments shall be included;

and technological means pursuant to Section 3 (1) require a similar scope of items to be completed.

(6) When converting an analogue record into a digital record¹¹ the final record must be marked by the same marks as the original record and, as a rule, be saved in the storage place for converted records; the same procedure applies when a digital records is converted into an analogue record¹² and the final record should be marked by the same marks as the original digital record so that an unambiguous link between these two records is ensured and so that it is possible to find them both. A converted digital record shall be saved in the storage for converted records. Details on converting records shall be regulated by the Records Management Rules; if an agency does not issue Records Management Rules¹³ such details shall be laid down in another internal provision regulating the performance of records management.

¹¹ Section 69 (4) and (7) of Act No. 499/2004 Coll., as amended by Act No. 190/2009 Coll.

¹² Section 69 (4) and (6) of Act No. 499/2004 Coll., as amended by Act No. 190/2009 Coll.

¹³ Section 2 € of Act No. 111/2009 Coll. on basic registers

Register of Records

Section 6

(1) If delivered records which have been marked by an unambiguous identifier [Section 5 (3) (a)] and records which were created by the agency are subject to records and therefore are recorded in the register of records. A register of incoming and/or outgoing mail and other registering tools not corresponding to the requirements pursuant to Section 7 (2) or Section 7 (4) shall not be deemed to be register under this Decree.

(2) A basic registering tool of records management maintained electronically is an electronic system of records management. When maintaining records management in the form of hard copies, an incremental register shall be a basic registering tool. If required by any other legal regulation or if stipulated by the agency, records shall be recorded in special record register. Special record register maintained electronically are business applications.¹³ The agency shall specify in the Records Management Rules a list of all separately used register of records broken down according to their form (electronic or hard copies); if the agency does not issue Records Management Rules then such a list shall be laid down in another internal provision regulating the performance of records management.

(3) If abbreviations are used when registering records, the register of records shall encompass a list of such abbreviations with explanations.

(4) Electronic systems of records management including business applications which are part of the main system used in the scope of their tasks assigned to electronic records management shall be compatible with requirements laid down in the National Standard for electronic records management systems¹⁴.

(5) Register of records maintained as hard copies, in particular an incremental register, shall take the form of a book created from bound and numbered sheets of forms, marked with the name of the agency for whom it is maintained, the year during which it is used, and the number of sheets. The records shall be protected against theft, loss, modification, unauthorised or accidental access, destruction or unauthorised data processing as well as from other abuse. Records written on hard copies shall be intelligible, well arranged, and legible and made in a manner guaranteeing their durability. Wrong records shall be nullified in a manner guaranteeing the legibility of the records after such nullification. If necessary, a wrong record shall be completed by a correct record. Such correction shall be furnished with the date, name and/or names, surname and the signature of the natural person who made such correction. Services corrections and identification of persons who made such corrections shall be processed automatically in the electronic system of registering in the manner stipulated in the National Standard for electronic records management systems.

Section 7

(1) If a record is recorded in one type of register of records and is transferred to another type of register, the primary record shall be terminated by a note on transferring the record, including the new register number of the record.

(2) The following data shall be maintained regarding the record in the incremental register or in the electronic system of records management:

¹⁴ Section 70 (2) of Act No. 499/2004 Coll., as amended by Act No. 190/2009 Coll.

- a) the sequence number of the record under which it is recorded in the register of records (hereinafter referred to as a “sequence number”);
- b) the date on which the record was delivered to the agency or the date on which the record was created by the agency; the date of creation by the agency means the date on which such record was recorded in the registers. As regards a delivered digital record, the date of delivery shall be the date on which the record became accessible in the electronic registry¹⁵ or the date on which a natural person logged into the data box of the natural or legal person who is authorised, with respect to his/her competence, to access the delivered record¹⁶, or the date on which the record was delivered to the data box of a public authority.
- c) the address of the sender; if it is a record created by the agency, the word “Own” shall be written;
- d) the reference number of the sender or register number from the special record register, if the record is furnished with either,
- e) the number of analogue attachments and the number of sheets and/or files of such attachments; as regards attachments other than sheets of paper, the number and type of these shall also be included;
- f) a brief summary of the content of the record (subject matter, issue)
- g) denotation of the unit of the agency which was responsible for processing the record; if the agency authorised a natural person to process the record then his/her name and/or names and surname shall be added;
- h) the manner of processing the record, the address of the addressee, the sending date, the number of sheets if it is an analogue record, the number of analogue attachments and the number of sheets and/or files of such attachments; as regards attachments other than sheets of paper, the number and type of shall be included; with regard to digital records, the number of attachments;
- i) the classification code, retention mark and retention period of the record concerned or the year in which the record is included in the appraisal process,
- j) the unambiguous identifier of a digital record in the case of records of digital records in the electronic system of records management.

(3) The numerical series in register of records shall start by numeral one and shall be, under all circumstances, composed of positive integers following each other without any interruption. The numerical series shall be maintained from the first calendar day of the time period which the agency specifies for maintaining the numerical series in register of records (hereinafter referred to as “specified time period”). The specified time period shall be determined prior to register of records were commenced. The register of records maintained electronically must not enable a record of the next register with a sequence number which has been already allocated within the specified time period or a record of a register whose records belong to the following specified time period to be made. As regards hard copy register the empty lines under the last record at the end of the page shall be crossed out and the date of the

¹⁵ Section 2 (1) of Decree No. 496/2004 Coll.

¹⁶ Section 17 (3) of Act No. 300/2008 Coll.

last record and the last sequence number shall add. Such a note shall be stated in the following wording: "Closed on ... with the sequence number..." The note shall be completed by the name and/or names and surname and the signature of the natural person authorised for records management.

(4) In special record register either as hard copies or as electronic data, in particular the data pursuant to paragraph 2 (a), (b), (c), (f), (i), and (j) shall be maintained.

Section 8

Reference Number and Register Number from Special Record Register

(1) A record registered in register of records shall be marked by a reference number. The reference number shall always include the denotation or an abbreviation of the denotation of the agency, the sequence number and the specified time period which is, as a rule, a calendar year and/or the name or an abbreviation of the name of the organisational unit of the agency and any other information describing facts relating to the record. If a record is registered on the aggregate sheet under Section 9 (2) (c), reference number shall also encompass the sequence number of the record on the aggregate sheet which is a chronological summary of records in the file.

(2) An aggregate sheet shall in particular encompass the reference number of the record or the file number of the file (Section 9 (3)) to which such a record belongs, the subject matter, the sequence number of the record in a file, the delivery date of the record, the name or the abbreviation of the name of the sender, the reference number of record of the sender, if it was ushered in the record, number of sheets of an analogue record, the number of sheets or the number of volumes of analogue attachments; as regards attachments other than sheets of paper, the number and type of attachments shall be included.

(3) A record registered in a special record register shall be marked by the register number from the special record register. The register number shall always encompass the name of the special record register concerned and the relevant sequence number.

Section 9

Creation of a File

(1) A file shall be created by bringing together records or by means of an aggregate sheet.

(2) If a file is created

- a) by bringing together records then a new record shall be recorded in the register of records and shall be assigned a reference number or a register number from a special record register. Mutual links shall be made in the register of records both in relation to the previous record and to the new record or a file. A list of included records or files with their reference numbers or register numbers from a special record register shall always be part of the new file;
- b) by putting together digital records in the electronic system of records management; then the procedure pursuant to letter a) shall be replaced by bringing together digital records by means of cross references;

c) by means of an aggregate sheet; then data about the file is recorded in the register of records and the initial record is recorded in the aggregate sheet. The reference number of the initial record shall be completed by a hyphen or slash followed by the figure one. In the following records the original reference number shall be completed by a hyphen or slash followed by positive integers according to the sequence of the record (the sequence number of the record in the aggregate sheet) recorded in the aggregate sheet. The aggregate sheet shall encompass data pursuant to Section (2) and other data included on the delivery stamp or any other technological means pursuant to Section 5 (5).

(3) If stipulated by another legal regulation¹⁷, a file shall be marked by a file number under which it is recorded. A file number shall be, in particular

- a) the reference number of an aggregate sheet, the reference number of an initial record, a record designated by the agency and enclosed in a file; or
- b) any other mark which the agency for his/her purposes usually uses or due to other reasons considers being efficient.

(4) A record by means of a file was processed or a record on processing a file shall form part of a file on which a final decision has been taken.

(5) Analogue records are arranged in a file chronologically, in ascending or descending order. For justified reasons records may be arranged in their file according to their logical links. Rules for such an arrangement shall be laid down in the Records Management Rules; if the agency does not issue Records Management Rules³ then such rules shall be laid down in another internal provision regulating the performance of records management.

Section 10

Distribution and Circulation of Records

(1) A registry shall be responsible for distributing delivered records in compliance with the Records Management Rules³. A registry may distribute delivered records according to another internal provision regulating the performance of records management. A recorded record shall be forwarded to the relevant unit of the agency or authorised person for processing.

(2) The agency shall ensure the circulation of records in a manner enabling the monitoring of all acts concerning records and enabling the identification of those persons who performed such acts and the determination of the date on which the relevant acts were carried out.

Section 11

Processing Records

(1) Records shall be processed by natural persons authorised by the agency.

¹⁷ Section 17 (1) of the Code of Administrative Procedure

(2) If a person referred to in paragraph 1 processes a record by taking note of it, by personal contact or by telephone then he/she shall make a record in the register of records about such processing. In the case of an analogue record the relevant note shall be also made in the record itself or on its folder.

(3) Not later than by the date of its processing a record shall be assigned a classification code, retention mark and retention period or be included for a year in appraisal process in compliance with the list of retention and disposition schedules of the agency effective on the date of record processing.

(4) The manner in which a record was processed shall be recorded in the relevant register of records which shall also include identification of the entity who is the addressee of the processed record. If the record was processed with another record this fact shall be stated in the register of records.

Section 12

Classification Code, Retention Mark, and Retention Period

(1) An overview of classification codes shall be specified in the list of retention and disposition schedules of the agency.

(2) A retention mark expresses the value of the record according to its content and marks the manner in which the record shall be assessed within the appraisal process.

(3) Retention mark “A” (archives) shall indicate a record of permanent value which shall be within appraisal process proposed for archives. Retention mark “S” (stamp-mill) shall indicate a record not having permanent value which shall be in appraisal process proposed for destruction. Retention mark “V” (selection – in the Czech language ‘vyber’) shall indicate a record which shall be in appraisal process proposed for either archiving or destruction.

(4) A record shall be marked only by one retention mark. A file shall be marked by a retention mark corresponding to the retention mark of the record included in such a file which has the highest value. For the purpose of marking a file with a retention mark, retention mark “A” has a higher value than retention mark “V”, and retention mark “V” has a higher value than retention mark “S”.

(5) The retention period shall be expressed by a figure which will follow the retention mark. The agency shall lay down in the list of retention and disposition schedules the date decisive for the lapsing of the retention period. The retention period shall be determined by the number of whole years calculated from 1 January of the calendar year following the calendar year within which the date of lapse of the retention period occurred.

(6) Each record shall have one retention period. A file shall be marked by the retention period corresponding to the retention period of the record included in such a file and having the longest retention period.

Section 13

Creating a Record

(1) A record created by an agency and designated to be sent shall include a header encompassing the name, seat or any other identification address of the agency and the reference number of the record or a register number from special record register. In the reply to a delivered record a reference number of the sender or a register number from special record register of the delivered record, if any, shall be stated.

(2) Other requisites for the record pursuant to paragraph 1 are as follows:

- a) the date of the signature of the record;
- b) the number of attachments; as regards digital records the number of attachments, if this is possible to specify;
- c) the number of sheets, and the number of volumes of attachments or the number of files of attachments in the case of an analogue record;
- d) the name or names, surname and the position of the natural person authorised to sign the record; if it is stipulated by another legal regulation¹⁸ the data on the position of the person authorised to sign the record may be replaced by his/her service number.

Section 14

Signing Records and the Use of Official Stamps

(1) Conditions for signing analogue records to be sent by an agency or for persons authorised to sign them and conditions for using an electronic signature, advanced electronic mark, qualified time stamp, data boxes or official stamps¹⁹ shall be laid down in the Records Management Rules of the agency; if the agency does not issue Records Management Rules³ the conditions under the sentence preceding the semi-colon shall be specified by another internal provision regulating the performance of records management.

(2) Agencies shall maintain register of official stamps encompassing the prints of a stamp with the name or names, surname and position of the person who has been provided with and uses such a stamp, the date on which he/she was provided with the stamp and the date on which the stamp was returned, the date on which the stamp was set aside from the register, the signature of the person who has been provided with the stamp and the date, and possibly the assumed date of loss of the stamp.

(3) Agencies shall report forthwith the loss of an official stamp to the Ministry of the Interior. The report shall contain the date from which the stamp had been missing. The Ministry of the Interior shall publish the report on the stamp loss in the Official Journal of the Government to inform regional and legal authorities, in the Official Journal of the Ministry of the Interior, and online.

(4) Agencies shall maintain register of qualified certificates issued by accredited providers of certifying services which the agency holds, on which advanced electronic signatures utilised by the agency are based. Agencies shall maintain reregister of qualified system certificates issued by accredited providers of certifying services which the agency

¹⁸ Section 69 of the Code of Administrative Procedure.

¹⁹ Section 6 of Number 352/2001 Coll. on using state symbols of the Czech Republic and on the amendment to some other acts.

holds and on which advanced electronic marks utilised by the agency are based. Such records shall be maintained in the scope of the following data:

- a) the number of the certificate;
- b) specification whether it is a qualified certificate or an qualified system certificate;
- c) the date of the issue and the date of expiration of the certificate;
- d) the password for invalidation of the certificate;
- e) the date and reason for invalidation;
- f) the data on the qualified provider of certifying services;
- g) identification of the qualified provider of a guaranteed electronic signature.

Section 15

Dispatching Records

(1) Agencies shall dispatch records through a forwarding office, an electronic registry and a data box.

(2) A forwarding office is the place where analogue records are furnished with all requisites necessary for their dispatch.

(3) The dispatch date shall be recorded in the relevant register of records.

Section 16

Storing Records

(1) Records and files shall be stored in compliance with the list of retention and disposition schedules in the registry or in the electronic system of records management. Storing procedure shall be laid down by agencies in their Records Management Rules; if an agency does not issue Records Management Rules³ the storing procedure shall be specified by another internal provision regulating the performance of records management.

(2) Analogue records, analogue files, digital records and digital files shall be checked in terms of completeness before they are stored.

(3) An analogue record or an analogue file shall be deemed to be complete if they encompass the data pursuant to Section 5 (4) (a) and (b), along with classification codes, a retention mark and a retention period, and in the case of a file, also all records provided for in the list of records pursuant to Section (2) (b) or in the aggregate sheet pursuant to section 9 (2) (c).

(4) A digital record or a digital file shall be deemed to be complete if it is furnished by metadata laid down in the National Standard for electronic records management systems. If necessary, the agency shall add metadata to an incomplete record or shall convert such a digital record into an analogue record¹² corresponding to the date of its processing and shall

furnish it, at the same time when it is processed or when the file is closed, with the requisites pursuant to Section 5 (3) (a) and Section 11 (2) and (3). The agency shall make a record on the conversion into an analogue record in the records of records.

(5) Agencies shall maintain records of stored records and files encompassing, in particular, their names, classification codes, retention marks and retention period.

(6) A registry shall maintain records on lending analogue records or on persons who wanted to look up information in analogue records, whilst information on all access to digital records is maintained in the electronic system of records management. Procedures for lending and looking up information in records shall be laid down in the Records Management Rules of the agency; if the agency does not issue Records Management Rules³ the aforementioned procedure shall be specified by another internal provision regulating the performance of records management.

(7) If a digital record is irreversibly damaged or it is destroyed or if a digital record cannot be displayed so that a user can read it, this fact shall be recorded in the register of records including the relevant reference number under which such damage or destruction was dealt with. If an analogue record is lost or destroyed the word “Loss” shall be written in the register of records together with the reference number under which such loss was dealt with.

Procedure for Processing Records and Details on the Appraisal Process

Section 17

(1) All official stamps set aside from the registers and all records whose retention period has lapsed shall be included in the appraisal process.

(2) A digital record and/or a digital file included in the appraisal process shall be saved in the output data format pursuant to Section 20 and shall be furnished with metadata laid down in the National Standard for electronic records management systems. If a digital record and/or a digital file are not saved in the output data format, the agency shall convert it, if possible, into the required data format. If it is not possible to furnish a digital record and/or a digital file with metadata or to convert it into the required data format the agency shall proceed pursuant to Section 16 (4).

(3) Records encompassing classified information²⁰ and marked by the “S” sign shall be included in appraisal process without cancelling their degree of confidentiality; if it is necessary, for the purposes of record assessment within the appraisal process, in order to learn the content of records the agency shall set such records aside from the appraisal process, shall change their retention period and shall include them in the appraisal process after the reason for their classification ceases to exist, which means that the degree of confidentiality may be cancelled. Records encompassing classified information and marked by an “A” sign whose degree of confidentiality cannot be cancelled shall not be included in appraisal process unless the relevant security archives is authorised for their selection under Section 53 of the Act.

(4) Agencies shall lay down in their Records Management Rules how the appraisal process shall be prepared and carried out; if an agency does not issue Records Management

²⁰ Section 2 (a) of Act No. 412/2005 on the protection of classified information and security eligibility.

Rules³ the aforementioned procedure shall be specified by another internal provision regulating the performance of records management. An assessor for a discarding operation shall participate in the preparation of the appraisal process. Such an assessor shall be a person accountable to the agency for carrying out the process of selecting records or a person authorised to manage the registry or the records centre. If records encompassing classified information whose degree of confidentiality cannot be cancelled are included in the appraisal process only natural persons satisfying the conditions for approved access to classified information with the highest degree of confidentiality included in the appraisal process may participate in preparing and carrying out the appraisal process.

(5) Agencies shall prepare lists of records specified for assessment within the appraisal process. Agencies shall list the records furnished with “A” marks and records furnished with “S” marks separately within the lists of records arranged according to retention marks. Records marked with “V” marks shall be included in the lists of records furnished with “A” marks or records furnished with “S” marks.

Section 18

(1) Agencies shall submit a discarding proposal for discarding records and/or stamps, including the lists of records, to the competent archives. If a discarding proposal is submitted as a hard copy two copies of the lists of records shall be enclosed.

(2) Upon the submitted discarding proposal an authorised employee of the competent archives shall carry out a technical archiving examination of records and/or stamps proposed to be discarded. In doing so he/she shall

- a) assess whether records with an “A” mark correspond to the requirements stipulated by the Act for selection to become records; if he/she finds out that they do not have permanent value he/she shall transfer them to those records proposed for destruction;
- b) assess whether records with an “S” mark have permanent value; if he/she finds out that they have permanent value he/she shall transfer them to those records with an “A” mark ;
- c) assess whether to include records marked with a “V” mark either among those records designated to be declared as or among those records proposed for destruction;
- d) assess whether official stamps included in the appraisal process have permanent value;
- e) specify in cooperation with the agency the date and manner in which records to be stored in the competent archives shall be delivered.

(3) After an archival examination, an employee of the competent archives shall draw up a protocol on the completed appraisal process. He/she shall in its annex list records and/or official stamps selected to become records and shall issue an approval for destruction of records and/or official stamps marked by an “S” mark.

(4) The agency shall deliver to the competent archives records and/or official stamps selected to become records of archival value. An official record shall be made on such delivery²¹ and on depositing records for permanent storage in the archives. The record shall

²¹ Section 15 (1) of Act No. 499/2004 Coll.

encompass, in particular, the name, seat or any other identification address of the agency, the name of the competent archives, the number and description of the conditions of the delivered records, the date on which records were delivered, and the name or names, surname and position of the natural persons authorised to sign the records on behalf of the agency and on behalf of the competent archives and their signatures.

(5) The agency, upon approval for the destruction of records and/or official stamps marked with an “S” mark shall ensure that they are destroyed. The destruction of records and/or official stamps shall mean their impairment so that their reconstruction and content identification will be impossible.

Section 19

Separation of Files

(1) The separation of files shall be carried out if an agency is wound up or reorganised. Part of the separation of files is in all circumstances the appraisal process pursuant to Section 17. Records and files whose retention period has lapsed shall be discarded. Other records and files shall be forwarded, in conformity with relevant lists, to the successor or the agency.

(2) Records and closed files to be forwarded and whose retention period has not yet lapsed shall be included in the lists of records to be forwarded. The list shall encompass the sequence number, classification code, type of records and/or files, the date of their creation and the number of files (for example “2 files”), and the names and surnames of natural persons responsible for the separation of files and their signatures. Records not yet processed and files not yet closed which are to be forwarded shall be included in a special list which shall contain individual unprocessed records and/or files, the date of their creation, the scope (the number of sheets and annexes), and the names and surnames of natural persons responsible for making separation of files and their signatures.

(3) The successor of an agency or their part designated for succession shall newly record forwarded records not yet processed and files not yet closed in their register of records as delivered records.

Section 20

Output Data Formats

(1) Output data formats of records referred to in paragraphs 2 to 5 shall be understood as formats defined in such paragraphs for

- a) the format of output from the electronic system of records management;
- b) the format of a records saved in the electronic registry which is part of the electronic system of records management;
- c) the format for transfers to the digital archives.

(2) The Portable Record Format/Archives (PDF/A, ISO 1905) shall be used as an output format of static text records and static combined text and image records.

(3) The following formats shall be used as output data formats of static image records:

- a) Portable Network Graphics format (PNG, ISO/IEC, 15948);
- b) Tagged Image File Format (TIFF, revision 6 – not compressed); or
- c) JPEG File Interchange Format (JPEG/JFIF, ISO/IEC 10918).

(4) The following formats shall be used as output data formats of dynamic image records:

- a) video programme tool for data compression (kodek) Moving Picture Experts Group Phase 2 (MPEG-2, ISO/IEC 13818);
- b) video programme tool for data compression (kodek) Moving Picture Experts Group Phase 1 (MPEG-1, ISO/IEC 11172); or
- c) Graphics Interchange Format (GIF).

(5) The following formats shall be used as output data formats of audio records:

- a) audio programme tool for data compression (kodek) MP2 (MPEG-1 Audio Layer 2);
- b) audio programme tool for data compression (kodek) MP3 (MPEG-1 Audio Layer 3); or
- c) Waveform audio format (WAV), Pulse-code modulation (PCM).

(6) Simultaneously a different data format may be used for output from the electronic system of records management pursuant to paragraph 1 (a).

(7) The output data format of metadata with which records are furnished shall be understood to be an XML format according to the XML scheme which is the Annex to the National Standard for electronic records management systems.

Section 21

Managing Records Management in Emergency Situations

(1) In the case of a natural disaster, environmental, industrial or any other breakdown or in the case of an emergency situation which, as a consequence, renders it impossible for a limited period of time for an agency to use records management in a usual manner (hereinafter referred to as an “emergency situation”), the agency shall perform records management alternatively as hard copies in the incremental register (hereinafter referred to as an “alternative manner”). Details on the performance of records management during emergency situations under the first sentence, in particular mark and registering records, their processing, dispatching and storing, shall be regulated by an agency in the Records Management Rules; if an agency does not issue Records Management Rules²² such details

²² Section 2 of Act No. 111/2009 Coll. on basic registers

will be laid down in another internal provision regulating the performance of records management.

(2) An agency shall forthwith close any alternative register after the emergency situation ceases to exist.

(3) If records are registered in alternative register

- a) for less than 48 hours, such records shall be re-registered, from the alternative register, in the regular registers of the agency;
- b) for more than 48 hours, such records shall remain, for the purposes of records management, registered in the alternative register, and only those records which cannot be processed within the alternative register shall be re-registered in the regular register.

(4) Records registered and processed in the alternative register shall be stored in the registry together with other records of the agency.

Section 22

Transitional Provisions

The provisions of Section 16 (4) shall apply for the three years following the date of effect of this Decree only to storing records furnished with retention marks "A" or "V".

Section 23

Repealing Provisions

Decree No. 646/2004 Coll. on details of performance of records management is hereby repealed.

Section 24

Entry into Effect

This Decree shall come into effect on 1 July 2009.

Minister

Ing. Pecina, MBA