



# Archival Law in Belgium

## FEDERAL LEVEL: role of the State Archives

- Article 5 of the Federal Archival Law of 1955 (updated in 2009): Nothing can be destroyed without the permission of the General State Archivist
- Scope: courts, council of state, federal government, provinces, municipalities and public institutions who are under their supervision.
- Practice: the State Archives make a lot of selection lists for different institutions. When there isn't a selection list available, the institution has to ask permission to destroy records.

Belgium is a federal state

As long as the communities and regions don't make their own archival law, the Federal Archival Law is the one that has to be followed.

## BRUSSELS-CAPITAL REGION

- Own archival law in 2009
- Based on the archival law of Wallonia
- Scope: services, cabinets, institutions of public utility and others under supervision of the government of Brussels-Capital Region

- Selection lists: agreement between the records creator and the service of archives
- The laws don't mention who has to confirm the selection lists. Are it still the State Archives who have to empower the lists?
- There isn't a procedure to actualize the selection lists

## WALLONIA

- Own archival law in 2001
- Scope: services, cabinets and institutions of public utility

## FLANDERS

Flanders voted in the summer of 2010, their own archival law, with an extended part about selection.

- The Flemish government will appoint a selection commission
- The selection commission will produce a selection list and actualize it.
- The Flemish Government will confirm the lists
- In the law is also mentioned which criteria the commission has to consider:
  - The task of the creator of the archives
  - The position of the creating institution to other institutions
  - Cultural value
  - The importance of the information
- Practice: There aren't implementing orders

- Doesn't the different selection policies pose a problem? Will it lead to a forgery of history?
- Every level can make his own archival law. This leads to conflicts about authorization. (Ex. provinces)