

# **Statute for the Archives of the Max Planck Society**

*Version dated 22 November 2024*

The President of the Max Planck Society gives the Archives of the Max Planck Society the following Statute:

## **Article 1 — Status and Purpose**

The Archives of the Max Planck Society serve as a public archive for research on the history of the Kaiser Wilhelm Society as well as of the Max Planck Society, their administration and scientific work as well as for general historical research and actual information.

## **Article 2 — Scope of Application**

This Statute fundamentally applies to the archiving of documents of all bodies of the Max Planck Society, its Institutes and other facilities. Likewise, it applies to the archiving of documents transferred, managed and permanently safeguarded by the Archives as documentary additions to its holdings.

## **Article 3 — Management**

The management of the Archives is ensured by a scientific archivist with the professional qualification for high-ranking archive service (archive management) in line with archive-specific principles. The role of the Head of the Archives includes participation in research and teaching in specific areas and in the history of science, and participation in public relations activities. The Head of the Archives is assisted by a scientific archivist, equally with the professional qualification for high-ranking archive service or with equivalent knowledge (Deputy Head of the Archives).

## **Article 4 — Definitions**

- (1) Documents pursuant to Article 2 are deeds, files, papers, publications, card indexes, maps, drawings, plans, posters, image, film and sound documents and all other records, including of electronic nature, irrespective of the type of their storage, as well as all aids and complementary data necessary for preserving and understanding such information and its utilization.

- (2) Archival materials are all documents of archival value within the meaning of Article 2, which have been transferred to the Archives, possibly upon expiry of the custody and retention periods.
- (3) Records of archival value are documents of lasting value for science and research, historico-political education, administration, administration of justice, institutions or third parties. The Archives decide on the question whether records are of archival value, taking specific archival criteria as a basis.
- (4) Archiving encompasses the tasks of registering appraising and transferring documents, and of duly safekeeping, supplementing, securing, preserving, repairing, making accessible and exploring the transferred archival documents, as well as of making them available for use and publishing them with due regard for the interests warranting protection of parties concerned.

### **Article 5 — Responsibilities and Duties**

- (1) The Archives are in charge of archiving the documents that originated at the Max Planck Society's bodies, Institutes and other facilities in accordance with this Statute. This duty also extends to the documents of the Kaiser Wilhelm Society, the scientific tradition of which the Max Planck Society pursues in accordance with Article 1 of its Statutes.
- (2) The Archives also accept archival materials of a different origin to the extent that this is necessary and useful for exploring the history of the Kaiser Wilhelm Society and of the Max Planck Society.
- (3) Within the scope of their responsibilities, the Archives provide advice to the bodies, Institutes and facilities mentioned in Article 2 above in questions relating to records management.
- (4) The Archives manage a reference library as a complement to the archival holdings. The reference library is available to employees of the Max Planck Society and to users of the Archives.

### **Article 6 — Offering and Transfer**

- (1) The bodies, Institutes and facilities mentioned in Article 2 offer all documents they no longer require to fulfill their duties, and the custody and retention periods of which have expired to the Archives for archiving. This takes place no later than 30 years after the origination of the documents unless the law prescribes other retention periods. For the assessment of the archival value, the Archives are granted access to the documents and associated tools and supplementary data required to understand and use this information. Electronic documents that are subject to continuous updating are equally offered for archiving.
- (2) Documents containing person-related data subject to legal regulations on confidentiality are also offered.
- (3) Documents containing personal data that would have to be deleted or could be deleted according to federal or state legislation can also be offered or delivered provided that the storage of the data was not inadmissible.
- (4) The Archives take care of the offering and transfer of the documents in consultation with the bodies, Institutes and facilities mentioned in Article 2.

- (5) Documents to be stored permanently owing to legal provisions may either remain at the premises of the body that keeps the relevant files or be delivered to the Archives. The details are settled in an agreement.
- (6) Documents not of archival value (Article 4, paragraph 2, sentence 2) are to be destroyed by the offering body insofar as this neither conflicts with legal regulations nor with interests warranting protection of parties concerned.

### **Article 7 — Custody and Safeguarding**

- (1) Archival materials are inalienable.
- (2) Archival materials are to be kept permanently in safe custody by the Archives. They are to be maintained in their original form insofar as this does not conflict with any specific archival interests. Archival materials are to be processed according to specific archival knowledge and to be protected against unauthorized use, deterioration or destruction. The Archives have to take suitable technical and organizational measures to safeguard documents containing person related data or being subject to special legal security protection.
- (3) In justified individual cases, the Archives may dispose of documents previously transferred as archival materials but no longer of archival value, unless public interest or justified interests of persons concerned are opposed to such disposal.

### **Article 8 — Utilization**

- (1) In accordance with this Statute and the Terms of Use of the Archives, everyone is entitled to utilize archival materials on application, unless otherwise established owing to different legal requirements.
- (2) The utilization of the archival materials is to be prohibited in whole or in part if
  - 1. they must be kept secret because of predominant justified third-party interests,
  - 2. the interests warranting the protection of parties concerned or third parties would be affected,
  - 3. the duty to maintain secrecy pursuant to § of the German Penal Code or other legislation relating to secrecy would be violated,
  - 4. the state of preservation of the archival materials does not allow its use,
  - 5. an unjustifiable administrative burden would be caused.For important grounds, utilization may be attached to conditions.
- (3) Upon application according to Article 2, parties concerned are to be provided with information from the archival materials or to be granted access to them insofar as the archival materials refer to them personally. Such decision is made by the Archives.
- (4) The bodies, Institutes and facilities mentioned in Article 2 are entitled to use the archival materials constituted from their documents at any time. This does not apply to any person-related data which would have to be blocked or erased by virtue of a legal provision.

## **Article 9 — Retention Periods**

- (1) The use of archival materials pursuant to Article 8 is admissible after the expiration of a retention period of 30 years after the origination of the documents. In the case of archival materials subject to special secrecy provisions, the retention period lasts sixty years after the documents' origination. However, the retention period for archival materials which, by their purpose or essential contents, relate to one or several natural persons (person-related archival materials) does not end prior to the lapse of
  1. ten years after the death of the person concerned, or from among several persons concerned whose years of death are known to the Archives, the one who died last,
  2. one hundred years after the birth of the person concerned or the birth of the person who was born last from among several persons whose years of death are not known to the Archives, and
  3. sixty years after the origination of the documents if neither the year of death nor the year of birth of the persons or one of the persons concerned are known to the Archives.
- (2) The retention periods pursuant to paragraph (1) do not apply to documents which were intended for publication or accessible to the public right from the time of their origination. The retention periods defined in paragraph (1) only apply to person-related archival materials regarding office holders in the exercise of their offices as well as person from contemporary history if their sensitive sphere of privacy is concerned.
- (3) Upon application, the Archives may approve the utilization of archival materials subject to retention periods pursuant to paragraph (1) prior to the expiration of the retention period. In the case of person-related archival materials, this is only admissible if
  1. the persons concerned have agreed to the utilization of the materials,
  2. in the event of the death of the persons concerned, their legal successors have agreed to the utilization of the materials unless a person concerned provably disagreed during his or her lifetime on the utilization of the materials,
  3. utilization is required for a specific research project, and it is ensured that interests warranting the protection of the persons concerned or of third persons are not affected,
  4. utilization, giving due consideration to the interests of persons concerned or of third parties,
    - a) is predominantly in the public interest or
    - b) serves the official internal use of the Max Planck Society and has been approved by the President.

## **Article 10 — Advisory Board**

- (1) An Advisory Board is established for the Archives of the Max Planck Society. The Advisory Board supports and advises the Management of the Archives with respect to its ongoing tasks. At the same time, the Advisory Board constitutes a link between the Archives, the Sections and/or the Institutes and other facilities of the Max Planck Society as well as other archival facilities of general importance.
- (2) Composition of the Advisory Board:
  1. Besides scientists from the three Sections of the Max Planck Society's Scientific Council, the Advisory Board also comprises personalities closely related to the task area of the Archives.

The Secretary General of the Max Planck Society or a representative appointed by him, as well as the Management of the Archives take part as guests and without a voting right in the meetings and deliberations of the Advisory Board.

2. The Members of the Advisory Board are appointed by the President of the Max Planck Society at the suggestion of the Archives. Reappointments are possible. Members leaving the Advisory Board prior to the expiry of their terms of office must be replaced as soon as possible.
  3. The period of office of the Members is four years. The memberships of Members who were chosen owing to their offices lapse as soon as the Members leave their respective official positions.
  4. The Chair and the Deputy Chair are elected from among the Members of the Advisory Board. The Chairpersons of the Advisory Board must be archival specialists.
- (3) The meetings of the Advisory Board:
1. The Advisory Board is convened annually in an ordinary meeting. The Chair, in agreement with the Management of the Archives, convenes the meetings of the Advisory Board at least one month in advance, stating the items on the Agenda.
  2. The Head of the Archives extends the invitations to the constituent meeting. The Management of the Archives forwards suitable documentation to the Advisory Board Members for information before the meeting is held.
  3. Minutes are to be taken of each Advisory Board Meeting. They are to be signed by the Chair. As a rule, the minutes should be available two months after the meeting.

### **Article 11 — Entry into Effect**

These Statute shall enter into force on 22 November 2024 on the basis of a resolution of the Executive Committee of the Max Planck Society dated 21 November 2024 and shall replace all previous versions of the Statutes.