

English is not an official language of the Swiss Confederation. This translation is provided for information purposes only and has no legal force.

Federal Act on Archiving (Archiving Act, ArchA)

of 26 June 1998 (Status as of 1 May 2013)

The Federal Assembly of the Swiss Confederation,
based on Article 85 section 1 of the Federal Constitution¹,
and having considered the Federal Council Dispatch dated 26 February 1997²,
decrees:

Section 1: General Provisions

Art. 1 Purpose and scope

¹ This Act regulates the archiving of documents from:

- a. the Federal Assembly;
- b. the Federal Council, the Federal Administration as defined in Article 2 of the Government and Administration Organisation Act of 21 March 1997³, and the units of the armed forces;
- c. Swiss diplomatic and consular missions abroad;
- d.⁴ the Federal Criminal Court, the Federal Administrative Court, the Federal Patent Court and the federal appeals and arbitration commissions;
- e. the autonomous institutions of the Confederation;
- f. the Swiss National Bank;
- g. extra-parliamentary committees;
- h. other public or private law bodies that fulfil executive tasks delegated to them by the Confederation, with the exception of the cantons;
- i. former federal bodies.

AS **1999** 2243

¹ SR **101**

² BBl **1997** II 941

³ SR **172.010**

⁴ Amended by No I 1 of the Federal Act of 28 Sept. 2012 on the Amendment of Procedural Provisions on Lawyers' Professional Secrecy, in force since 1 May 2013 (AS **2013** 847; BBl **2011** 8181).

² This Act also applies to the use of archive records belonging to the Confederation by federal bodies and by third parties.

³ The Federal Supreme Court shall regulate the archiving of their documents in accordance with the principles contained in this Act and in consultation with the Swiss Federal Archives (Federal Archives).⁵

Art. 2 Principles

¹ Federal documents that are valuable for legal, political, economic, historical, social or cultural reasons shall be archived.

² Archiving makes a contribution towards legal certainty as well as to the continuous and efficient management of administrative activities. In particular, it forms the basis for historical and sociological research.

Art. 3 Definitions

¹ Documents within the meaning of this Act are all recorded information, irrespective of the medium, that is received or produced in the fulfilment of the public duties of the Confederation, as well as all finding aids and supplementary data that are required in order to understand and use this information.

² Archive records are documents that have been accepted by the Federal Archives for safekeeping or that are independently archived by other bodies in accordance with the principles laid down in this Act.

³ Documents that are of archival value are documents of legal or administrative importance or which contain valuable information.

Section 2: Safekeeping of Documents

Art. 4 Archiving responsibilities

¹ The Federal Archives shall archive the documents of the Confederation.

² The archiving of cantonal documents that have originated in the conduct of federal tasks is the responsibility of the cantons, unless a federal act provides otherwise.

³ The Swiss National Bank and autonomous institutions designated by the Federal Council are responsible for the archiving of their own documents in accordance with the principles of this Act.

⁵ Amended by No. II 3 of the Federal Act of 20 March 2008 on the Formal Revision of Federal Legislation, in force since 1 Aug. 2008 (AS **2008** 3437 3452; BBl **2007** 6121).

⁴ The Federal Criminal Court, Federal Administrative Court, Federal Patent Court and the federal appeals and arbitration commissions shall offer their documents to the Federal Archives for safekeeping in the event that they are themselves unable to archive the documents in accordance with the principles of this Act.⁶

⁵ Other public or private law bodies, provided they carry out executive tasks delegated to them by the Confederation, are themselves responsible for the archiving of related documents in accordance with the principles of this Act or shall offer these to the Federal Archives for safekeeping. The Federal Council shall enact a corresponding ordinance.

Art. 5 Information and records management

¹ The Federal Archives shall advise the offices required to offer their records for safekeeping on the organisation, management, preservation and delivery of their documents. It may also offer such services to other bodies.

² It has the power to consult registries or information management centres of the offices required to offer their records for safekeeping and to consult the condition of the documents held there.

³ It shall issue directives to the offices required to offer their records for safekeeping on:

- a. the management, preservation and delivery of documents;
- b. the creation and management of parallel archives.

Art. 6 Obligation to offer records for safekeeping

The bodies designated in Article 1 paragraph 1 must offer all documents that they no longer constantly require to the Federal Archives for safekeeping, provided they are not themselves responsible for their archiving.

Art. 7 Assessment of the archival value and acceptance of documents

¹ The Federal Archives, in cooperation with the bodies designated in Article 1 paragraph 1, shall decide whether documents are of archival value.

² Documents that are assessed as being of archival value must be delivered to the Federal Archives by the bodies required to offer their records for safekeeping. Offices not required to offer their records for safekeeping are responsible for their own archiving.

³ The Federal Archives may temporarily safeguard documents that are assessed as not being of archival value if such safeguarding is required by federal law.

⁶ Amended by No I 1 of the Federal Act of 28 Sept. 2012 on the Amendment of Procedural Provisions on Lawyers' Professional Secrecy, in force since 1 May 2013 (AS **2013** 847; BBl **2011** 8181).

Art. 8 Destruction of documents

¹ Documents that are subject to the obligation to be offered for safekeeping must not be destroyed without the consent of the Federal Archives.

² The Federal Archives may not destroy documents without the consent of the body that has delivered them.

Section 3: Access to Archive Records**Art. 9** Principle of freedom of access and period of retention

¹ The archive records of the Confederation become available for consultation by the general public free of charge after the expiry of a retention period of 30 years, subject to the terms of Articles 11 and 12.

² Documents that were accessible to the public before their delivery to the Federal Archives remain accessible to the public.

Art. 10 Calculation of the retention period

The retention period normally begins on the date of the most recent document of a case or file.

Art. 11 Extended retention period for personal data

¹ Archive records that are classified according to the names of people and which contain sensitive personal data or personality profiles are subject to a retention period of 50 years, unless the person concerned has consented to their consultation.

² The extended retention period ends three years after the death of the person concerned, subject to the provisions of Article 12.

³ Consultation for the purpose of research not related to specific persons may be permitted during the extended retention period by the department responsible, subject to the imposition of restrictive conditions.

Art. 12 Further restrictions on consultation

¹ If there is an overriding and legitimate public or private interest in preventing the consultation by third parties of certain categories of archive records, the Federal Council may in an ordinance restrict or prohibit consultation for a limited period following the expiry of the retention period.

² If there is a predominant and legitimate public or private interest in preventing the consultation by third parties of archive records in a specific case, then the body delivering the records or the Federal Archives may restrict or prohibit consultation for a limited period following the expiry of the retention period.