

Please provide details accurately and as comprehensively as possible.

If the space provided is not sufficient for the required information, please use a separate sheet.

To
Hessisches Landesarchiv
Abt. Hessisches Staatsarchiv Darmstadt
Karolinenplatz 3
64289 Darmstadt, Germany

REQUEST TO SHORTEN TERMS OF PROTECTION

pursuant to Section 13 (5) Hessisches Archivgesetz (HArchivG; Hessian Archives Act) of November 26, 2012 (Gazette GVBl p. 458), amended by Article 14 HArchivG of October 5, 2017 (GVBl p. 294) or, as applicable, Section 12 Bundesarchivgesetz (BArchG; Federal Archives Act) of March 10, 2017 (Gazette BGBl. I p. 410), amended by Article 10 (3) BArchG of October 31, 2017 (BGBl. I p. 3618) and Section 6 of the Terms of Use for the Hessian Archives of December 13, 2013 (Gazette StAnz. 2014 p. 49)

1 REQUESTER AND OTHER PARTIES INVOLVED:

1.1 Requester

First and last name:

Profession/scientific qualification:

Address:

Phone number *(for any queries)*:

E-mail address *(or any queries)*:

Co-user/s *(please specify first name, last name, and address for each co-user)*:

1.2 Ordering entity *(institution, authority, community, research facility including supervising professor)*

2 DETAILS OF PLANNED ACCESS:

2.1 Purpose of access (please tick the appropriate box; multiple entries possible)

- scientific official publishing
- educational others; please specify.
- ▶ Please answer questions 2.2 to 4.4.
- Pursuance of legitimate concerns predominantly of interest for another person or agency
- ▶ Please answer questions 2.2, 2.4 to 2.8, and 5.1 to 5.3.

2.2 Subject of the project, in particular, details about objectives and methods where appropriate

2.3 If there are plans for a publication, in which form will it be?

- monograph/essay/article exhibition lecture
- documentation/edition (i.e. reproduction or literal copy of sources)
- student research project or examination paper
- others; please specify.

2.4 Have requests to shorten terms of protection been submitted to other Hessian state archives for the same reason and the same project?

- no yes

If yes: To which?

- Hess. Hauptstaatsarchiv Hess. Staatsarchiv Darmstadt Hess. Staatsarchiv Marburg

2.5 Exact name/s, if known, of the archival material to be accessed

2.6 Do you intend to impart information obtained from the archival material to third parties?

no yes

If yes: To whom?

2.7 Do you intend to make reproductions of the archival material?

no yes

If yes: For which reason?

2.8 Do you intend to pass on reproductions to third parties?

no yes

If yes: To whom?

3 REQUEST TO SHORTEN TERMS OF PROTECTION (Section 13 (5) HArchivG, Section 12 BArchG):

Explanation of public interest in shortening the terms of protection

4 ADDITIONAL DATA WHEN ACCESSING PERSONAL ARCHIVAL MATERIAL FOR SCIENTIFIC PROJECTS (Section 13 (5) p. 2 no. 1 and 2 HArchivG, Section 12 (2) p. 2 no. 1 1. Alt.BArchG):

4.1 Name/s of the person/s concerned, if possible

- Persons concerned who are still alive:

- Persons concerned deceased less than ten years ago (including dates of death and evidence where applicable):

- Persons concerned for whom the day of death cannot be ascertained, but who were born less than 100 years ago (including birth dates and evidence where applicable):

- Persons concerned for whom neither birth nor death dates are known:

4.2 Was consent to the access obtained from the person/s concerned or from their surviving dependants (spouses/registered civil partners/children, or parents)?

yes no

If yes: Please enclose original of written consent.

If no: Why was consent not obtained/not granted?

4.3 Will the research results be published or passed on to third parties without personal data or in a sufficiently anonymised form?

yes no

If no: Which data about which persons or groups of persons do you intend to publish?

4.4 In which way does the scientific purpose require publishing or imparting of the personal data?
(Merely stating a public interest is not a sufficient explanation!)

5 ADDITIONAL DATA WHEN ACCESSING PERSONAL DOCUMENTS FOR PURSUING LEGITIMATE CONCERNS PREDOMINANTLY OF INTEREST FOR ANOTHER PERSON OR AGENCY
(Section 13 (5) p. 2 no. 3 HArchivG, Section 12 (2) p. 2 no. 1 2. Alt.BArchG)

5.1 Explanation of legitimate concerns. Why is it essential to access the archival material?

5.2 Name/s of the person/s concerned, if possible

- Persons concerned who are still alive:

- Persons concerned deceased less than ten years ago (including dates of death and evidence where applicable):

- Persons concerned for which the day of death cannot be ascertained, but who were born less than 100 years ago (including birth dates and evidence where applicable):

- Persons concerned for whom neither birth nor death dates are known:

5.3 Was consent to the access obtained from the person/s concerned or from their surviving dependants (spouses/registered civil partners/children, or parents)?

yes no

If yes: Please enclose original of written consent.

If no: Why was consent not obtained/not granted?

Place

Date

Signature

**Extract from Hessisches Archivgesetz (HArchivG; Hessian Archives Act) of November 26, 2012
(Gazette GVBl p. 458), amended by Article 14 HArchivG of October 5, 2017 (GVBl p. 294)
(Convenience translation)**

Section 13
Terms of protection

(1) As a rule, public archival material is protected for a period of 30 years after the documents were created. Archival material subjected to special secrecy regulations at the time it was taken over by the public archives may as a rule not be accessed before 60 years have lapsed after document creation. This also applies to documents that should have been deleted or destroyed as per special regulations.

(2) Irrespective of the general terms of protection, archival material with an intended purpose or essential content referring to one or more natural persons (personal archival material) may as a rule only be used by third parties ten years after the person concerned or the last of several persons concerned has/have died. If the year of death cannot be ascertained, the period of protection shall end 100 years after the birth of the person concerned or the last of several persons concerned for whom the year of death cannot be ascertained. If neither the year of birth nor of death of the person concerned or of one of the persons concerned can be ascertained with reasonable effort, the term of protection ends 60 years after the documents were created.

(3) The terms of protection pursuant to paragraphs 1 and 2 do not apply to archival material already intended for publication at the time of its creation.

(4) The terms of protection pursuant to paragraphs 1 and 2 also apply for access by public agencies. For relinquishing agencies, the terms of protection of paragraphs 1 and 2 apply only to documents that the relinquishing agencies should have blocked, deleted, or destroyed as per special regulations.

(5) Public archives can shorten the terms of protection in individual cases at the request of users if this is in the public interest. Requests to access archival material prior to expiration of the period of protection are to be granted for personal archival material if

1. the access is required for a specific research project and it is ensured that interests worthy of protection of persons concerned or of third parties are not impaired; or if
2. the public interest in carrying out the research project considerably outweighs the interests worthy of protection; or if
3. the access is essential for pursuance of legitimate concerns predominantly of interest for another person or agency and an impairment of concerns worthy of protection is excluded by appropriate measures.

(6) Irrespective of the terms of protection stated in paragraphs 1 and 2, access to personal archival material is also permissible if the person whom the archival material relates to, or, if that person is deceased, the dependants, has/have consented. The consent is to be obtained from the surviving spouse, the registered civil partner, or, after the death of the stated persons, from the children, and, if neither spouse, nor registered civil partner, nor children exist, from the parents of the person concerned.

(7) Personal data may only be published prior to expiration of the terms of protection if the persons concerned, or, if these are dead, their dependants pursuant do paragraph 6, have consented, or if publication is indispensable for presenting the results of the specific research project. Publication is permissible for officials in the performance of their duties and for persons of contemporary history, provided that publication does not conflict with an appropriate consideration of legitimate concerns.

**Extract from the Terms of Use for the Hessian Archives
of December 13, 2013 (Gazette StAnz. 2014 p. 49):**

Section 6
Request to shorten terms of protection

(1) The archives immediately notifies the user of existing terms of protection according to Section 13 HArchivG.

(2) The user must request a shortening of the terms of protection by submitting a separate form with an explanation of the reasons as stated in the Hessian Archives Act HArchivG to the repository archives. If granted, the approval for access is to be delivered together with the decision from the archives.