

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 Hauptstaatsarchiv Wiesbaden
Mosbacher Straße 55
65187 Wiesbaden

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), as last amended by Article 2 BArchG of December 4, 2018 (BGBl. I p. 2257) and Section 5 of the Terms of Use for the Hessen State Archives of December 20, 2019 (Gazette StAnz. No. 4, 2020, 2014 p. 89–90)

1 REQUESTER AND ORDERING ENTITY:

1.1 Requester

First and last name:

Address (*for delivery of decision*):

Phone number (*for any queries*):

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

Ordering entity, if applicable (*with address*):*

* Please also note section 3.6 in particular.

2 DETAILS OF PLANNED ACCESS:

2.1 Purpose and subject of the project

1. Purpose (scientific qualification paper, official use, other)

2. Subject of the project (with abstract)

2.2 Exact name/s of the archived documents (archival material) to which the Request to Shorten Terms of Protection refers (If you would like to research archival material, please specify the relevant fonds. To access archival material, please give the exact identifier of the archival item.)

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)
 others. Please specify.

Do you intend online publication (as well)? (this increases the need to protect the rights of data subjects)

- yes no

2.4 If you already submitted a request to shorten terms of protection for the same reason and the same project to another department of the Hessen State Archives, please specify to which?

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

2.5 Which facts in your opinion constitute a public interest as is required by the Hessian Archives Act in order to shorten the terms of protection? (Section 13 (5) HArchivG, see appendix)

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

no yes

If yes: To whom and in which form (analogue or digital, anonymised or unchanged)?

2.7 Do you intend to make reproductions (scans, copies, or the like) of the archival material?

no yes

If yes: For which reason?

If you intend impart reproductions to third parties: To whom and for which reason?

3 DATA WHEN ACCESSING PERSONAL ARCHIVAL MATERIAL (Section 13 (5) p. 2 No. 1 and 2 HArchivG, Section 12 (2) p. 2 No. 1 1 and 1 2. BArchG):

3.1 Name/s of the natural 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:

3.2 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 without personal data or in an anonymised form?

yes no

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

3.4 Will the research results be imparted to third parties without personal data or in an anonymised form?

yes no

If yes: Which data about which persons or groups of persons do you intend to impart?

**3.5 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!)**

3.6 If the access to the archival material is carried out for other persons or on their behalf: Why is it essential to access this archival material?

Data protection notice

I am not legally obliged to disclose the information requested in the form. I am aware, however, that the request can only be granted if I have supplied the information necessary for processing it.
I have been informed that the data I have submitted will be saved and processed according to the applicable archival and data protection regulations exclusively for purposes of the relevant archives in the context of accessing the archival material.

I am aware that I have the right to obtain notification of the saved data relating to me, about the purpose and the legal basis for processing the data, and about the source of the data. In this case, please refer to the data protection officer designated on the homepage of the Hessen State Archives (landesarchiv.hessen.de).

In the case of a complaint or a request of erasure, please refer directly to the President of the Hessen State Archives: praesident@hla.hessen.de

You can find the legal bases for data protection under <https://www.arcinsys.de/recht/datenschutz.htm>; in English language under <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02016R0679-20160504&from=EN>

Copyright notice

I am aware that I may only utilise and make further use of works that are protected by copyright in accordance with conditions regulated in the Act on Copyright and Related Rights (Gazette BGBl. I p. 1273), as amended by Article 1 of the Act of November 28, 2018 (BGBl. I p. 2014).

Place	Date	Signature
-------	------	-----------

**Extract from Hessisches Archivgesetz (HArchivG; Hessian Archives Act) of November 26, 2012
(Gazette GVBI p. 458), as amended by Article 14 HArchivG of October 5, 2017 (GVBI 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 to 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 Hessen State Archives
of December 20, 2019 (Gazette StAnz. No. 2020 p. 89–90):**

**Section 5
Shortening of terms of protection and lifting of restrictions**

(1) Access to archival material that is under special constraints or subject to restrictions can be made possible by special regulations.

(2) The Hessen State Archives immediately notifies the user of existing terms of protection pursuant to Section 13 HArchivG. The user must request a shortening of these terms of protection and give exact details on the research project with an explanation of the reasons as stated in the Hessian Archives Act HArchivG to the repository archives.

(3) Access to non-governmental archival material under special constraints is made possible within the framework of the particular contractual regulations with the depositaries.