Terms of archiving and access for the University Archives of TU Wien
(online 30.06.2015)

1. General regulations
   § 1 Duties and responsibilities
   § 2 Transfer and protection of archival material
   § 3 Administration and preservation of archival material
   § 4 Terms of use of archival material

2. Regulations of Access
   § 5 Accessible archival material
   § 6 Types of access
   § 7 access to archival material by inspection
   § 8 Access by oral and written requests
   § 9 Access by request for copies of archival material
   § 10 Access by loan of archival material.

1. GENERAL REGULATIONS

§ 1 Duties and responsibilities

(1) The University Archives of TU Wien are the central archives for TU Wien as per § 3 section 2 subsection 3 Federal Archives Act. As a public archives, they serve TU Wien by supporting research and teaching, its administration and the protection of rights and contributes to research and communication of the history of TU Wien. It provides information and offers advice and support to users.

(2) The responsibility of the archives is to capture, appraise, preserve, describe, provide for their permanent custody (long-term archiving) and make accessible all documents with archival value that have been created in any of the organisational units of TU Wien and her legal predecessors (archival material).
Subject to applicable regulations, the University Archives shall make these documents accessible for official, academic, publishing and justified personal requirements and protect them against destruction and disintegration.

(3) Documents as per section 2 comprise papers, records, charters, journals, maps, plans, sketches, pictures, audio and video recordings, computer files and any other information in either analogue or digital form and the auxiliary material required in order to make them accessible and use them.

(4) Documents with archival value are documents which because of their contents or the persons they relate to are of legal, political, economic, social, historical or cultural significance for TU Wien, for academia, research, administration, jurisdiction and legislation and for the protection of general and special civil rights.

(5) The University Archives may also record, collect, preserve, appraise and make available to the public documents from other institutions and private persons for the purpose of documenting the history of the University.

(6) In addition to maintaining a reference library, the University Archives shall also create or continue collections where this is necessary or useful for the purposes of completing, making accessible and using the archival material and for researching the history of TU Wien.

(7) In particular, collection items include coins, medals, seal casts, pictures and photographs, pamphlets and posters, newspaper clippings, periodicals published by organisational units of TU Wien or closely associated institutions, documents created by student organisations and associations and memorabilia of any type relating to TU Wien.

(8) The University Archives support all organisational units of TU Wien with respect to the management of records and participates in processes of developing and implementing tools and programs for the management of records.
(9) The University Archives actively participate in the process of academic evaluation and presentation of its records to the public via exhibitions and publications on topics related to the history of academia, technology and the University. It maintains contact with national and international professional organisations.

§ 2 Transfer and protection of archival material

(1) All organisational units of TU Wien must submit all documents that were created or received by them (hereinafter referred to as “records”) and are no longer required for ongoing operations to the University Archives. This submission must take place no later than 30 years after the documents were created, unless regulatory or administrative provisions prescribe that the documents must remain for a longer period with the respective organisational unit. However, records must not be submitted until a period of five years has elapsed since they have been closed.

(2) The institutions specified in section 1 may destroy documents or delete data only if the University Archive does not regard them as being of archival value and declines to accept them or has not reached a decision on their archival value within three months of their being submitted. The archival value of documents and data is regulated in special guidelines by the University Archives.

(3) Before transferring any documents into the University Archives transfer lists are to be prepared by the institution that is submitting the records. The selection and format of electronic documents to be transferred is to be agreed between the University Archives and the institution that is submitting the records.

§ 3 Administration and preservation of archival material

(1) The University Archives of TU Wien fulfils its responsibilities in accordance with professional archival standards. It takes appropriate measures to effectively protect archival material against unauthorised use and to ensure the security of personal data or documents which are subject to special statutory confidentiality provisions. In this process,
it shall in particular adhere to the provisions of the Federal Archive Act, the Data Protection Act and the usage regulation of the University Archive. Moreover, it shall take the measures necessary to protect archival material against damage, loss or destruction and ensure their retention, long-term preservation and usability.

(2) The University Archives have the authority to remove and destruct documents that no longer have archival value, unless preservation periods or the legitimate interests of concerned or third parties disallow this. A record of removal and destruction must be kept.

(3) The archival material of TU Wien is inalienable.

§ 4 Terms of use of archival material

(1) Any natural or legal person is entitled to use the records in the University Archives of TU Wien for official, academic, publishing and justified personal requirements as per the Federal Archive Act and within the scope of the terms of access.

(2) The University Archives are open for users every working day (Monday–Friday) from 8 a.m. to 12 p.m. throughout the year. In addition, access is possible outside these times subject to prior notification or agreement.

(3) Access to the archival holdings is regulated by the access regulations.

2. ACCESS REGULATIONS

§ 5 Accessible archival material

(1) Unless specified otherwise below, a moving closure of access of 30 years applies for the access to archival material in the University Archives (protection period as per § 8 section 1 Federal Archives Act). The protection period ends 30 years after the expiry of the calendar year following the last processing of a file.
(2) For personnel files and documents specifically related to persons, the protection period ends 30 years after the death of the person concerned. The same applies for records touching on third-party rights with respect to that party. Disciplinary files must be treated as personnel files. If the date of death of the person concerned cannot be ascertained, a protection period of 110 years after the birth of the person concerned applies.

(3) A reduction in the closure of access to 20 years is possible only in exceptional cases for the purpose of academic research undertaken by individuals with relevant expertise and research experience. This period can be reduced only upon written application via the head of archives, if

a. access is necessary for carrying out a research project and the legitimate interests of the parties concerned are not infringed or

b. The public interest in a research project's being undertaken outweighs the legitimate interests of the parties concerned.

(4) Archival material containing personal data may only be accessed before the expiry of the protection period specified in section 2 by persons with written approval for usage from the party concerned or, in the event of the death of the party concerned, the approval of their next of kin.

(5) Archival material of private origin is accessible as per the transfer agreement. If the agreement does not contain any regulations on access, the archival material will be accessible before the end of the protection period of 30 years with the approval of the party who transferred the documents or their next of kin. If the archival material includes personal data, section 2 shall also apply.

(6) Archival material which has been archived for less than 20 years since the beginning of the protection period and for which there exist no exemptions as per section 4 or 5 is not accessible.
§ 6 Types of access

(1) Archival material can be accessed by

1. Inspection of archival material or reproductions thereof
2. Oral and written requests to the University Archives
3. Request to the University Archives for copies of the archival material
4. Loan of archival material or reproductions thereof

§ 7 Access to archival material by inspection

(1) Every user shall comply with the following regulations of access and instructions given by archive staff. Non-compliance with or non-fulfilment of these conditions shall result in withdrawal of access permission.

Request for access

(2) Every user shall submit a separate request for access (user form) for every calendar year of archive use and for every study topic and shall personally sign the attached “legally binding declaration”. Upon request, the user shall receive a copy of the usage regulations and the “legally binding declaration”.

(3) Users visiting the archives for the first time must show their official photo ID as proof of identity.

(4) Access shall be limited or denied if

1. It poses a risk to archival material
2. It leads to unreasonable administrative effort
3. The purpose of access can be adequately achieved by other means, especially by consultation of publications or reproductions.

(5) Theses or dissertations can be accessed only if the author has not enacted a closure of access.
Ordering and using archival material

(6) Archival material can be ordered orally or in writing. If the required documents cannot be adequately specified, the supervising archivist shall offer advice subject to staff availability. Further consultation can take place only after prior appointment with the archive management.

(7) Archival material will be made available no later than two working days after the order is placed.

(8) The archives management must be informed of the conclusion of archiving work as well as of breaks lasting for more than four weeks.

(9) Quotations from the records of the University Archives must specify the origin completely and precisely.

(10) The clauses of the Austrian copyright act BGBl. 111/1936 as amended pertaining to the use of plans, drafts, photographs and letters as well as the protection of images must be complied with. All personal rights, especially those of public officials, must be correspondingly observed. Likewise, the clauses of the Data Protection Act 2000 BGBl. 165/1999 as amended on the protection of personal data and other equivalent legal specifications as amended must be observed in full.

(11) Any user whose research results are published as books, in periodicals or newspapers in whole or part is required to submit a free copy of this publication to the University Archives without being asked. This shall also apply to unprinted dissertations and correspondingly to publications of copies of all types.

Order and safety

(12) Work with the archival material provided shall take place exclusively in the designated
room (reading room) in the University Archives. Dissertations and habilitation theses shall not be lent (without any exceptions) if they are part of an examination file.

(13) Bags, laptop cases, umbrellas, coats and other outdoor clothing, etc. must be deposited in the user cloakroom before commencing work. Items are deposited in the user cloakroom at the user’s own risk. TU Wien shall not assume any liability for lost or stolen items. The use of mobiles and dictation devices in the reading hall is forbidden; please put them in silent mode.

(14) Animals may not be brought into the user room.

(15) Archival material and books must be handled carefully and protected from any damage. Users must not mark or write comments in archival material and books, or use them as a blotting pad. In particular, users must strictly ensure that they do not alter the sequence and order files or mix documents from various files.

(16) Only pencils may be used for writing. Cotton gloves should be used for particularly sensitive documents.

(17) Smoking is strictly prohibited in all areas of the University Archives. Food and drink are not allowed in the user room.

§ 8 Access by oral and written requests

(1) In case of requests for written information, the archive is obligated to provide information on the requested record (type, scope, status and usability of the required archival material).

§ 9 Access by request for copies of archival material

(1) Copies and other reproductions of archival material may only be produced by archive staff; this requires the approval of the Head of Archives. Permission to make copies and
reproductions may be refused for reasons of preservation. Copies and other reproductions may not be forwarded to a third party.

(2) Copies and other reproductions are produced on reimbursement of costs. The costs to be reimbursed are specified in the corresponding applicable guidelines for costs rates and usage fees at the University Archives.

(3) If photographs of archival material are made at a user’s request, the negatives shall remain in the archive. Contact prints, enlargements or slides shall be provided to the ordering party against the reimbursement of costs.

(4) Digital recordings and scans of archival material may only be produced by archive staff. Users may not make digital recordings or scan documents using their own recording/scanning devices.

(5) If users intend to disseminate any copies or other reproductions by printing, posting online or any other means, prior written permission from the University Archives must be obtained and a usage fee must be paid, if required.

§ 10 Access by loan of archival material

(1) Loan of Archival materials is permitted:

   a. By administration staff at TU Wien for the fulfilment of their official assigned duties

   b. By public institutions for the purpose of exhibitions.

(2) There is no entitlement to loaning – except for the circumstances specified in section 1 lit. a. The request for loaning archival material as per section 1 lit. a must be made in writing, specifying the purpose of loan (form).

(3) Loaning rules for the purpose of exhibitions:

   1. Only archival material which is accessible as per sections 1 and 2, for which the
corresponding permissions as per § 5 section 5 are available and whose state of preservation allows it may be loaned.

2. The University Archives is responsible for deciding, on the basis of archival standards, whether originals or copies shall be made available, whereby the state and value of the archival material are the key deciding factors.

3. Originals may be loaned only if effective protection is guaranteed against loss, damage and unauthorised use and if the purpose of the loan cannot be achieved through reproductions or copies.

4. A loaning agreement must be signed with TU Wien for the loan of the archival material, according to which the borrower shall bear all costs, particularly the costs for packaging, transportation, insurance and costs for safety and preservation measures, if any (e.g. back-up copy).

   In addition, conditions must be provided in the interest of the safety and preservation of archival material on loan.

5. The permission of the University Archive is required for making reproductions of the archival material on loan.

§ 11 Liability

Every user shall ensure that the archival material that they use remain intact and assume liability for any damage caused to them.

In the event of damage by a third party, TU Wien can either demand that the damage be repaired by the liable party at their own cost, arrange for the damage to be repaired by a third party at the cost of the liable party or determine the value of damage and demand this amount from the liable party.

______________________________________________
Decision of the Rectorate on 22/04/2013
Decision of the Senate on 06/05/2013
Announcement in Gazette no. 11/2013 dated 15/05/2013