

# Inter-American Model Law on Document Management



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# Presentation

In October 2020, the General Assembly of the Organization of American States (OAS) approved the Inter-American Model Law 2.0 on Access to Public Information, as a renewed effort by the Organization to strengthen transparency and accountability, public trust in democratic institutions, and the empowerment of citizens as key elements in the development of a democratic society.

The Model Law 2.0 was created pursuant to the mandate conferred in 2017 to the Department of International Law of the Secretariat for Legal Affairs (DDI) by the General Assembly of the OAS. On that occasion, said Organ requested that the DDI, in its capacity as Technical Secretariat of the Inter-American Juridical Committee (CJI), "in consultation with the focal points of the Inter-American Program of Access to Public Information of the Member States, and taking into account the contributions of civil society, identify the thematic areas in which it is deemed necessary to update or expand the Inter-American Model Law on Access to Public Information, and submit the results to the Inter-American Juridical Committee for its development." The Model Law in question had been adopted in 2010.

In compliance with said mandate, the DDI undertook an intense process of consultations with guarantor bodies, legislators, academics, civil society and other social actors, in which it was first suggested that the Model Law 2.0 be

complemented with a tool specifically focused on the adequate classification, custody and protection of documents that contain public information.

The DDI consolidated the recommendations obtained from the consultation process in a document that was considered and approved by the CJI and subsequently submitted to the political bodies of the Organization for their discussion and approval. The Inter-American Model Law 2.0 on Access to Public Information has been published by the DDI and is available on its website, accessible through the QR code that is included as an appendix to this document.

As an additional input for the Member States, the Model Law 2.0 includes an Inter-American Model Law on Document Management and its corresponding Application Guide, prepared not in the context of the consultation process, but in parallel by expert consultants. The latter instruments, although not part of the articles of Model Law 2.0, were approved as annexes thereto.

Regarding the preparation of the Inter-American Model Law on Document Management and its Application Guide, the DDI received invaluable support and technical advice from the *Red de Transparencia y Acceso a la Información* (Transparency and Access to Information Network - RTA) and the Government of Spain's *Subdirección General de los Archivos Estatales del Ministerio de Cultura y Deporte* (Sub-Directorate General of the State Archives of the Ministry of Culture and Sports), within the framework of the European Union Cooperation Program with Latin America EUROSociAL +.

With the publication of the Inter-American Model Law 2.0 on Access to Public Information, the Inter-American Model Law on Document Management and its Application Guide, the OAS presents a tool that allows a comprehensive response to the Member States' needs and strengthening their efforts in the adoption or reform of legislation that guarantees access to public information, taking these new standards as a reference.

### **Dante Negro**

Director

Department of International Law, Secretariat for Legal Affairs

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# Introduction and Purpose

Document management and file administration in government entities are some of the most important aspects for the effective implementation of a country's law on access to information and transparency. The inability to locate the information may become an obstacle in managing information requests, while inappropriate file management may delay compilation of requested information.

Therefore, it is fundamental to ensure that Document and file management policy is consistent with policies on information access policies, transparency, open government, and open data.

The success of transparency and access to public information initiatives depends to a large extent on the quality, reliability, and accessibility of the public archives with custody of that information. If the archives are not properly organized and well managed, it will be very complicated to confirm the authenticity and integrity of public information or meet the established deadlines for responding to the public and management. However, adequate archive management controls with effective standards and procedures, allow members of the public and public officials to trust not only the reliability of the data extracted from the archives, but also in the existence of a complete Documentary record of the activities of public administrations.

## Chapter 1

# Document management policy

The public administration generates and receives a considerable amount of Documentation as a result of the necessary activities to fulfill its purposes and as a record of those activities. These Documents constitute a legacy that is an essential part of the collective historical memory. At the same time, it is also constantly providing information on the powers of the public administration, which means that special attention should be given to processing, custody, and distribution of public Documents, particularly in a context of transparency and access to information.

Said Documents contain information that constitutes a valuable resource and an important asset for the subject entity. They are important not only for the institution internally, but also have an external dimension in that they guarantee rights and duties for the administration as well as private citizens, and may be subject to control and verification, as well as be used to audit the administration's activities. Therein lies the importance of a standardized Document management policies and procedures that ensures that they are accorded the proper attention and protection, while enabling their probative value and information content to be preserved and retrieved more efficiently and effectively through the use of standard practices and processes based on good practice.

Document and archive management is a crosscutting process in all institutions, making it an integral part of all the processes carried out in an institution's different areas. Streamlining Documentation through its various phases ensures effective and adequate management by integrating processing strategies for Documents—whether in conventional or electronic media—in an institution's overall management.

# Document management policy

### Article 1 Documents and files

- 1.** In the context of this law, "Document" shall mean any written information, regardless of its form, origin, date of creation, or official nature; whether or not it was created by the obligated entity that has possession of it; whether or not it is classified as confidential, and regardless of its medium or technology platform.
- 2.** For the purposes of this law, "Archive service" means the service responsible for the functions of Document management, conservation, and administration.
- 3.** Documents and Archive Services must be properly organized and well managed to ensure the quality and integrity of public information, as well as to meet established response times to the public and the subject entity itself.
- 4.** Documents and archives must be managed with adequate controls and standards, as well as with effective procedures, so that members of the public and public officials alike can trust not

only in the reliability of the data extracted from the archives, but also in the existence of a complete Documentary record of the activities of the subject entities.

## Article 2 Implementation of Document management policy

**5.** Every obligated entity shall define a Document and archive management policy as a declaration of intent that includes lines of action and objectives that it wishes to achieve as an institution in relation to the Documents that it produces or receives in the performance of its functions and activities.

Comment: *The implementation of a Document management policy at the core of institutions is a democratic obligation of our administrations that should be aligned with other high-level strategic policy goals, such as transparency, access to public information, good governance, and accountability, since Documents constitute the basis and foundation of open government as well as underpinning the principles of transparency, civic participation, and partnership.*

**6.** The Document and archive management policy will govern the practices of those responsible for their management and of anyone else who generates or uses Documents in the course of their activities, including:

- a.** Establishment of standards and good practices.
- b.** Design of procedures and deadlines.
- c.** Provision of services related to their management and use.
- d.** Integration of the Document management system with the systems and processes of the obligated entity or institution.
- e.** Oversight and audit for accountability.

## Article 3 Appointment of an authority to lead the management policy

**7.** All regulated entities shall establish a unit or agency for the formulation and leadership of Document management policy, which will guarantee that Document management decisions, actions, and activities conform to the legal framework and are duly Documented.

**8.** The senior management of the obligated entity must appoint a specific representative who, aside from their other responsibilities, should ensure that the Document management policy and system are established, implemented, and maintained in accordance with the necessary requirements.

## Article 4 Document management processes

**9.** The Document management policy of the obligated entity comprises the different Document management processes addressed herein below.

**10.** The Document management policy shall implement a system of regular oversight and evaluations—at intervals agreed upon within the obligated entity—of all or part of its Document management processes, as a commitment to quality and continuous movement.

## Chapter 2

# Document Identification, Classification, and Description

# Document Identification, Classification, and Description

### Article 5 Archive identification

**1.** For the purposes of this law, "Identification" shall mean the Document management process used to review and study the actions carried out within an institution that provide knowledge of every aspect of the Documentation that the institution manages and keeps.

Comment: *The fundamental objective of Identification is to gain a thorough knowledge of the institution producing, creating, or receiving the Documents in the exercise of its competencies, its organizational evolution over time, the administrative processes with which it has been operating, and all the provisions and regulations that affect the formal procedures it carries out. With that thorough knowledge, it will be possible to define the Document series that are the essential building blocks for developing all the other Document management processes in an institution.*

## Article 6 Document classification

**2.** For the purposes of this law, "Document Classification" shall mean a Document management process based on the systematic structuring of activities, institutions, or the Documents they generate into categories according to conventions, methods, or standards of procedure, all logically organized and represented in a Document management system.

Comment: *Document Classification is used to design all Document management actions and strategies within an institution, since its result provides essential added value for planning and determining numerous subsequent actions, such as the establishment of Documentary conservation periods, the information access procedure, and the possibilities of recovering information and Documents from among all those managed by the subject entity.*

**3.** The tool resulting from Document Classification is the regulated entity's Document Classification chart, to be used for correct classification of all Documents generated by the subject entity.

**4.** It is the institution's responsibility to prepare a Document Classification chart in collaboration with the units responsible for Document creation and/or management, and to code that chart so that it includes all the activities carried out in the subject entity and their Documentary record.

*an archive is well organized does not, in itself, guarantee that the information it contains can be accessed and consulted. For that, its contents need to be described. A fond cannot be properly appraised, conserved, and disseminated if its contents, institutional provenance, and the functions that prompted its creation and use—i.e., its context—are not known.*

**6.** Institutions should develop a gradual plan for Document description. This plan should ignore the medium in which Documents are stored and the stage in their lifespan.

## Article 7 Document description

**5.** In the context of this law, the main aim of description is to represent Documents in a comprehensible manner, providing information about the context of their creation, their organization, and their content, as well as to facilitate access to them.

Comment: *Archival description is directly linked to the prior processes of identification and classification, since information can only be described if it is properly organized. Moreover, the mere fact that*

## Chapter 3

# Document Appraisal, Transfer, and Disposal



# Document Appraisal, Transfer, and Disposal

### Article 8 Document Appraisal

**1.** For purposes of this law, "Appraisal" shall mean the archival processing phase that consists of analyzing and determining the primary and secondary values of Document series and establishing time frames for Transfer, access, and retention or Disposal, whether total or partial.

Comment: *All Appraisal systems should rest on three pillars: first, it must be governed by regulatory standards; second, it must be under the direction of an authority with vested powers and responsibilities; third, it must produce and apply decisions, which are normally reflected in what are generally known as retention calendars or Document retention tables.*

**2.** Appraisal procedures, which include Document selection, Disposal, and Transfer, should be designed to avoid arbitrary destruction of Documents as well as their needless accumulation.

**3.** Documents may never be disposed of as long as they have administrative force and continue to have probative value of rights and obligations.

Comment: *It is essential to guarantee the information needed to know what activities institutions have carried out and to conserve that which is necessary, at first, for institutional management purposes, and subsequently, for research and history.*

It would be desirable for Appraisal to occur not only when Documents enter archives, but also as early as the Document production stage. If we begin with rationalizing Document production and use, we can standardize procedures, and the production of useless Documents can be avoided; at the same time control and regulation of access to them can be defined, as can the time frames for Transfer, Disposal, or conservation.

**4.** Each subject entity shall establish an institutional Appraisal committee. This committee will be responsible for approving Document Appraisal tables or retention calendars.

**5.** Documents necessary for the normal operation of institutions and the services they provide or that serve as support for and recognition of rights and/or obligations, whether institutional or individual, should not be disposed of.

**6.** In some cases, serious economic sanctions and sometimes even criminal proceedings may result from the irregular destruction of Documents

**7.** All decisions taken and reports issued by Appraisal committees shall be Documented to provide evidence that they were permitted and authorized under the relevant law and norms.

**8.** The Appraisal and Disposal process shall be framed within a transparent and reliable system that is consistent with quality assurance systems and integrates the archive with the institution's management systems.

## Article 9 Document Transfer

**9.** For the purposes of this law, "Transfer" shall mean the usual procedure for entering material in an archive by transferring fractions of Document series once they have reached the time limit set by the rules established in the Appraisal for each stage of the lifespan of Documents.

Comment: *Document Transfer shall be a process included in the Document management policy of the obligated entity. Its purpose is to ensure that Documents are properly processed in the most appropriate archive for that purpose. Thus, the accumulation of Documents in different centers and units is avoided, as are the adverse effects of that accumulation, while the most appropriate service is provided for each phase of the Documents' lifespan.*

**10.** All obligated entities shall establish a Transfer calendar, understood as a management instrument that governs the physical Transfer of Documents to the storage areas managed by the archive. Under this calendar, each unit shall have an assigned period for effecting the Transfer of Documents.

**11.** All Document Transfers are to be accompanied by a delivery report or form which should provide the necessary information about the Documents being transferred.

**12.** In the case of the Transfer of electronic Documents, provision shall be made for the compatibility of formats and media.

**13.** Electronic Document Metadata should be transferred along with the Document in order to enable its identification, authenticity, and any conservation procedures that may be necessary in the future.

**14.** The Documents shall be accompanied by other supplementary Documentation, such as indications of use and access privilege procedures; procedures to prevent, correct, and discover losses of or alterations to information; and indications of conservation procedures in connection with deterioration of the media and/or technological obsolescence.

**15.** Documents to be transferred shall be adapted to a durable format.

## Article 10 | Document Disposal

**16.** For purposes of this law, "Disposal" shall mean the process by which Documents are destroyed or computer systems are decommissioned or wiped, once their value (administrative, legal, informational, historic, testimonial) has been analyzed and found to be worthless for all purposes.

**17.** All Document Disposal shall be based on a decision regulated and authorized by the Appraisal Committee and at the highest level of the obligated entity, and shall be set forth in an express authorization by the management of the regulated entity that includes the type of Document to be disposed of and the time period that the reviewed Documentation is to be conserved.

**18.** Disposal shall ensure the impossibility of the disposed-of Document's reconstruction or subsequent use.

Comment: *Strip-cut or cross-cut shredding is the most appropriate method for disposing of paper Documents. Paper is shredded into strips or particles whose size is chosen based on the level of protection required for the information contained in the Documents to be destroyed. In the case of Documents containing especially sensitive information, shredding into small particles is recommended.*<sup>1</sup>

**19.** If the Documentation to be disposed of is stored on computer media, the Appraisal Committee shall decide if it is to be securely wiped, understood as the procedure for the Disposal of data or

files from a medium or set of media that enables those media to be reused (by means of overwriting, demagnetization, cryptographic wiping, etc.); or destroyed, meaning the process of rendering storage media containing electronic Documents physically unusable (by breaking into pieces, crushing, melting, shredding, etc.). The decision will depend on the medium or system of storage and the type of information it contains.

**20.** Documents shall be disposed of securely, with the same level of security as they had throughout their life cycle.

**21.** Disposal shall be done under proper supervision, in the presence of a responsible party of the regulated entity, who will attest to the action, and with control of the work to ensure the quality and relevance of said processes.

**22.** If the Disposal is done by an externally contracted company, the entity shall monitor compliance with all agreed Disposal requirements.

**23.** The Disposal shall be Documented in a Disposal record that contains all essential data to attest to said Disposal. That record shall be signed by the Appraisal Committee.

**24.** The Appraisal Committee of each institution shall coordinate the Appraisal and Disposal of Documents with the General Archive of the Nation or its equivalent, in order to prevent the destruction of information of historical value, as established in the respective national laws.

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<sup>1</sup> The particles of material for Documentation containing especially sensitive information are recommended to have a surface area of < 2000 mm<sup>2</sup> or strips of indeterminate length and width of < 12 mm, as recommended in ISO Standard BS EN 15713:2010 *Secure Destruction of Confidential Materials. Best practices code.*

## Chapter 4

# Information Access and Security



# Information Access and Security

### **Article 11 Access to public Documents**

**1.** Access to public information is the fundamental right of persons to consult information in the possession, custody, or control of public authorities in the exercise of their functions. To the extent that such information is recorded in the form of Documents, one may also speak of the right to access public Documents.

**2.** The archive of media and Documents shall be done so as to guarantee proper conservation of their location and consultation, and to allow the right of access to public information to be realized.

**3.** The policy on access to public information shall be approved at the highest level of responsibility, together with guidelines for its implementation.

**4.** At a minimum, the Document setting out that policy should contain:

**a.** The obligated entity's declaration of principles regarding access to public Documents and a list of its commitments, which shall clearly recognize people's right of access to public Documents in the broadest possible terms, on an equal and impartial footing, including the possibility of challenging denials of access.

**b.** Clear information on existing restrictions, the reasons for them, and their legal and juridical bases.

**c.** Clear information on the necessary administrative procedure, if any, for requesting access to Documents.

**5.** The policy on access to public information shall be evaluated periodically, including the level of compliance therewith, and mechanisms shall be established to correct its shortcomings or make improvements to it. This task shall include identification of indicators on the exercise of the right of access to public information.

**6.** The policy on access to public information shall be publicly disseminated and available to users at all times.

## Article 12 Analysis of legal access to Documents

**7.** Analysis of legal and regulatory access is a technical process that entails the identification, for each Document series, of categories of content that may warrant a restriction on access to Documents as recognized by law, and the determination, in accordance with said law, of the legal time limits on access, as appropriate, that may apply.

**8.** Appropriate security measures shall be implemented that guarantee confidentiality in cases where it is required.

**9.** Possible means of facilitating total or partial access to Documents shall be made available.

**10.** Access and security tables or charts shall be prepared as an instrument in which rights of access and the system of applicable restrictions are identified.

## Article 13 Management of Document access requests

**11.** The subject entity shall provide reference information on its Documents—including those subject to any type of restriction—and the procedure for requesting access to them.

**12.** The obligated entity shall provide direct access to public information without the need for any kind of procedural formalities; to information or Documents classified as unrestricted on the basis of the accessibility analysis process; and to internal users or those legally authorized to access restricted-access Documents.

**13.** The obligated entity shall make available to the public standardized access request forms with clear instructions for their completion, that are in line with the provisions of the access to public information law.

## Article 14 Access restrictions and control

**14.** Public authorities shall implement, in relation to their Document and archive management systems, the necessary security measures and access controls to prevent, in accordance with the legally established rights and restrictions, unauthorized access to confidential information.

**15.** Public authorities shall establish the necessary mechanisms to allow partial access to Documents or conceal certain data—with users advised in advance of that fact—through data masking, de-personalization or anonymization, partial access to files, or other similar mechanisms.

**16.** The security measures and controls on Document access should be established in accordance with the law, applicable technology, and, in particular, the obligated entity's information security policy.

**17.** A user permissions register shall be established as one of the main access control instruments.

**18.** Controlling access to Documents shall consist of applying the appropriate access conditions to each Document and to allow each user to access and use Documents according to those conditions and the permissions assigned to them in the user permissions register.

**19.** The necessary measures shall be instituted to control physical access to premises where Documents or the equipment and systems used to store them are located, in order to prevent unauthorized entry.

**20.** A monitoring system shall be implemented to supervise Document access, use, or handling, by means of tracing mechanisms (Document access log, audit trails, etc.).

## **Article 15 Minimum security measures for Documents containing personal data**

**21.** Public authorities shall adopt measures to protect the security of personal data and prevent their unauthorized alteration, loss, transmission, or access.

**22.** Obligated entities shall assign one or more security officers responsibility for coordinating and controlling the application of security measures.

**23.** The duties and obligations of each user or user profile with access to personal data and information systems shall be clearly defined and Documented.

**24.** The security officer should adopt the necessary measures so that staff can easily familiarize themselves with the security rules that apply to the performance of their duties, as well as the consequences to which they could be liable in the event of a breach.

**25.** The copying or reproduction of Documents containing personal data should only be done under the supervision of personnel authorized by the security officer.

**26.** A register shall be established that logs access and identifies which authorized person has accessed Documentation containing personal data, and on what date. In instances where such Documentation has been loaned, the return date for the Documentation shall be logged.

**27.** Procedures shall be implemented to ensure the integrity of Documentation, such as a Document index or sequential numbering of its pages.

**28.** A security Document shall be drawn up that sets out the measures, standards, action protocols and rules for ensuring the level of security ; as well staff duties and obligations in relation to Document access.

**29.** For password-based authentication mechanisms, there should be an assignment, distribution, and storage procedure that ensures password confidentiality and integrity.

## Article 16 Exercise of the rights of access, rectification, cancellation, and objection of personal data

**30.** The owners of personal data or their accredited representatives are entitled to request obligated entities for the information contained in Documents about them, be informed about the purpose for which that information has been gathered, directly consult the Documents containing their data, and demand the rectification, update, nondisclosure, or deletion of information that concerns them.

**31.** The obligated entity shall respond to the requests that it receives and set a maximum time limit for issuing and notifying a decision in the rights protection procedure.

**32.** Where a decision approves a request, the obligated entity shall ensure that the rights are effectively exercised and set down the manner of their realization in writing.

## Article 17 Information security

**33.** Public authorities shall create the necessary conditions for confidence in the use of electronic media by means of measures to ensure the security of systems, data, communications, and electronic services, so that persons and public administrations can exercise rights and fulfill duties through those media.

**34.** Public authorities shall manage information security within the institution and shall maintain the security of resources and information assets that are accessible by staff or external personnel.

**35.** All staff accessing information should be aware of and accept their responsibility with respect to security. Public authorities shall provide staff with the necessary training to perform that task properly.

**36.** Infrastructure and repositories must be protected by means of access control mechanisms.

**37.** Any system should consider the security requirements of Documents for their entire lifespan.

**38.** A plan of action shall be developed to minimize the effects of a catastrophe, in order to safeguard the integrity, availability, and preservation of information.

**39.** Public authorities shall ensure that their staff maintain professional secrecy, not divulge restricted information, and respect confidentiality where appropriate.

## Article 18 Reuse of information

**40.** For the purposes of this law, reuse of public sector information means the use by natural or legal persons, whether for-profit or non-profit, of information in the possession, custody, or control of the obligated entity, for purposes other than the ones that those Documents originally had in the public service mission for which they were produced.

**41.** The reuse of public sector information offers significant economic potential and added value, as it facilitates the development and creation of new products, services, and markets.

**42.** A consistent legal framework shall be created with an objective and subjective sphere of application, as shall all the rules of development that may be necessary to enable public information to be reused and made available to any natural or legal person, whether private or public.

**43.** That legal framework shall include limitations compatible with the Access to Public Information Law; that is, it shall list those public Documents or categories of Documents not amenable for reuse of public-sector information (e.g., Documents and informa-

tion that affect the security of the State, Documents protected by copyright or industrial property rights, etc.) in accordance with standards in force.

**44.** The conditions for reuse shall include such aspects as the guarantee that Documents will not be altered or their information falsified or distorted, that the source be stated, etc.

## Chapter 5

# Document Conservation and Contingency Management



# Document Conservation and Contingency Management

### **Article 19 Preparation of an integrated Document conservation plan**

- 1.** For the purposes of this law, conservation is the array of processes and measures designed, on one hand, to preserve Documents or prevent their possible physical alteration, and on the other, to restore those that have been altered.
- 2.** Institutions shall ensure the security and integrity of Documents over time through procedures set down in internal regulations or process manuals.
- 3.** The obligated entity shall design and implement a conservation plan for the Document fonds in its custody.
- 4.** All the staff in the various units of each obligated entity shall be trained in good practices and preventive conservation, especially those with responsibilities in archives.

**5.** Each facility should have an officer in charge to ensure that archive depositories or rooms where equipment and systems on which Documents are stored fulfill the necessary requirements to enable their normal operation.

**6.** Electronic Documents must be conserved, as must analog Documents, as evidence of acts for responsibility and memory purposes, while maintaining their authenticity, reliability, integrity, and availability. This conservation should involve information technology specialists, Document managers, and archivists.

## **Article 20 Custody and control of facilities**

**7.** The obligated entity shall give close attention to the necessary technical and environmental conditions for housing its Document fonds as a prerequisite for the choice or construction of the building where it will reside.

**8.** In order to ensure the correct design and construction of an archive building, the obligated entity shall provide the architects or engineers all the necessary information in relation to environmental guidelines, security features, disaster prevention, secure Document transportation, and use of appropriate furniture to ensure the success of the project.

**9.** Archive Document repositories should be separate from other offices and not be in a high-traffic area. If possible, they should also be situated well away from places with high temperature and hygroscopic variations (such as walls and attics) or areas vulnerable to flooding (such as basements).

**10.** Documentation circuits must not be interfered with by staff who do not belong to the obligated entity or unauthorized public officials. All exits shall be appropriately signed to facilitate evacuation and intervention in an emergency.

**11.** The obligated entity shall ensure that it selects appropriate archive furniture to contribute to the better preservation of the fonds in its custody. That selection must also include high-density storage systems to minimize the space needed for the fonds in its custody.

**12.** Archives with electronic Documents in their custody shall employ digital preservation strategies and tools to address the challenges of media durability and technological obsolescence. Depending on the medium and the type of information it contains, consideration shall be given to the most appropriate preservation option: media renewal, information migration to durable formats, information Transfer between technology platforms, information system emulation, etc.

## **Article 21 Environmental control**

**13.** Archives shall comply with national standards on occupational risk prevention.

**14.** An evaluation shall be done of environmental factors that could affect Documents. To that end, there shall be monitoring of humidity and temperature fluctuations, intensity and length of Document exposure to light, the presence of dust and pollution in archive repositories, insect population, and periodic inspections to check for signs of pest activity.

**15.** Inspection routines shall be developed for rooms and repositories to check for the presence of micro-organisms in response to biodegradation; biocide misuse shall be monitored, and a healthy environment shall be ensured through maintenance and cleaning of humidification, dehumidification, and ventilation equipment in archive repositories.

**16.** Conservation standards and appropriate handling techniques for overall hygiene maintenance shall be observed.

## Article 22 Preparation of a contingency management plan

**17.** Each obligated entity shall design a contingency management plan for institutional archives, which shall be considered one of the pillars of the general preventive conservation plan.

**18.** The obligated entity shall be responsible for providing instruction to the members of contingency committees, contingency teams, and salvage brigades for safeguarding the Document fonds in the custody of those authorities.

**19.** At a minimum, the contingency management plan shall include information about the building, essential Documents, evacuation routes, chains of communication to be activated in emergencies, basic instructions and action protocols, and damage assessment forms.

**21.** The information compiled in the risk assessment shall be materialized in a risk map that serves as a guide for establishing and monitoring inspection routines. The risk map must be kept current and enable action priorities to be established.

## Article 23 Risk assessment

**20.** A risk assessment shall be done to identify the protection strengths and weaknesses of each center. To that end, the following variables shall be assessed:

- a.** Analysis of the region's climate and geological factors.
- b.** The building's location.
- c.** Update the building plans, showing evacuation routes, the electrical system, and water conduits.
- d.** Location of toxic products.
- e.** A review of the state of the building, installations, and fonds.

## Chapter 6

# Awareness Raising and User Assistance Services



# Awareness Raising and User Assistance Services

### **Article 24 Awareness raising and gender policy**

- 1.** The obligated entity shall raise awareness of the Documents in its possession.
- 2.** The obligated entity shall develop an awareness program, taking into account the type of user being targeted, as well as analyzing needs in terms of media and awareness-raising actions to be carried out (exhibits, guided tours, publications, social media accounts, educational services, etc.)
- 3.** The obligated entity shall disseminate information of interest to women, particularly concerning gender discrimination and violence, and shall produce, based on the information in its possession, custody or control, statistics on violence and discrimination against women and other related qualitative and quantitative information.

**4.** The obligated entity shall have a budget with which to operate that service properly.

**10.** A multichannel service shall be established for attending to archival information requests: in person, by telephone, by mail (postal or electronic), or via web-based services (instant messaging, CRM system forms).

## **Article 25 Assistance to the administration by archive services**

**5.** The archive shall keep permanently available for the administration the Documents that the latter has generated and transferred to it.

**6.** The archive must be able to answer queries and manage through a regulated procedure administrative loans of any Document to the administration that produced the Document series in its custody.

**11.** On-site access to Documents should occur on suitable premises, by the appropriate means, and with sufficient technical and administrative staff.

**12.** The conditions on the use of the contents of the archive's digital objects available online or of copies obtained or provided shall be clearly set out and stated to users in writing.

## **Article 26 Public assistance**

**7.** The archives of public authorities must have an assistance area to act as intermediary between, on one hand, users and, on the other, Documents and archival information, whether on-site or, in particular, virtual. It will be in charge of:

**a.** Addressing requests for archival information

**b.** Providing access to Documents

**c.** Document reproduction

**8.** The range of public assistance services offered by the archive shall be available in writing and publicly disseminated.

**9.** In general, such services shall be free of charge and equally accessible to all without restriction. However, in certain circumstances, they may or must be subject to restrictions where the law so requires.

## Chapter 7

# Electronic Management



# Electronic Management

### Article 27 Interoperability

- 1.** The information systems and supported procedures of public authorities must have the ability to share data and enable the exchange of information and knowledge with each other. This capacity of information and communication technology (ITC) systems and the business processes they support to exchange data and enable the exchange of information and knowledge is known as interoperability.
- 2.** Interoperability should have a threefold dimension: organizational, semantic, and technical. A fourth dimension, the temporal, is also included, which requires the obligated entity to guarantee access to information throughout the lifespan of electronic Documents.
- 3.** Interoperability should be an instrument that simplifies the organizational complexity of the obligated entity.

**4.** The obligated entity should strive to be technology neutral, ensuring a free choice of alternatives for people and avoiding any kind of technological discrimination.

**12.** A necessary part of the digitization process is preventive maintenance and routine checks to ensure the quality of the image and its Metadata.

## Article 28 Metadata

**5.** The purposes of this law, "Metadata" shall mean those data that describe the context, content, and structure of electronic Documents and files and their management over time.

**6.** Public authorities should ensure the availability and integrity of the Metadata of the information in their possession, custody, and control.

**7.** Electronic Document management Metadata should be articulated in Metadata schemes that match the particular characteristics and management needs of each obligated entity.

**8.** The Metadata that the obligated entity identifies as necessary for its Document management processes should be incorporated in the electronic Document management systems.

## Article 29 Digitization

**9.** Minimum requirements must be established for electronic images produced by digitization, which should be defined by standardizing the basic parameters for those processes.

**10.** The digitization process should cover format standardization, quality levels, technical conditions, and the associated Metadata.

**11.** The electronic image obtained from digitization should be true to the original content and ensure its integrity.

## Chapter 8

# Staff Profiles and Document Management Training



# Staff Profiles and Document Management Training

### Article 30 Senior management

**1.** The senior management of the subject entity shall define the overall orientation of the Document and archive management policy in order to:

**a.** Give coherence to all the operations of the entire obligated entity in the area of the management.

**b.** Require staff to adopt the inherent requirements and duties of Document management and custody.

**c.** Ensure that the processes of the obligated entity and the Documents it generates are transparent and comprehensible.

**d.** Ensure for the benefit of external interested parties (law courts, regulators, auditors, members of the public, etc.) that Documents are appropriately managed.

**2.** Although senior management may delegate responsibility for Document management and custody to the rest of the institution's staff, it shall retain ultimate responsibility with respect to accountability.

**3.** Should the complexity of the obligated entity so require, senior management shall appoint a Document and archive management representative at the operational level, whose role, responsibilities, and competencies must be clearly defined.

## Article 31 Middle management

**4.** The heads of management units are responsible for ensuring that the personnel under their supervision create, maintain, and protect Documents as an integral part of their work, in accordance with previously established policies, procedures, and norms.

**5.** Middle managers shall encourage and hold regular interdisciplinary meetings including staff who create and have custody of Documents as part of their responsibilities, IT technicians, and archive technicians of the obligated entity, in order to develop, implement, review, and improve management systems in their spheres of action as well as to create, safeguard, and process authentic, complete, and available Documents.

## Article 32 Archive technicians

**6.** The technical personnel qualified in the area of archives and Document management are responsible for every aspect of archival processing and correct Document management in the obligated entity, including the design, implementation, and maintenance of the Document management system and its operations.

**7.** Archive technicians are a crosscutting, highly qualified human resource, essential for the obligated entity in the areas of commun-

cation, awareness, advisory services, and training of personnel in archive and Document management throughout the obligated entity.

**8.** Archive technicians must work in collaboration with ICT technicians on the design, implementation, and improvement of the management system, on information architecture, on information security, and on information access and recovery.

## Article 33 Communication plan

**9.** The communication plan shall ensure that the procedures and benefits of Document and archive management are understood throughout the obligated entity. It shall clearly explain the Document management guidelines and situate the procedures and processes in a context that enables the reasons for the need for Document management to be understood.

**10.** The communication plan shall articulate procedures to ensure that the Documents related to the obligated entity's Document and archive management policy are accessible to and reach all its members, and it is advisable to make a package of Documents with information on strategic responsibilities and procedures readily accessible.

## Article 34 Work team awareness

**11.** The obligated entity must ensure the awareness and buy-in of all the personnel and that they are mindful of:

**a.** The importance of each of their individual activities and how they help to achieve the objectives of the Document and archive management system.

**b.** The main aspects of the Document and archive management system associated with their work and the benefits of their improved performance.

**c.** The importance of carrying out the obligated entity's policy and Document and archive management procedures.

**d.** The risks and consequences of failure to adhere to established procedures.

## Article 35 Continuing education plan

**12.** One of the strategies of the obligated entity shall be to design a continuing education plan and appoint a person with the appropriate seniority to have responsibility for the program, provide it with the necessary resources, and be in charge of its design and execution.

**13.** Education shall be given to all personnel of the obligated entity who generate, maintain, or have custody of Documents (as well as executive officers and senior management), external contractors, volunteers, and anyone else who is in charge of all or part of an activity in which Documents are created and incorporated in the obligated entity's Document management systems, taking into account their duties and responsibilities.

**14.** The training needs analysis shall be based on periodic personnel surveys, personnel performance evaluations, and analyses of weaknesses, risks, or gaps in Document and archive management in the obligated entity.

**15.** The training must be periodically evaluated and reviewed through:

**a.** Measurement of its performance

**b.** Audits

**c.** Contrasting staff competency levels with the objectives of the education program.

**16.** Periodic reviews will be done, both of the education contents, and of its orientation, in order to ensure its effectiveness and adequacy to changes that may occur in the context (legal, social, administrative, etc.) in which the obligated entity is situated and in the internal Document and archive management system itself.

**17.** The necessary adjustments shall be made to the education plan to achieve ongoing improvement, and mechanisms shall be designed so that personnel who have already received education can benefit from the improvements introduced in new activities.

**18.** The level of satisfaction of persons who have participated in education activities shall be evaluated (for example, by means of satisfaction surveys).

## Article 36 Miscellaneous provisions

With its entry into force, this law derogates all other norms of equal or lesser rank that oppose or contradict the provisions of this law.

# Addenda

**Inter-American Model Law 2.0 on Access to Public Information**



**Anexo B**  
**Application Guide for the Model Inter-American Law on Document Management**



## The Organization of American States

The Organization of American States (OAS) is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April 1890. At that meeting the establishment of the International Union of American Republics was approved. The Charter of the OAS was signed in Bogotá in 1948 and entered into force in December 1951. The Charter was subsequently amended by the Protocol of Buenos Aires, signed in 1967, which entered into force in February 1970; by the Protocol of Cartagena de Indias, signed in 1985, which entered into force in November 1988; by the Protocol of Managua, signed in 1993, which entered into force on January 29, 1996; and by the Protocol of Washington, signed in 1992, which entered into force on September 25, 1997. The OAS currently has 35 member states. In addition, the Organization has granted permanent observer status to a number of states, as well as to the European Union.

The essential purposes of the OAS are: to strengthen peace and security in the Hemisphere; to promote and consolidate representative democracy, with due respect for the principle of nonintervention; to prevent possible causes of difficulties and to ensure peaceful settlement of disputes that may arise among the member states; to provide for common action on the part of those states in the event of aggression; to seek the solution of political, juridical, and economic problems that may arise among them; to promote, by cooperative action, their economic, social, and cultural development; and to achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the member states.

The Organization of American States accomplishes its purposes by means of: the General Assembly; the Meeting of Consultation of Ministers of Foreign Affairs; the Councils (the Permanent Council and the Inter-American Council for Integral Development); the Inter-American Juridical Committee; the Inter-American Commission on Human Rights; the General Secretariat; the specialized conferences; the specialized organizations; and other entities established by the General Assembly.

The General Assembly holds a regular session once a year. Under special circumstances it meets in special session. The Meeting of Consultation is convened to consider urgent matters of common interest and to serve as Organ of Consultation under the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), the main instrument for joint action in the event of aggression. The Permanent Council takes cognizance of such matters as are entrusted to it by the General Assembly or the Meeting of Consultation and implements the decisions of both organs when their implementation has not been assigned to any other body; it monitors the maintenance of friendly relations among the member states and the observance of the standards governing General Secretariat operations; and it also acts provisionally as Organ of Consultation under the Rio Treaty. The General Secretariat is the central and permanent organ of the OAS. The headquarters of both the Permanent Council and the General Secretariat are in Washington, D.C.

Member States: **Antigua and Barbuda, Argentina, The Bahamas (Commonwealth of), Barbados, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominica (Commonwealth of), Dominican Republic, Ecuador, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United States, Uruguay, and Venezuela.**

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