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According to the Law of the Spanish Historical Heritage, the Spanish Documental Heritage its not only consisting of the documents produced by the public administrations, but also of the documents more than forty years old, generated, conserved or reunited in the exercise of their activities by the organizations and associations of political, trade union or religious character, and by the private organizations, foundations and associations of cultural and educational character, and also the documents generated more than one hundred years before, conserved or assembled by any other particular organizations or physical people. In this article we pretend to get a general view about the treatment of these Private Archives in the legislation of the kingdom of Spain and of the different Regional Public Administrations and its inclusion in the different information systems.

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Secondo la legge sul Patrimonio Storico Spagnolo,

1. Law 16/1985, of June 25, on the Spanish Historical Heritage.

Private Archives in Spain: Legislation and Dissemination

Introduction

The Spanish legislation consider as private archives, the archives and documents, existing in the Spanish territory, of private ownership that are a property of a person or juridical - private entity, with independence of its public or private nature.

In a general sense we can say that the spirit of the Spanish legislation in the treatment of the private archives has the intention of trying to identify, to preserve, and to disseminate the whole documental heritage, always doing compatibly, referring the private documentation, the right of property, recognized by the Constitution, with the requirements of the general interest, as it is the right of access of the citizens to the documental funds, administrative or historical, public or private.

To obtain this purpose, the laws looks for, and sometimes under an obligation, the collaboration of the natural or juridical - private persons to obtain the aims established in the laws of Documental heritage, usually by the corresponding agreements with the public administrations.

For studying the Spanish Archival System and the legislation referring to Archives, it is necessary to take notice that seventeen Autonomous Communities, besides the autonomous cities of Ceuta and Melilla, constitute the political and administrative division of Spain. Each of these territorial entities, inside the constitutional system of the Kingdom of Spain, has legislative autonomy and executive competitions, also in the field of Archives.

The law of the Historical Spanish Heritage¹ defines the documental Spanish heritage and gives the general guidelines for its preservation, which later will be developed in the legislation of each one of the Autonomous Communities, generally by laws referred to the historical heritage of every territorial area, and in the majority of the cases with specific laws referred to the Archives or Documental Heritage.

For the coordination of the performances between the different civil administrations, the same law foresees the communication and the interchange of programs of performance and information; in

accordance with this purpose, the law established the Council of the Historical Heritage, constituted by a representative of every Autonomous Community, designated by its Council of Government, and the corresponding General manager of the Administration of the State, which will act as President².

At the end of this document, in the Annexe I, it is recopiled the legislation of every Autonomous Community with references to the private Archives. However, in this article we are going to review only the general guidelines; among the seventeen Autonomous Communities we have analyzed all 35 Laws or decrees, normally Laws of Archives or Laws about the Historical Heritage in which the Documental heritage is included. Although all the Autonomous Communities have its own Law about the Historical Heritage, they have also developed an specific law for the Archives or the Documental heritage³.

Documental heritage: Public Archives and Private Archives

The law for the Historical Spanish Heritage⁴ establishes four levels or forms of for the integration of the archives in the Documental heritage:

1. **The Archives of public character:** the Documental heritage is composed by the documents of any epoch generated, preserved or assembled in the exercise of its function for any organisation or entity of public character, by the legal institutions in which capital takes part the State or other public Entities with more than the 50%, and by the private, physical or juridical persons, agent of public services, in the subject related to the management of the above mentioned services⁵.

2. It is also considered part of the Documental heritage the documents with **more than forty years of antiquity** from its generation, preserved or assembled in the exercise of its activities by the entities and associations of political, syndical or religious character and by the entities, foundations and cultural and educational associations⁶ of private character.

3. It is also integral part of the Documental heritage the documents with **more than a hundred years of antiquity** from its generation, preserved or assembled by any other **particular entities or natural persons**⁷.

4. The Civil administration of the State will be able to declare constitutive part of the Documental heritage those documents that, without reaching the antiquity indicated in the previous paragraphs, deserve the above mentioned consideration⁸.

For example, in the Basque Country are considered also as part of the Documental heritage the documents of interest with an antiquity of fifty or more years, which should have been produced, assembled and preserved in the development of its activities for any person or private entity⁹; and previous the obligatory report of the

il patrimonio documentario è costituito non solamente dai documenti generati dalle Amministrazioni Pubbliche, ma anche dai documenti con un'età superiore ai quaranta anni, generati, conservati o riuniti, nell'esercizio delle loro attività, dalle organizzazioni e le associazioni di carattere politico, sindacale o religioso e dalle organizzazioni, fondazioni ed associazioni culturali ed educative private nonché dai documenti con di età superiore ai cento anni, generati, conservati o ritenuti da qualunque altra organizzazione particolare o da persona fisica. Oggetto di questo articolo è fornire un punto di vista generale circa il trattamento di questi archivi privati nella legislazione del Regno di Spagna e delle differenti Amministrazioni Pubbliche regionali e della sua inclusione nei differenti sistemi d'informazione e comunicazione.

AGUADO GONZALEZ, Francisco Javier, Privatni arhivi v Španiji: Zakonodaja in aplikativna uporaba. Atlanti, Zv. 17, Št. 1-2, Trst 2007, str. 209-222.

Če pogledamo zakonodajo, kot velja za špansko zgodovinsko dediščino, ne gre pri tem samo za dokumentacijo, ki je bila nastala v javnih podjetjih in institucijah, ampak v zakonodajo spadajo tudi dokumenti, ki so nastali vsaj štirideset let nazaj in so arhivsko pomembni in vredni, da se opredelijo kot arhivske vrednosti, se zaščitijo, obranijo ali ponovno uvrstijo tja, kjer so nastali. To velja za politične, sindikalne in verske organizacije in zveze in tudi za privatne organizacije, združenja in zveze kul-

2. Ibidem. Art. 3.

3. At present, Asturias is the only autonomous community who haven't its own Law for archives, though the regulatory Procedure of the Cultural Heritage of Asturias has an extent develop of the rules referred to the Documental Heritage.

4. Art. 49.

5. In Andalucía, its also included as archive of public use, all those archives that receive fiscal benefits. Law 3/1984, of January 9, for the Archives of Andalucía, Art. 11°. Those archives are incorporated to The Andalusian System of Archives (Art. 75). In Aragón the System of Archives its composed by those that, being of private ownership, are considered of public use because of receiving from the public administration subsidies or helps in quantity equal or superior to 50% of its ordinary budget or enjoy fiscal benefits in equal or maior quantity to 10% of its budget. Law 6/1986, of November 28, Regulation of the Archives of Aragón. Art. 18.2; idem, Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León. Art. 39; In Galicia the law consider of public use, integrated in the regional system of Archives, those archives that, being of private ownership, receive subsidies or helps from the public administration in equal or maior quantity to 25% of its ordinary budget, Decree 307/1989, of November 23, Regulation of the Archives System and Documental Heritage of Galicia. Art. 16.5.3.

6. In some Autonomous Communities, the Archives of educational, public or private Institutions, are included in their Archives system, independently of the antiquity. In Valencia, are considered part of its Archives System the Archives of the private universities of the Valencia Community, Law 3/2005, of June 15, of Archives of the Community of Valencia. Art. 7; in

turnega in izobraževalnega značaja, velja pa tudi za dokumentacijo, ki je nastala in so jo zbrali že pred sto leti, ne glede na to, ali so dokumentacijo zbirala podjetja, ali ustanove ali posamezniki. V tem prispevku podajam splošen vidik presoje privatnega gradiva, obenem pa navajam tovrstno zakonodajo kraljevine Španije in drugih regionalnih administracij in njihovo aplikacijo v različne informacijske sisteme.

SUMMARY

The Spanish Documental heritage its not only the documents produced by the public administrations, but also the documents with an antiquity superior to the forty years, generated, conserved or reunited in the exercise of their activities by the organizations and cultural and educative associations of political, syndical or religious character and by the organizations, foundations and associations of private character, and also the documents with an antiquity superior to the one hundred years generated, conserved or assembled by any other particular organizations or physical people. In a general sense we can say that the spirit of the Spanish legislation in the treatment of the private archives has the intention of trying to identify, to preserve, and to disseminate the whole Documental heritage, always doing compatibly, referring the private documentation, the right of property, recognized by the Constitution, with the requirements of the general interest, as it is the right of access of the citizens to the documental funds, administrative or historical, public

Asturias are also included the archives of all the public or private education institutions, [Law 1/2001, of March 6, Regulation of the Cultural Heritage of the Principado de Asturias](#) art. 81.b; In Madrid the private companies established in the Community of Madrid, [Law 4/1993, of April 21, Regulation of Archives and Documental Heritage of the Comunidad de Madrid](#). Art. 6.d.

7. In the law of Cataluña Heritage, it is also included as documental heritage, the documents with less than 100 years, produced in supports with a caducity lower than 100 years, as the audio-visual ones in photochemical or magnetic support, according to the established by regulation. [Law 9/1993, of September 30, Regulation of the Cultural Heritage of Cataluña](#), art. 19.

8. On the other hand, the holders of private archives can also request its integration in the Archives System of each Autonomous Community, according to the procedures established in every Law of Archives. For example, in Andalusia: [Decree 97/2000, of March 6, approves the regulation of the Archives System of Archives and develops of the law 3/1984, of January 9 of archives](#). Art. 26.

9. Decree 232/2000, of November 21, [approves the regulation of the Archives System and the Documental Heritage of Pais Vasco](#), art. 3.5.

10. Ibidem. Art. 4.

11. [Law 3/2005, of June 15, of Archives of the Community of Valencia](#), art. 40; and [Decree 97/2000, of March 6, approves the regulation of the Archives System of Archives and develops of the law 3/1984, of January 9 of archives](#). Art. 26; [Law 19/2002, of October 24, Public Archives of Castilla La Mancha](#). Art. 11.

12. [Law 3/2005, of June 15, of Archives of the Community of Valencia](#) art. 48; [Law 6/1986, of](#)

Adviser Council of Documental heritage and Archives, the Basque Government can declare as Documental heritage, the documents or funds of archives of private property with less than fifty years of antiquity, that will deserve such a consideration¹⁰.

Private archives in the Public Archives System

The incorporation of a private archive in the Archival subsystems of every Autonomous Community is done by resolution of the competent authority in the subject of archives, by request of the interested parties, by the subscription of an agreement, where there will be specified the rights and obligations of the parts. These private archives will have priority for obtaining help and subsidies with regard to other private archives¹¹.

Besides the obligations related to the conservation, or to the access, established in the law of the Historical Heritage, the legislation in some Autonomous Communities specified more **obligations**, for the proprietaries of private documents integrated in the Documental heritage¹²:

- To have them **organized and described**. For example, in Aragon the law obliges to the owners to request or to allow that the arrangement and inventory of the documentation will be done by specialized personnel designated by the Department of Culture in the conditions that both parts agree¹³.
- To deliver a **copy of the instruments of description** to the competent authority (Cultural Council or the Regional Archive)¹⁴.
- To preserve them entirely **and not to dismember** the funds without previous authorization of the above mentioned Council.
- To allow the **access** to people with identification as researchers, provided always that this access does not suppose an interference in the fundamental right to the personal and family privacy and the right to One's own image, according to the established in the legislation.
- To communicate, previously, any change in the ownership or possession of the funds or documental collections to the competent Administrative Department (Usually the Council for Culture).
- To restore the damaged documents or to agree its restoration with the Department of Archives.
- The public administrations can establish systems of compensation for the archival treatment and the deposit of private archives, especially if the owners of the fund rescind the deposit¹⁵.

Deposit in Public Archives

The owners and holders of private archives or documents de-

clared as historical documents will be able to deposit them in the public archives of the corresponding territory. In the catalogues and guides will have to consist the ownership and origin of the funds, and they will be able to consult them freely and to obtain a copy of them¹⁶.

In some cases, such as for example in Castilla y León, the holders of private archives that are not of public use can replace the obligation to allow the consultation of the private historical documents by the temporary deposit of these in a public archive¹⁷.

Besides, the diverse autonomic laws of archives establish the promotion of the donations, inheritances and legacies of documents and archives of private property, included in the Documental heritage, in favour of the Autonomous Community¹⁸.

In this respect, it is necessary to emphasize the example of the Nobility Section of the Historical National Archive, in Toledo, which is a center of ownership and management of the State, in this Archive there have been deposited for its conservation and dissemination near 200 archives of families of the Spanish nobility, which have been acquired by the State or deposited by their owners¹⁹.

Dissemination

Among the first aims that are established in the law of the Spanish Heritage there is the confection of a census of the integral goods of the Documental heritage, created by the Administration of the State, in collaboration with other competent Administrations, which will be able to obtain of the holders of rights on the integral goods of the Documental heritage the examination of this documents or archives, as well as the pertinent information for its incorporation, if it proceeds, in the above mentioned census of archives²⁰.

In this respect, in the sixties years of the past century began to be elaborated a Census Guide of the Spanish archives; in 1972 there was a first edition in paper, later it was updated creating the Census Guide of the Archives of Spain and IberoAmerica, and was elaborated a data base of Information consultable from different points and, more recently, in Internet across the web page of the General Direction of Archives in the Ministry of Culture²¹.

This Census Guide gathers the general information referred so to the Archives as to the funds of the Spanish Documental heritage, and it has been possible thanks to the agreements of collaboration of the Department of Culture with the different Autonomous Communities of Spain. The census includes also information from Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Ecuador, Guatemala, Mexico, Nicaragua, Paraguay, Peru, Puerto Rico, the Salvador and Venezuela.

In this Census Guide, at present there is gathered information of 18.237 private archives and 17.525 Public archives (May, 2007). The private ones are²²:

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Private archives in the Public Archives System

The incorporation of a private archive in the Spanish Archival Systems is done by resolution of the competent authority in the subject of archives in every territorial civil administration, by request of the interested parties, by the subscription of an agreement. These private archives will have priority for obtaining help and subsidies with regard to other private archives. Besides the obligations related to the conservation, the proprietaries have other obligations: to have the documents organized and described, to deliver a copy of the instruments of description to the competent authority, to preserve them entirely and not to dismember the funds, to communicate, previously, any change in the to the competent Administrative Department, and to allow the access to researches.

Deposit in Public Archives

The owners of private archives declared as historical documents will be able to deposit them in public archives. In some cases, the holders of private archives that are not of public use can replace the obliga-

November 28, Regulation of the Archives of Aragón. Art. 11; Law 4/1990, of May 30, Regulation of the Historical Heritage of Castilla La Mancha. Art. 33; Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León, art. 40; Law 10/2001, of July 13, Archives and Documents of Cataluña, art. 13; Law 2/1999, of March 29, Law of the Historical and Cultural Heritage of Extremadura. Art. 78 Law 6/1990, of April 11, Regulation of Archives and Documental Heritage of the Region of Murcia, art. 14.

13. Law 6/1986, of November 28, Regulation of the Archives of Aragón, art. 11.

14. In Aragón the law foresees to deliver a copy of the inventory to the General Archive of Aragón and another one to the correspondent local Archive, Law 6/1986, of November 28, Regulation of the Archives of Aragón, art. 11; In Castilla La Mancha a copy of the inventory to the Regional Archive and another one to the correspondent Provincial Historical Archive, Law 4/1990, of May 30, Regulation of the Historical Heritage of Castilla La Mancha. Art. 33.a.

15. Law 10/2001, of July 13, Archives and Documents of Cataluña, art. 14.2; Law 15/2006, of October 17, Archives and Documental Heritage of Islas Baleares, art. 20.2

16. Law 6/1986, of November 28, Regulation of the Archives of Aragón, art. 12.

17. Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León, art. 22.

18. Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León, Additional Disposition 3ª.

19. Vid. <http://www.mcu.es/archivos/MC/NHN/index.html>.

20. Law 16/1985, of June 25, on the Spanish Historical Heritage. Art. 51.

21. vid: http://aer.mcu.es/sgae/index_censo_

tion to allow the consultation of the private historical documents by the temporary deposit of these in a public archive. We can emphasize the example of the Nobility Section of the Historical National Archive, in Toledo, center of ownership and management of the State, where there have been deposited near 200 archives of families of the Spanish nobility.

Dissemination

Among the first aims that are established in the law of the Spanish Heritage it is the confection of a census of the integral goods of the Documental heritage, in this respect, has been elaborated the Census Guide of the Spanish archives, nowadays consultable in Internet, including also information from Iberoamerican archives. Another significant example, in this case fruit of the private initiative, to facilitate the conservation, the access and the dissemination of the private archives, is the General Archive of the University of Navarre, private entity that in collaboration with the Department of Investigation of the University, has compiled more than one hundred of archives of representative figures of the Spanish life of the XX century, received through donation, legacy, or commodate.

Conservation

All the holders of goods of the Documental heritage are obliged to preserve, to protect, and to destine them to a use that guarantees the conservation, and

- 1.790 in Andalucía
- 1.616 in Aragón
- 457 in Asturias
- 6 in Islas Baleares
- 23 in the País Vasco
- 54 in Canarias
- 698 in Cantabria
- 1.107 in Castilla La Mancha
- 4.440 en Castilla y León
- 1.330 in Cataluña
- 7 in Extremadura
- 3.094 in Galicia
- 273 in La Rioja
- 663 in Madrid
- 15 in Murcia
- 1.240 in Navarra
- 1.384 in Valencia,
- 40 in Ceuta and Melilla

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Conservation

All the holders of goods of the Documental heritage are obliged to preserve, to protect, and to destine them to a use that guarantees the conservation and to support them in suitable places, besides, they will facilitate the inspection on the part of the competent authority, to verify the situation and condition of the goods. If the proprietaries break this dedication it will be a reason of social interest for the necessary expropriation of the affected goods²⁴.

When the private documents, funds or documental collections, part of the Documental heritage, have serious problems of conservation and safety, the competent authority (department of Culture) will ask for to the owners or holders of the documents in order that they adopt the measurements necessary to correct them,

guia.jsp.

22. Ibidem.

23. <http://www.unav.es/archivo/estructura/archivohistorico.html>.

24. Law 16/1985, of June 25, on the Spanish Historical Heritage, art. 52.

and even it will be able to arrange its provisional deposit in one of the public archives, while they do not eliminate the reasons that motivated this movement²⁵.

In Cantabria, for example, it is established that the Council of Culture will arbitrate economic and technical means in order that the private holders can support the facilities adapted for the conservation and utilization of their Documental heritage which conservation and safety will be in danger²⁶, and in Galicia the law foresees that the Council of Culture can contribute, with the limitation of the credits that annually are established in its budgets, to help the owners of documents or declared historical archives to get this obligations²⁷.

The helps or subsidies are also foreseen for the restoration of documents, but in any case the total amount of the Civil administration participation in the restoration of goods of cultural interest of private property will overcome the fifty per cent of the total value of the works, except those who should be done by imperative of the conservation, in this case the quantity of the participation will not overcome 2/3 of the total value of the performance²⁸.

We can see another way to help to the conservation of archives, for example, in the law of the cultural Valencian heritage, which establishes the promotion of the specializing education and the investigation in the matters relative to the conservation and enrichment of the cultural heritage and propose the collaboration with the Universities and the centers of formation and investigation specialized, public and private, adapted to the above mentioned purpose²⁹.

Access

The owners of Documental heritage are bound, previous reasoned request, to allow the access and the study to the researchers, though the particular persons will be able to excuse this obligation in case that this access supposes an interference in the fundamental right to the personal and family privacy and the right to One's own image, according to the established in the legislation, also they can replace this obligation by means of the temporary deposit of the good in an archive of public character with adapted conditions for the safety of the documents and the research³⁰.

In Castilla La Mancha it is established that in any case, the access will be free to the researchers of documents generated, preserved or assembled by private, juridical or physical persons, providing that they have an antiquity superior to a hundred years³¹.

For the access to the deposited documents that are not included in the Documental heritage, it will be done what its established in the agreement of the deposit or commodate.

they will facilitate the inspection by the competent authority. If the proprietaries break this dedication it will be a reason of social interest for the necessary expropriation of the affected goods, or will be arranged its provisional deposit in a public archive. The Civil Administration can also arbitrate economic and technical means in order that the private holders can support the facilities adapted for the conservation and utilization of their Documental heritage which conservation and safety will be in danger.

Access

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Archives of suppressed legal persons (Privatization)

When a public organisation, pass to be of private nature or it loses the public dependence, the documentation generated previously at the change of nature or dependence, will supports the public ownership. This documentation, if it is of permanent conservation, must be transferred to the archive of the public administration on which the organisation

25. Law 4/1998, of June 11, of the Cultural Heritage of Valencia, art. 50; Law 6/1986, of November 28, Regulation of the Archives of Aragón, art. 11.

26. Law 11/1998, of October 13, Regulation of the Cultural Heritage of Cantabria, art. 100.6.

27. Decree 307/1989, of November 23, Regulation of the Archives System and Documental Heritage of Galicia. Art. 12.

28. Decree 36/2001, of May 2, develops partially the law 11/1998, of October 13, of Cultural Heritage art. 70.4.

29. Law 4/1998, of June 11, of the Cultural Heritage of Valencia, art. 88.

30. Law 16/1985, of June 25, on the Spanish Historical Heritage. Art. 52.

31. Law 4/1990, of May 30, Regulation of the Historical Heritage of Castilla La Mancha. Art. 33.c.

or entity was depending, or to the archive that determines the competent authority for culture.

Trade of Archives and Documental heritage

The persons and companies dedicated to the trade of documents and archives of historical character will have to send periodically to the Department of Culture, a relation of which they have put for sale, and really sell, as well as those that they have acquired, and will be obliged to have a register book, reviewed by the competent Administration, containing the transactions of goods, movable or documental properties, constitutive of the historical heritage. The exportation of archives and historical documents and the rights of expropriation and retract will be ruled by the corresponding dispositions of the State and by the procedure established by every Autonomous Community.

The Archives of the Catholic Church

There is not the least doubt that the Catholic Spanish Church possesses one of the most important documental heritage of our History, and probably they are also the best preserved, between the private archives, and the ones who have done a bigger effort in the works of dissemination. Besides the established in the Agreements signed by the Spanish State and the Holy See, the Spanish legislation referred to the historical and Documental heritage, does special reference to the Catholic Church, as

Archives of suppressed legal persons (Privatization)

When a public organisation, or an entity that depends on it, pass to be of private nature or it loses the public dependence, the documentation generated previously at the change of nature or dependence, will supports the public ownership. The above-mentioned documentation, if it is of permanent conservation, must be transferred to the archive of the public administration on which the organisation or entity was depending, or to the archive that determines the competent authority for culture. Exceptionally, the ownership administration, if the regulations of the legislation relative to the public archives its guaranteed, can agree that the documentation continues being guarded by the organisation or entity that has been object of privatization³².

Trade of Archives and Documental heritage

The persons and companies dedicated to the trade of documents and archives of historical character will have to send periodically (quarterly in Aragon, Castilla and León, Madrid and Murcia, every six months in Castilla La Mancha) to the Department of Culture, a relation of which they have put for sale, and really sell, as well as those that they have acquired.

In the same way, the Department of Culture will facilitate, to the institutions, corporations and public territorial entities interested, the access to the above-mentioned relations.

In other cases, as for example Galicia, the persons and companies dedicated to the trade of documents and archives of historical character will be obliged to have a register book, reviewed by the competent Administration, containing the transactions of goods, movable or documental properties, constitutive of the historical heritage. The above mentioned books will have to remain at the disposal of the Department of Historical and Documental heritage for its supervision for the technical services of archives³³.

In Aragon and Castilla y León the natural or juridical persons, owners of archives and documents of historical character are bound to put in knowledge of the corresponding Council all alienation of this documents that they will propose to do.

The exportation of archives and historical documents and the rights of expropriation and retract will be ruled by the corresponding dispositions of the State and by the procedure established by every Autonomous Community³⁴.

The Archives of the Catholic Church

There is not the least doubt that the Catholic Spanish Church possesses one of the most important documental heritage of our

32. [Law 3/2005, of June 15, of Archives of the Community of Valencia](#). Art. 15.

33. [Decree 307/1989, of November 23, Regulation of the Archives System and Documental Heritage of Galicia](#). Art. 13.

34. [Law 6/1986, of November 28, Regulation of the Archives of Aragón](#). Art. 13 y 14; [Law 4/1990, of May 30, Regulation of the Historical Heritage of Castilla La Mancha](#). Art. 35; [Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León](#). Art. 13.

History, and probably they are also the best preserved, between the private archives, and the ones who have done a bigger effort in the works of dissemination.

Besides the established in the Agreements signed by the Spanish State and the Holy See, the Spanish legislation referred to the historical and Documental heritage, does special reference to the Catholic Church, as holder of a singularly important part of the private goods that integrate the documental Spanish heritage, and encourages to the collaboration between the State and the Catholic Church, as well as with other religious confessions, for the protection, conservation and dissemination of this heritage, even by means of plans of joint intervention³⁵.

Though the laws that regulate the archives and the private documents are applicable to the archives and the documents of the Catholic Church, before adopting any resolution that affects to this archives, the Civil administration has to report to the mixed commission created to such an effect in every Autonomous Communities³⁶.

Recently it has been published the "Guide of the Archives of the Church in Spain"³⁷ fruit of the agreements between the Spanish Association of Archivists of the Church, institution of the Episcopal Spanish Conference, and the Department of Culture, it has been published in electronic support (CDROM) and can be accessible in Internet³⁸.

This first volume of the collection of Electronic Instruments of Consultation of the Archives of the Catholic Church in Spain, contains the detailed and updated description of the one hundred seventy ecclesiastic major archives of Spain (the pertaining to the Cathedrals, the General Archives of the Dioceses, big monasteries and convents) and an approximation to the index of the first register of the books of baptism, confirmation, marriages, deaths and Works (factory of churches), of all 23.000 parochial archives that belong to all sixty seven dioceses of the Church in Spain.

Conclusion

The spirit of the Spanish legislation referred to the archives and to the Documental heritage tends to determine what archives and documents have to or can be an object of special protection, whatever it is the situation regarding the ownership, public or private, and it formulates the rights and duties of those who are its owners or holders, reconciling the right of private property recognized in the Constitution with the general interest in order to the conservation, defense, access and dissemination of the archives.

Besides, the legislation tries to assure its conservation, well doing directly the opportune projects, well facilitating the pertinent helps to public entities and natural and juridical private persons for the conservation and dissemination of the Documental heritage.

This interest takes form in many specific performances, among which it is necessary to stand out for its extent, the effort realized for

holder of a singularly important part of the private goods that integrate the documental Spanish heritage, and encourages to the collaboration between the State and the Catholic Church, as well as with other religious confessions, for the protection, conservation and dissemination of this heritage, even by means of plans of joint intervention. Recently it has been published, and is accessible in Internet, the "Guide of the Archives of the Church in Spain" fruit of the agreements between the Spanish Association of Archivists of the Church, institution of the Episcopal Spanish Conference, and the Department of Culture. This Guide, contains the detailed description of the one hundred seventy ecclesiastic major archives of Spain (the pertaining to the Cathedrals, the General Archives of the Dioceses, big monasteries and convents) and an approximation to the index of the first register of the books of baptism, confirmation, marriages, deaths and Works (factory of churches), of all 23.000 parochial archives that belong to all sixty seven dioceses of the Catholic Church in Spain.

35. Law 4/1998, of June 11, of the Cultural Heritage of Valencia. Art. 6, y Law 3/2005, of June 15, of Archives of the Community of Valencia, art. 5.

36. Law 10/2001, of July 13, Archives and Documents of Cataluña, art. 15.2.

37. Guía de los Archivos de la Iglesia en España, Dir. José María Martí Bonet, Barcelona, 2001.

38. <http://www.mcu.es/archivos/docs/ArchivosIglesia.pdf>.

the production of the Census Guides of the Archives of Spain and Ibero America, with information of more than 36.000 Spanish archives, more than half of them private archives; or the agreements with the Catholic Church, for example, for the accomplishment of the Guide of the ecclesiastic Archives (more than 23.000 archives).

In this respect we can also emphasize the example of the Nobility Section of the Historical National Archive, in Toledo, which is a center of ownership and management of the State, that has allowed to preserve and to facilitate the access to near 200 archives of families of the Spanish nobility, acquired by the State or deposited by their owners; or the case of the General Archive of the University of Navarre, private entity that in collaboration with the Department of Investigation of the University, has compiled more than one hundred of personal archives of representative figures of the Spanish life of the century XX.

ANNEX I

SPANISH LEGISLATION ON ARCHIVES WITH REFERENCES TO PRIVATE ARCHIVES³⁹

NATIONAL LAWS

Law 16/1985, of June 25, on the Spanish Historical Heritage

Núm. B.O.E: 155, 29/06/1985

Núm. Disp.: 16/1985

REGIONAL LAWS

ANDALUCIA

Law 3/1984, of January 9, Law for the Archives of Andalucía

Núm. B.O.E: 25, 30/01/1984

Núm. B.O.J.A: 4, 10/01/1984

Núm. Disp: 3/1984

Law 1/1991 of July 3, For the Historical Heritage of Andalucía

Núm. B.O.E: 178, 13/07/0091

Núm. B.O.J.A: 59, 26/06/0091

Núm. Disp: 1/1991

Decree 97/2000, of March 6, approves the regulation of the Archives System of Archives and develops of the law 3/1984, of January 9 of archives

39. See the full text of the laws in: <http://www.mcu.es/legislacionconvenio/searchLegislation.do>.

Núm. B.O.J.A: 43, 11/04/2000

Núm. Disp: 97/2000

ARAGON

Law 6/1986, of November 28, Regulation of the Archives of Aragón

Núm. B.O.E: 301, 17/12/1986

Núm. B.O.A: 120, 01/12/1986

Núm. Disp: 6/1986

Decree 34/1987, of April 1, develops partially the law of November 28 1986, which regulates the Archives of Aragón

Núm. B.O.A: 42, 13/04/1987

Núm. Disp: 34/1987

ASTURIAS

Law 1/2001, of March 6, Regulation of the Cultural Heritage of the Principado de Asturias

Núm. B.O.E: 135, 06/06/2001

Núm. B.O.P.A: 75, 30/03/2001

Núm. Disp: 1/2001

CANARIAS

Law 3/1990, of February 22, Regulation of the Documental Heritage and Archives of Canarias

Núm. B.O.E: 92, 17/04/1990

Núm. B.O.C: 27, 02/03/1990

Núm. Disp: 3/1990

CANTABRIA

Law 11/1998, of October 13, Regulation of the Cultural Heritage of Cantabria

Núm. B.O.E: 10, 12/01/1999

Núm. B.O.C.A.N.T: 240, 02/12/1998

Núm. Disp: 11/1998

Law 3/2002, of June 28. Archives of Cantabria

Núm. B.O.E: 176, 24/07/2002

Núm. B.O.C.A.N.T: 131, 09/07/2002

Núm. Disp: 3/2002

Decree 36/2001, of May 2, develops partially the law 11/1998, of October 13, of Cultural Heritage

Núm. B.O.C.A.N.T: 89, 10/05/2001

Núm. Disp: 36/2001

CASTILLA-LA MANCHA

Law 4/1990, of May 30, Regulation of the Historical Heritage of Castilla La Mancha

Núm. B.O.E: 221, 14/09/1990

Núm. B.O.C.C.L.M: 41, 13/06/1990

Núm. Disp: 4/1990

Law 19/2002, of October 24, Public Archives of Castilla La Mancha

Núm. B.O.E: 301, 17/12/2002

Núm. B.O.C.C.L.M: 141, 15/11/2002

Núm. Disp: 19/2002

CASTILLA Y LEON

Law 6/1991, of April 19, Regulation of the Archives and the Documental Heritage of Castilla y León

Núm. B.O.E: 134, 05/06/1991

Núm. B.O.C.Y.L: 91, 15/05/1991

Núm. Disp: 6/1991

Decree 115/1996, of May 2, Regulation of the Archives System of Castilla y León

Núm. B.O.C.Y.L: 87, 08/05/1996

Núm. Disp: 115/1996

Law 12/2002, of July 11, Cultural Heritage of Castilla y León

Núm. B.O.E: 183, 01/08/2002

Núm. B.O.C.Y.L: 139, 19/07/2002

Núm. Disp: 12/2002

CATALUÑA

Law 10/2001, of July 13, Archives and Documents of Cataluña

Núm. B.O.E: 206, 28/08/2001

Núm. D.O.G.C: 3437, 24/07/2001

Núm. Disp: 10/2001

Law 9/1993, of September 30, Regulation of the Cultural Heritage of Cataluña

Núm. D.O.G.C: 1807, 11/10/1993

Núm. Disp: 9/1993

Decree 110/1988, of May 5, Regulation of the network of local Historical Archives of Cataluña

Núm. D.O.G.C: 995, 25/05/1988

Núm. Disp: 110/1988

EXTREMADURA

Law 2/1999, of March 29, Law of the Historical and Cultural Heritage of Extremadura

Núm. B.O.E: 139, 11/06/1999

Núm. D.O.E: 59, 22/05/1999

Núm. Disp: 2/1999

Law 2/2007, of April 12, of Archives and Documental Heritage of Extremadura

Núm. D.O.E: 48, 26/04/2007

Núm. Disp: 2/2007

GALICIA

Law 8/1995, of October 30, of the Cultural Heritage of Galicia

Núm. B.O.E: 287, 01/12/1995

Núm. D.O.G: 214, 08/11/1995

Núm. Disp: 8/1995

Decree 307/1989, of November 23, Regulation of the Archives System and Documental Heritage of Galicia

Núm. D.O.G: 23, 01/02/1990

Núm. Disp: 307/1989

ISLAS BALEARES

Law 12/1998, of December 21, of the Historical Heritage of Islas Baleares

Núm. B.O.E: 31, 05/02/1999

Núm. B.O.I.B: 165, 29/12/1998

Núm. Disp: 12/1998

Law 15/2006, of October 17, Archives and Documental Heritage of Islas Baleares

Núm. B.O.E: 285, 29/11/2006

Núm. B.O.I.B: 152, 28/10/2006

Núm. Disp: 15/2006

LA RIOJA

Law 4/1994, of May 24, Archives and Documental Heritage of La Rioja

Núm. B.O.E: 144, 17/06/1994

Núm. B.O.R: 67, 28/05/1994

Núm. Disp: 4/1994

MADRID

Law 4/1993, of April 21, Regulation of Archives and Documental Heritage of the Comunidad de Madrid

Núm. B.O.E: 138, 10/06/1993

Núm. B.O.C.M: 101, 30/04/1993

Núm. Disp: 4/1993

MURCIA

Law 6/1990, of April 11, Regulation of Archives and Documental Heritage of the Región of Murcia

Núm. B.O.E: 170, 17/07/1990

Núm. B.O.R.M: 116, 22/05/1990

Núm. Disp: 6/1990

NAVARRA

Law 12/2007, of April 4, of Archives and Documents of Navar-

ra

Núm. B.O.E: 113, 11/05/2007

Núm. B.O.N: 48, 18/04/2007

Núm. Disp: 12/2007

Law 14/2005, of November 22, of Cultural Heritage of Navarra

Núm. B.O.N: 141, 25/11/2005

Núm. Disp: 14/2005

PAIS VASCO

Decree 232/2000, of November 21, approves the regulation of the Archives System and the Documental Heritage of Pais Vasco

Núm. B.O.P.V: 235, 11/12/2000

Núm. Disp: 232/2000

Law 7/1990, of July 3, Regulation of the Cultural Heritage of País Vasco Navarra

Núm. B.O.P.V: 157, 06/08/1990

Núm. Disp: 7/1990

VALENCIA

Law 4/1998, of June 11, of the Cultural Heritage of Valencia

Núm. B.O.E: 174, 22/07/1998

Núm. D.O.G.V: 3267, 18/06/1998

Núm. Disp: 4/1998

Law 5/2007, of February 9, of modification of the law 4/1998, of June 11, of the Cultural Heritage of Valencia

Núm. B.O.E: 71, 23/03/2007

Núm. D.O.G.V: 5449, 13/02/2007

Núm. Disp: 5/2007

Law 3/2005, of June 15, of Archives of the Community of Valencia

Núm. D.O.G.V: 5029, 16/06/2005

Núm. Disp: 3/2005