

The Freedom of Research and its Boundaries in the Archives in Hungary (since 1945)

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ABSTRACT

The study supplies us with a short historical summary of the changes in the legal environment of research in the Hungarian public archives, and its current status. The framework of the accessibility of the materials in the archives is continuously widening from various aspects. However, the allowances and the restrictions can only be defined upon several considerations, and it makes the daily work of the archives' employees participating in the research support harder. The following aspects have to be taken into consideration: the ownership of the document (!), the date of its creation, its qualification, and whether it contains personal data. In some cases even the nationality of the researcher can be a restricting factor. There is a special restriction, when the document can only be researched in copy, but it cannot be researched in original. It has data security or file safety (i.e. preservational) reasons. Most of the research cases regard family histories, their most important sources are the parish and the municipal registers. Due to their importance the study has got a separate unit about the accessibility of the registers, the legal steps having been taken about the topic for the last half decade, as well as their current status. Is it possible to create a process description that would support the archivists in the reading rooms to hand out everything they are allowed to and not to hand out anything that is prohibited, to the researchers? Anyway, we are trying to.

Key words: archives, Hungary, freedom of research, access, restrictions to access, parish registers, municipal registers

La libertà di ricerca ed i suoi limiti negli archivi ungheresi (dal 1945)

SINTESI

Lo studio fornisce una breve sintesi storica delle modifiche del quadro giuridico delle ricerche negli archivi pubblici ungheresi ed il suo stato attuale. Il quadro dell'accessibilità ai materiali negli archivi viene continuamente allargandosi sotto vari aspetti. Tuttavia, i permessi e le restrizioni possono essere definiti solo su diverse considerazioni, il che rende il lavoro quotidiano dei dipendenti degli archivi più difficile. I seguenti aspetti devono essere presi in considerazione: la proprietà del documento (!), la data della sua creazione, la sua natura, e se contiene dati personali. In alcuni casi anche la nazionalità del ricercatore può essere un fattore limitante. Vi è una restrizione particolare quando il documento può essere ricercato solo in copia, ma non può essere studiato in originale. Vi sono ragioni di sicurezza dei dati e di sicurezza del file. La maggior parte dei casi di ricerca riguarda storie familiari, le loro fonti più importanti sono le parrocchie ed i registri comunali. Data la loro importanza lo studio comprende una sezione a sé stante sull'accessibilità dei documenti, le azioni legali adottate sull'argomento durante l'ultima metà del decennio, così come il loro stato attuale. È possibile creare una descrizione del processo che possa sostenere gli archivisti nelle sale di lettura a gestire tutto quello che possono e non distribuire tutto ciò che è vietato ai ricercatori? In ogni caso, ci stiamo provando.

Parole chiave: archivi, Ungheria, libertà di ricerca, accesso, restrizione di accesso, registri parrocchiali, registri municipali

Svobodno raziskovanje in njegove omejitve v arhivih na Madžarskem (od leta 1945 dalje)

IZVLEČEK

Prispevek prinaša kratek povzetek sprememb pravnih predpisov, ki se nanašajo na raziskovanje v madžarskih javnih arhivih in na trenutno stanje. Okvir dostopnosti arhivskega gradiva se iz različnih vidikov nenehno veča. Vendar se lahko dostop in omejitve opredelijo šele po resnem razmisleku, kar zaposlenim v arhivih, ki nudijo

podporo raziskovalcem otežuje vsakodnevno delo. Upoštevati je potrebno naslednje vidike: lastništvo dokumenta (!), datum njegovega nastanka, njegovo opredelitev, in ali vsebuje osebne podatke. V nekaterih primerih je lahko omejevalni dejavnik celo državljanstvo raziskovalca. Obstaja tudi posebna omejitev, ko se lahko dokument uporablja le v kopiji, originala pa ni mogoče pridobiti za raziskovalne namene. Razlog je varstvo podatkov ali pa materialno varovanje gradiva. Večina raziskovalnih primerov se nanaša na družinsko zgodovino, pri čemer so najpomembnejši viri cerkvene ali civilne matične knjige. Zaradi njihovega pomena, so bile izvedene posebne raziskave glede dostopnosti matičnih knjig, v zadnjih petih letih pa so bili sprejeti tudi določeni zakonski ukrepi. Ali je mogoče ustvariti takšen opis gradiva, ki bi nudil podporo arhivistom v čitalnici, da bi lahko uporabnikom zagotovili vse, kar lahko dobijo, oziroma jim ne izročili tistega, kar za kar je predpisan omejen dostop? Kakorkoli že, trudimo se.

Ključne besede: arhivi, Madžarska, svobodne raziskave, dostop, omejitve dostopa, cerkvene matične knjige, civilne matične knjige

Kutatási szabadság és annak korlátai a magyarországi levéltárakban (1945-től napjainkig)

ÖSSZEFOGLALÓ

A tanulmány rövid történeti összefoglalást ad a magyarországi (köz)levéltári anyag kutatásában fennálló jogszabályi korlátozásokról, azok alakulásáról és a jelenlegi helyzetről. A levéltári anyaghoz való hozzáférés keretei számos vonatkozásban folyamatosan bővülnek. A jogosultságok és a korlátozások ugyanakkor csak többféle szempont figyelembevételével határozhatók meg, és ez a kutatószolgálatban közreműködő levéltári alkalmazottak mindennapi munkáját nehezíti. Figyelemmel kell lenni az irat tulajdonjogi helyzetére (!), a keletkezési idejére, a minősítésére, valamint arra, hogy az irat személyes adatot tartalmaz-e. Egyes esetekben a kutató állampolgársága is a hozzáférés akadályá lehet. Speciális korlátozás, amikor az iratanyagot eredetiben nem, csak másolatban lehet kutatni, ennek adatvédelmi vagy állományvédelmi indokai vannak. A kutatási esetek legnagyobb része családtörténeti vonatkozású, ehhez a legfontosabb források a felekezeti vagy az állami anyakönyvek. Éppen e jelentőségük miatt az anyakönyvek kutathatóságáról, az elmúl fél évtizedben a téma körül kibontakozó jogalkotási lépésekről és a jelenlegi végeredményről a tanulmány külön is megemlékezik. Lehet-e egy kutathatósági eljárásrendet kialakítani, amely pontosan segíti a kutatótermi levéltárosokat abban, hogy mindent, amit szabad, kiadjanak, és semmit, amit tilos, ne adjanak ki a kutatóknak? Mindenesetre kísérletet tehetünk rá.

1 Introduction

The historical and valuable official and private documents are kept in the archives. The documents not possessing necessary information regarding daily record management, but otherwise possessing important information are transferred from the creator of the document, his successors or inheritors to their final keeping place via a standard procuration process. The archives are responsible for keeping the documents in acceptable circumstances and availability for research. In case of necessity the archival experts prepare tools for research, such as lists, notes, repertories, copies or online data bases, as well as complete digitisation. The researchers can research these available documents due to their own goals, having copies prepared in case of necessity of the important documents. The archivists supply them with full assistance.

The above described status supplies the researchers with the most possible complete freedom of research, in which the archives is the sunny island of peace desired by the researchers, where they can do whatever they want in silent, peaceful research points.

However, unfortunately the real world can prepare obstacles that restrain the freedom of research in greater or smaller rate. What can these restraints be? (Their definition supplies us with the task as well to terminate them, thus to think them over is important):

- The document - however it should already be in the archives - is still at the creator, it may have already perished, thus it is difficult or impossible to research.
- Although the document is in the archives, but there are no research tools - prepared at the time of creation or later - attached to it.
- The document has not been organised and it can be researched by studying it page by page.
- The opening hours of the archives do not help the researchers, it is available mainly for the

- academic and higher education sector, it is closed in the evenings and at the weekends.
- The capacities of the research rooms (number of seats, microfilm readers, computers) are not sufficient.
- The copies of the documents that the researchers must to study are worse than the original.
- The possibilities to make copies are bad (high costs, the own equipments are prohibited for use).
- Legal restrictions in access to some given documents (different research rights due to the date of creation of the document or its qualified content, as well as the age, the nationality, the relatedness, the academic rank, or the political trustiness of the researcher).

The above listed problems may have individual studies on their own as well, their handling, elimination and solution requires high energy labour of the management and the other colleagues of the archives.

The present study introduces the last (that is the most basic) circle of obstructions in its historic and current status in Hungary since 1945 up to now. The importance of the question is defined by the fact, that the archivists, who traditionally have qualifications in history or public administration, are required to have up-to-date, and wide legal knowledge, which they do not acquire during their studies, and for which there are only rare or no opportunities in organised framework to gain. This fact causes daily stress for the archivists working with the researchers, which can effect the quality of their work: it is easy to admit that nobody wants to make mistakes, supply unauthorised people with documents, or hand out restricted documents, thus quite often they do not supply the documents just not to make an error that cannot be repaired. Often the responsibility to meet the legal requirements paralyses the colleagues. However there are experiences that the researchers are supplied without the necessary legal knowledge or with its neglection, which can have basic threats as I will describe them regarding the researchability of the registers¹.

For better understanding of the summary the short introduction of the ministerial or national authorities (whose names have been changed several times), as well as the archival organisation, is necessary. The dynamism, segmentation and the summarizing type (more tenacious) regulation of the norm generation is introduced in chronological order by the legal restrictions. The summary does not cover the plans and the different concepts, since it aims at introducing solely the already introduced and effective norms. The individual regulation history of some important topics is to be found at the end of the study.

2 The Management of the Sector

Before 1922 the archives had belonged to the Ministry of Internal Affairs, then gr. Klebelsberg Kuno, who had been the Minister of Internal Affairs became the Minister of Religion and Public Education, took this area with him. The area of the archives - except some very short periods - has always belonged to the ministry responsible for the culture². (Before 1951 Ministry of Religion and Public Education, 1951-1956: Community Education Ministry, 1957-1974: Ministry of Community Culture, 1974-1980: Ministry of Culture, 1980-1990: Ministry of Public Culture, 1990-1998: Ministry of Culture and Public Education, between 1998-2006: Ministry of National Cultural Heritage, 2006-2010: Ministry of Education and Culture, 2010-2012: Ministry of National Resources, since 2012: Ministry of Human Resources).

First the national archival inspector was responsible for the archives on national level (1949-1950). His tasks were to collect all the documents having been neglected and save them from further deterioration or perdition, as well as to prepare the new archival regulations, and as a related task to organise the National Centre of Archives (NCA). NCA managed the archives between 1950-1957, was functioning as a regulating and coordinating institute issuing several, central circular letters, infor-

1. The regulations and other sources used in the study can be obtained in the „Archival Corpus” service of the Hungarian Archival Portal (<http://www.archivportal.arcanum.hu/korpusz>). I cite the registration number, the title (object) and the date of the issue for the univocal identification of the documents, thus they can be easily found in the corpus - in Hungarian. (I translate in [] the title for the better understanding.)

2. About the organisation see *A Magyar állam szervei* (database). <http://193.224.149.3:8080/mol/masz> [*The organs of the Hungarian State*].

mation leaflets, orders regarding the special professional problems. Its importance is proved by the fact, that after the changes of its organisation and its name to the Archives Department (AD) of the ministry in 1957, it was still called as „NCA” in discussions several times and for quite a long period, after the reorganisation of the ministry in 1968 it continued its operation under the name of Directorate of Archives (DA) until 1976. From 1977 the national professional management was operating as the Archives Department of the Ministry of Culture again, by the recent years however it has lost its independence, merging with the public collections department, the number of the professional experts has fallen dramatically, while the knowledge deficit is soaring.

According to the first archival law issued in 1947 the National Archives of Hungary, the related national regional archives, the Military Archives and Museum were the public archives. The national ‘places of authentication’ (loca credibilia) in chapter and convent archives, the archives of the counties, and of the cities with legal rights, the archives kept in museums and public libraries, the archives of the churches, as well as the private archives not belonging to any of the above listed categories were the existing archives³. After the political changes the institutional system was also centralised and simplified⁴. The scope of the public archives did not change, the county, city and village archives perished, as well as the archives of the places of authentication, their documents were taken over by the national regional archives. The archives of the churches and the earlier public interest private archives also became national. The contracted county and city archives were given the title of „state” in 1953, and each of them got a number. From 1st January 1968 the archival organisation was decentralised, the regional archives were managed by the county councils, and their names were changed to county archives. From the 1960s the higher education and other specialised archives were formulated, and the Act on Archives of 1995 added the category of public private archives, mainly regarding the archives of the churches. This structure existed until 2012 when the county archives were incorporated into the Hungarian Country Archives (30th September), which was named as National Archives Hungarian (1st October).

3 Legal Regulations

WW II. of the 20th century caused Hungary significant losses in human lives, economic power as well as in cultural values. Even from the spring of 1945 the organisation work of the archives started, first the main aim was to stop the perishing of the documents (regulations about the safeguarding, collection and deposit of private and abandoned properties into public collections). During these activities several family archives became parts of the archives.

In the summer of 1947 the first archival law of the new regime was issued⁵. Its importance is given not only by being the first archival law, but also by the fact, that until the political changes in 1990 no other laws were issued regarding the archives, only lower level regulating activities were fulfilled by the governmental or the related operational bodies. The law assured the right to research all the documents that were older than 50 years, if their publication did not harm the public interests. For the research of younger documents the authorisation of the parliament or the minister was needed. There was no authorisation for the research of some types of documents (Court of Auditors, courts, the office of the public prosecutor, criminal records). The research for the scientific researchers was free, however in case of the other types of research fee had to be paid. Research in the county archives was allowed by the first officer of the local authority, at the end the minister of the internal affairs, religion and public education took the decisions. The owner of the public private archives was liable to authorise the research of documents older than 50 years in some cases.

After the political changes in 1948 (the exclusive power of the communist party) the archives got new regulations in 1950⁶. The statutory rule was on the same level with the law; however it was not issued by the parliament, but by the Presidential Council, the highest corporate body of the political power. Regarding the new regulation „the written memories of the historical development” have to be

3. 1947. évi XXI. törvény a levéltárügy rendezéséről. (1947.07.29.) [1947:XXI. Act on the regulation of archives].

4. A Népköztársaság Elnöki Tanácsának 1950. évi 29. számú törvényerejű rendelete a levéltárakról (1950:29. tvr.) [1950:29. statutory rule of the Presidential Council of People Republic on the archives].

5. 1947:XXI. Act.

6. 1950:29. sr.

safeguarded by increased level and have to be made available for research. The small county and city archives were terminated; the documents were taken to the public archives. Research was permitted and free in the public archives. In case of debates regarding the qualification of the research the newly organised NCA took decisions. Some parts of the public documents given to the archives could be qualified as closed document by the minister. The legal safety was highly endangered as this regulation contained criminal law regulations in case of damaging the documents (perishing, taking abroad, etc.).

The minister (of religion and public education) defined further detailed regulations regarding the operation of the statutory rule. Regarding the documents issued before 1945 private individuals could research with the permission of the archives director, and could ask for a copy. In case of closed documents research was forbidden, in other cases it was allowed⁷.

The **1950s** were spent in the name of vigilance and watchfulness, when the presence of the enemy was feared all the time. The differentiation between the domestic researchers and the researchers from abroad, the availability of research permissions based on „political trustedness”, as well as the restriction of the current documents qualified the era.

In the summer of **1951** NCA ordered the county archives to answer the private inquiries coming from abroad only in case a scientific institute of the inquirer's own country supports the request⁸.

In October **1952** NCA ordered that even the interested individual is not allowed to see the documents of the verification committee, only the decision can be seen, other persons are not allowed to see any of these documents (but the authorities are allowed to see and copy anything)⁹.

In **1953** according to the new orders of NCA the authorised people of the Parliament, the Presidential Council, the Council of the Ministers, the ministries, the National Planning Institute, the Hungarian Academy of Sciences, the verified members of the Party of the Hungarian Labourers' central bodies, the State Protection Authority, the police and the Hungarian Labour Movement Institute could research in any of the documents, except those regarding their own person. They could research freely in the documents by other issuers or their inheritors for administrative goals; regarding the documents of others the permission of NCA was necessary. All other researches needed the permission of NCA, research with private purposes was forbidden. The archivists were allowed to give information about the document with „keeping the watchfulness level”¹⁰. In the same year regulation was issued ordering that any copies or data about the election name lists prepared after 1945 can only be given to the authorities and the Popular Front by the archives¹¹.

In **1954** the supervision upon the freedom for research continued to get stronger: the authorisations of the archivists were regulated, they did not need any permission if they wanted to collect data for scientific studies, or if they researched free in social work for request for internal archival purposes (e.g. bill board). If they gave data or wrote articles for e.g. the local newspaper based on the documents of the archives, it was not supported by the regulation¹².

In this summer the inquiries coming from abroad were regulated such that the requests arriving directly to the archives have to be sent first to NCA, and the orders coming from there had to be fol-

7. 1610-26/1950 (08.08) VKM rendelet a levéltárakról szóló 1950:29. tvr. végrehajtásáról. (1950.08.08.) Ezt kiegészítette a 1610-44/1950 VKM rendelet (1950.09.24.) [Statute of the religion and public education minister about the implementation of 1950:29. sr. on archives, and its supplement].

8. 1610-K99-1/1951 LOK (= NCA), Külföldről érkező magán érdeklődések megválaszolása (1951.06.25.) [Answer of the inquiries coming from abroad].

9. 864-143/1952 LOK, A levéltárban elhelyezett igazolóbizottsági iratokba való betekintés és az azokból kiállítandó másolatok ügyének szabályozása (1952.10.11.) [Regulation on probe in and copy making about the verification committee's records, kept in the archives].

10. 86401-9-4/1953 LOK, Az 1945. évben és azután keletkezett iratanyagban való kutatás (1953.02.07.) [Research in the post-1945 records].

11. 86401-9-8/1953 LOK, Adatszolgáltatás az állami levéltárak őrzetében álló felszabadulás utáni névjegyzékekből (1953.04.03.) [Data providing from the post-1945 election name lists, kept in the state archives].

12. 13-00-8/1954 LOK, A levéltári dolgozók kutatási engedélye (1954.02.09.) [Research permission for archival staff].

lowed (it did not apply to the requests regarding the summaries, copies and information about the birth certificates, the qualifications)¹³.

In the same period the permission concerning the inquiries for research of the documents issued after 1945, the additional rights for the politically trusted persons. The people with the letter of commission by the county, city and Budapest district party committees were allowed to research the documents issued after 1945, however not the documents concerning their own person¹⁴.

The vigilance was increased by **1955**; in case of inquiries from abroad the archives were liable to inform NCA about the visit. Researcher from abroad could research the documents issued before 1918 freely, however the documents issued after 1918 could be researched only with the written permission of the Ministry of Foreign Affairs (which had to be requested by the archives via NCA). The documents regarding external affairs could only be researched by either Hungarian or abroad citizens with only the permission of the Ministry of Foreign Affairs¹⁵.

In the autumn of 1955 NCA issued a new regulation „until the final regulation of the issue, temporarily”, the documents issued after 1st January 1945 have to be regarded as restricted. This regulation was assured even in 1960, „private aimed research is not permitted in these documents, and for researches with public interest the permission of NCA is still necessary”¹⁶.

After the revolution and independence war in 1956 as one of the signs of political détente even this strict regulation was eased. In April **1957** the Historical Institute of the Hungarian Academy of Sciences was given the right to make the decision who is allowed to research the documents issued after 1945, thus the institute guaranteed its own colleagues. Moreover the institute had the task of determining so that „no such data that may harm any state interest, interests of the people’s economy, or any other public interests, or rightful private interests, could be obtained by people who would misuse them”¹⁷.

In **1960** the regulation was issued regulating that research concerning personal matters regarding the police, state protection, and relocation issues, political supervision issues, police documents regarding associations, political parties, labourer or land owner movements, which are kept in the archives, could only be completed with the preliminary permission of the leader or his depute of the Secretariat of the Ministry of Interior¹⁸.

In **1962** every possibilities of the administrative research regarding the internal affairs and police documents issued after 1st August 1919 had to be used, copies for private individuals were forbidden to make except for the organisations of the police, these inquirers had to be directed to the Secretariat of the Ministry of Interior or the county police captain. General information could be given to researchers, however about a concrete individual only in case of the permission for the research. The permission for research could be given by the Secretariat of the Ministry of Interior or the county police captain, and only the documents concerning the topic defined in the permission could be handed over. The researcher from abroad needed permissions even for getting some information. The regulations applied the archival staff as well¹⁹.

13. 02-00-8/1954 LOK, Külföldről érkező kutatási igényekkel kapcsolatos eljárás (1954.06.10.) [Process on research inquiries from abroad].

14. 86401-9-47/1954 LOK, 1945 utáni anyagban való kutatás engedélyezése (1954.07.30.) [Permission of the research in the post-1945 records].

15. 02-00-1/1955 LOK, Külföldi állampolgár kutatók levéltári kutatásának szabályozása (1955.02.11.) [Regulation on archival research of the foreign citizens].

16. 86401-15-10/1955 LOK, Az 1945 január után keletkezett iratanyagban való kutatás és az iratok felhasználása (1955.09.25.); 87368/1960. LO (1960.02.15.) [Research in and usage of the post-1945 records; its supplement is known for me only from citation, see note 27].

17. 86401-15-2/1957 LOK, Az 1945 után keletkezett levéltári anyagban való kutatás engedélyezésének módosítása (1957.04.11.) [Amendment of the permission of the research in post-1945 archival records].

18. 88958/1960 LO, Levéltári kutatás szabályozása a BM provenienciájú anyagban (1960.08.19.) [Regulation of the archival research in the records of Ministry of Interior provenience].

19. 88159/1962 LO, 1919. augusztus 1-e után keletkezett belügyminisztériumi és rendőrségi fondok kutatása (1962.07.30.) [Research of the post-1919 records of the ministry of interior and police authorities].

In **1964** the number of researchers wanting to research the documents issued after 1945 soared by such rate that several groups of researchers were excluded: the secondary school students as well as the researchers with private purposes were not allowed to research. Later this regulation was refined, and the usage of the archival special libraries and periodicals was permitted²⁰. In the same year the representatives of the Ministry of Interior, the Ministry of Justice, the public prosecutor offices, and the prison organisations could research the documents with written permissions, scientific research could be completed with the permission of AD of the ministry, and this applied to the archival staff as well²¹.

In **1965** the research of the documents issued between 1945-1956 was regulated again. Research by people under the age of 18 was not permitted. The permission was issued by the director of the archives, but in case of some documents the permission of the AD of the ministry, the Ministry of Interior, the Ministry of Justice was necessary. The written assignment of a scientific institute was necessary for any scientific research, in case of diploma work the verification of the college or the university was necessary. The restrictions were taken very strictly: „Since the documents issued after 1945 constitute confidential, classified lot, they may contain state secrets, I will have supervised whether the above described regulations are met, and the malpracticioners will be strictly prosecuted”²². In **1967-1968** the research status did not change positively: the relocation documents issued between 1945-1949 were regarded as restricted, closed lot that could be researched only with the permission of the Secretariat of the Ministry of Interior. Permission was only given for studies politically very important, university students did not get permissions for researches that were necessary for writing dissertations or studies²³.

In **1969** the new the regulation (statutory rule) of the archives were issued²⁴. Archives were defined by the regulation as basically scientific institutes that also supply with some administrative tasks. The tasks of the archives were to take over the documents, to safeguard them, prepare them for research, assure the conditions for research, as well as complete researches. The regulation did not cover the framework of the research, it was not defined even in the implementation regulation, and the minister of education was entitled to define the detailed regulations²⁵.

By **1970** so many different regulations had been defined, that even the ministerial management of the area (Directorate of Archives in the Ministry of Education) was not able to take them in²⁶. They wanted to have all the previous regulations collected before the detailed regulation was made, thus dr. Takács, Endre the director of the Veszprém County Archives, was asked to collect them, who handed in his summary on 20th May²⁷. The director collected the following regulated areas: I. safeguarding the state secrets, state registers regulations, II. the tasks of the archives regarding the researches: a. Research the documents issues in or after 1945, b. answering the private inquiries coming from abroad, c. contact between the Hungarian and the foreign authorities, d. looking into the verifying committee documents, e. supplying data from the election name list, f. Police documents, g. Copy requests of the

20. 134585/1964 LO, 1945 utáni iratokban való kutatás (1964.02.24.) [Research of the post-1945 records]; 137129/1964 LO, Középsiskolai tanulók levéltári kutatása (1964.11.25.) [Secondary school pupils' archival research].

21. 134584/1964 LO Büntetőintézetek irataiban való kutatás szabályozása (1964.02.26.) [Regulation on the research of the records of the jailhouses]; Supplement to this: 51540/1972 X. LIG Kutatási korlátozás kiegészítése (büntetőintézetek iratai) (1972.03.21.), [Supplement of the research restrictions (jailhouses' records)], even the scientific research was permitted with the DA's permission. 137128/1964 MMLO, Kutatási engedélyekkel kapcsolatos eljárás szabályozása (1964.11.24.) [Regulation on the process of the research permissions].

22. 134492/1965 LO, 1945-1956 években keletkezett iratok kutatási engedélyezése (1965.02.16.) [Research permission to the records from 1945-1956].

23. 135091/1967 LO; 94631/1968 XVIII. LIG, Ki- és betelepítési iratok kutatása és ügyviteli használata (1967.05.20.; 1968.06.26.) [Research and administrative usage of the records on relocation and settling].

24. 1969. évi 27. tvr. a levéltári anyag védelméről és a levéltárakról (1969.09.02.) [1969:27. Statutory rule on defence of archival records and on archives] Literature to this: Ember, Győző (1969). A magyar levéltárügy új törvényes szabályozása. [The new legal regulation of the Hungarian archives] *Levéltári Közlemények*, 40(2) pp. 197-213., Varga, János (1969). A levéltári törvény elé. [Preface to the new Archives Act] *Levéltári Szemle*, 19(3) pp. 501-509.

25. 30/1969. (IX. 2.) Kormányrendelet. (Government statute)

26. Although they tried it: 89426/1962 LO, Fontosabb LOK rendeletek jegyzéke (1962.11.13.) [List of more important NCA regulations].

27. 385/1970 VeML, Levéltári anyagok kutatására vonatkozó rendeletek összegyűjtése. (1970.05.20.) [Collecting the regulations related to the research of the archival documents].

lawyer groups, h. Documents of the prisons, i. labour verification documents given to Austria, j. Research restrictions for the secondary school students and the people under the age of 18, k. Handling the company documents as restricted documents, l. Private customers cannot obtain copies of land register, they have to apply to the court, m. Research of relocation and settling, n. Archival research of foreign citizens, o. Archival documents cannot be borrowed to the place of work or home of the researcher.

The „Operative Regulation of the Archives” (ORA), which regulated the operation of the archives for a long time, came into effect on 20th May 1971²⁸. The research in the archival documents was regulated in the 108-128. § by ORA, never has any regulations been so detailed as this one. According to the regulation, „archival research is to reveal data from the documents safeguarded by the archives in order to fulfil scientific, administrative (economic) or private purposes.” Preliminary permission had to be requested before the start of the research, permission for the foreign researchers were organised by the welcoming body or the Ministry of Foreign Affairs via Directorate of the Archives. The permission was issued by the director of the archives or their trustee. Research permission could be given to anyone who was older than 18 years old, accepted the research regulations and had the necessary knowledge for the research of the documents.

The archives - entitled to safeguarding the state and rightful private interests - was allowed to give to the Hungarian citizens to all the documents that had been issued before 1st January 1938, except if the minister of culture restricted their research based on the request of the creator of the documents, his legal successor or other bodies, those documents that were issued after 1st January 1938, 20 years before the year of the research that had not been asked for restriction by the creator, or if the researcher had the permission of the body asking for the restriction. Foreign citizen was allowed to research the documents that had been issued before 1st January 1938, and were not restricted. Those Hungarian citizens who completed researches for other countries or foreign citizens had to be considered as the foreign citizens. Documents lodged could be opened according to the lodgement contract's restricting conditions, in case of nonexistence of such regulations; the documents had to be handled according to the general conditions.

According to the 7. § (4) section of the governmental regulation No. 30/1969. (IX. 2.) „Research of the documents given to the archives by the governmental bodies for safeguarding is completed together by the supervising minister and the minister of culture”. According to it the order containing the restrictions regarding the research of the national governmental bodies were issued by DA in 1972²⁹. The research of the following documents were restricted by the Ministry of Interior: citizenship and name changing documents created after 1867, state registers and documents created after 1st October 1895, the personnel files created by the Ministry of Interior, political movements, parties, associations, organisations whether left or right-wing, the documents of religious associations, and the border guard bodies, documents issued after 1945: personnel documentation of the police, border guard bodies, police force, and the fire fighting bodies, documents regarding the armed bodies, police supervision, the relocation of the German nationality people, the population exchange, relocation, settling of originally Hungarian people, dissipation, the documents of the counter-revolution of 1956. Documents created earlier than 20 years remained under restriction automatically.

Restrictions regarding the documents created earlier than 1st January 1919 by the Ministry of Foreign Affairs: issues of nationalities and minorities, the political and diplomatic relations of Hungary with the foreign countries, the not publicised documents of the personnel of the Ministry of Foreign Affairs, the sensitive documents of foreign politicians, military maps, regarding documents issued after 1st January 1938: the issues of refugees, the relationship of foreign Hungarian organisations with Hungary, military fonds, regarding documents created after 1945: foreign affairs organisation, work plans, budget, issues of the prisoners of war, the population exchange, the relocation of people, diplomatic and political relationships, cultural and political connections, nuclear issues, foreign trade, Allied Control Council, the economic cooperation of the socialistic countries, Comecon, documents threatening the honour of foreign experts, international organisations and officers, Hungarian emigration organisations and persons, ciphered telegrammes.

28. A művelődésügyi miniszter 130/1971. (M. K. 10.) MM számú utasítása a Levéltárak Ügyviteli Szabályzatának kiadásáról. (1971.05.20.).

29. 51103/1972 X. LIG, Kutatási korlátozások elrendelése (1972.02.21.) [Order of the research restrictions].

Restrictions of the Ministry of Finance: financial and property related documents, international financial and property rights agreements, socialized foreign companies related to the termination of the Monarchy, documents created after 1945: international customs documents, foreign trade, international transport issues.

In 1974 the National Archives of Hungary regulated the information given based on archival documents in its internal regulations, which was sent to the other archives as an example that should be followed³⁰. Information could only be given based upon those documents that the inquirer would have been allowed to research. „The information should not contain such data that would harm any state interest or the rightful personal interest of any citizen”.

In 1975 the ministry regulated researches completed in the archives³¹. The archives had the right to give a research permission to a Hungarian citizen for research the documents issued before 30th September 1945 that were not under any restrictions, the documents created after 30th September 1945 that were older than 20 years and were not under any restrictions, which had contemporary or current study-aid, thus they could be researched one by one or resources (not only by bundles), as well as the documents older than 20 years that were not under any restrictions, which were allowed to be researched with a study-aid permitted by the issuer or his legal successor. Documents restricted for the Hungarian citizens: issues related to citizenship and changes of names (after 1st January 1867), state registers, and their issues, adoption issues (after 1st October 1895), issues of the nationalities and the minorities, documents of the foreign affair organisations and personnel documents, military maps, financial and property related documents, related to the termination of the Monarchy, Hungarian bonds based on US Dollar, personnel of the Ministry of Foreign Affairs, police, political movements either right or left-wing, organisations, religious organisations, the board guard bodies (documents created after 1st August 1919), refugee issues, Hungarian organisations operating abroad, foreign affairs, diplomatic and political issues, the actions of political actors of foreign countries, military issues, international customs issues, foreign trade, the Vienna Award, confiscated properties, governmental committee of Jewish property, relocation, refugee issues, international tax agreements and contracts, socialized foreign companies, documents of land greater than 100 acres owned by foreign citizens, crime against the state and political type crime (documents created after 1st January 1938), armed forces and police forces, organisations, B lists, relocations, police supervision, the relocation of the German nationality people, the population exchange, relocation, settling of originally Hungarian people, dissipation, the supervision of foreign people, air-raid precaution, civil defence, the actions of the counter-revolution of 1956, documents of the foreign affair organisations, personnel and budget, prisoners of war documents, scientific and cultural issues, Allied Control Council documents, the documents of the Warsaw Pact and Comecon, information about foreign countries, Hungarian emigration organisations and people, Soviet-Hungarian joint companies, taxes paid by the citizens, preparation of the laws, people's tribunal, crime, the whole documentation of the Ministry of Justice, the personnel issues of the Ministry of Culture (documents created after 30th September 1944).

The preliminary permission of the ministry was necessary for the research of restricted documents; the permission has to be issued for the given name, in written form. Permission could only be given if the researcher showed his study to the permitter before publication. In case of professional researcher the preliminary permission had to be obtained for a smaller amount of documents (but in case of state registers they had to). The research by foreign researchers based on intergovernmental agreements was regulated separately: the documents created before 30th September 1944 that had not been restricted could be freely researched. Foreign researchers were forbidden to research all restricted documents, all that were created after 30th September 1944, except if the minister of culture gave a special permission. Private foreign researchers were given research permission by the director of the given archives for the documents created before 1st January 1918, for the documents created before 30th September 1944 the permission of the Directorate of the Archives was necessary. In connection with the interpretation of the regulation the Ministry of Culture explained to the Directorate of the Archives that research in the church archives requires no special legal regulations as since 1969-1970

30. 51660/1974 X. LIG, Tájékoztatás a levéltári anyag alapján. (1974.04.26.) [Information based on the archival records].

31. 377/1975 I. KM sz. intézkedés a levéltárakban folytatható kutatásokról (1975.01.30.). [Regulation on the possible research in the archives]. The new regulation overruled the regulation of 1972. .Supplement of this: 752/1975. I. KM. (1975.05.23.).

they had been operating as specialised archives, thus they were under the supervision of the minister of culture, so ORA applies to them as well. Issuing a new order “would be a legal mistake, and it would not be practical from political point of view either.” In case further restrictions were necessary, they would have to be organised via the State Office of Church Affairs, “particularly that for the current practice separate open regulation has not been issued regarding the church archives yet”³².

The last regulation before the political changes was issued in **1989**, where the Council of Ministers regulated some issues of the researches, in other words the restrictions and the framework³³. The document that has been published if it has not been restricted by court can be researched. Documents that are older than 30 years can be freely researched, documents younger than that can be researched with the permission of the creator or his successor, in case of a foreign researcher the further permission of the Ministry of Foreign Affairs. The documents that are older than 30 years with the following content can be only researched with the permission of the related authority (in most cases the creator or his successor, the minister of interior, foreign affairs, home security, legal affairs, culture): state related, ministerial or company secrets, citizenship, name change and state register issues, adoption issues, supervision of foreign people (for 90 years after its creation), criminal, civil, labour cases in court or not in court (for 70 years after its creation), issues harming internal political interests, issues with other countries, Hungarian organisations operating abroad, punishment issues, issues of companies socialized after 1st January 1939 with foreign ownership, and lands over the size of 100 acres, the personnel issues of all the bodies (for 50 years after its creation).

In **1994** the Constitutional Court regarded some of the regulations of ORA and the research restrictions of 1989 as well as the regulations about the state and ministerial secrets as unconstitutional and terminated with the date of 30th June 1995 in the deliverance about the posterior statement of being unconstitutional and termination of regulations and the other legal tools of the governmental leadership³⁴. The termination of the rules happened partly, because they were not legal regulations, and it harms the constitutional state and legal certainty. The Constitutional Court however, did not regard the quality requirements as well as the safeguarding of the work materials did not regard as unconstitutional. In the summary the Constitutional Court stated, that “the freedom of science, the right for the safety of the personal data, as well as the right for the freedom of information are basic rights that are the conditions of each other and also complement each other. Due to the freedom of science the state has to guarantee the freedom of scientific research, the scientific acquisition and teaching, except in case of the constitutionally proved restrictions - especially the safeguarding of personal data, and the secret data according to the European norms that belong to the virtual interest circle of the state and its basic safety defined by law, which are regarded as necessary restrictions in a democratic country - moreover, it should be neutral regarding scientific statements and truth.”

The Constitutional Court terminated the archival research restrictions with a deadline so that the legislators can fulfil their liabilities to reregulate the issue. It was fulfilled almost in the last moments, so the currently operative Act LXVI of 1995 was issued on public records, public archives, and the protection of private archives (Act on Archives)³⁵.

4 The Operating Research Rights

The current research rights have been regulated by the Act on Archives since 1995 (4th Chapter, The Usage of the Documents of the Public Archive, Research in the Documents of the Public Archive, 22-26. §). The main elements of the regulations:

I. (22. §) date of creation, data content, based on publicity:

32. 1262/1975 I. KM, Az egyházi levéltárakban történő kutatás korlátozásáról (1975.11.26.) [Research restrictions in the ecclesiastical archives].

33. A Minisztertanács 118/1989. MT rendelete a közgyűjteményekben folytatható kutatások egyes kérdéseiről (1989.11.30.) [Order of the Council of Ministers about some aspects of the research in public collections].

34. Az Alkotmánybíróság 34/1994. (VI. 24.) AB határozata [Resolution of the Constitutional Court].

35. See the Act on archives in English: http://www.ecoi.net/file_upload/227_tmpphpFMFCXI.pdf.

Time of creation is cut into two by the political changes:

- in case of documents created after 1st May 1990 + 30 years
- in case of documents created before 2nd May 1990 + 15 years

There are no time restrictions:

- in case of documents that have already been published as well as public interest data

The person of the researcher:

- any natural person can research, can ask for copies on his own expenses of the documents belonging to the main rule

Research within the safety period:

- Within the safety period research can be completed on the documents prepared for internal use or in the decision preparation documents with the permission of the handing over body. In case of termination without a successor the archives gives permission. (23. §)

II. (24. §) safeguarding of personal data

- If the law does not indicate otherwise personal data is 30 years after the year of the death of the given person, 90 years after his/her birth, 60 years after the creation of the document.
- It can be researched within the safety period if
 - it can be researched with anonym data copy
 - the research is permitted by any of the inheritors, relatives or registered spouse of the deceased, or
 - (1) there is scientific research going on, (2) there is no safety period according to the date of creation, (3) the encouraging document of the body completing the scientific research is attached, (4) the researcher states to meet the regulations concerning data handling and data usage described by the law.

III. (24/A. §) Differentiation concerning citizenship

- Researcher from any country that assures the safety of personal data can fulfil scientific research within the safety period, if the safeguarding according to the date of creation is already over.

IV. (24/A. §) Special right of the state power

- The state has the right to hand over personal or special data to foreign scientific institutes of it signs a data safety agreement with the government of the institute. The right for re-creation is assured (until the end of the safety period).

V. (25. §) Privileged data

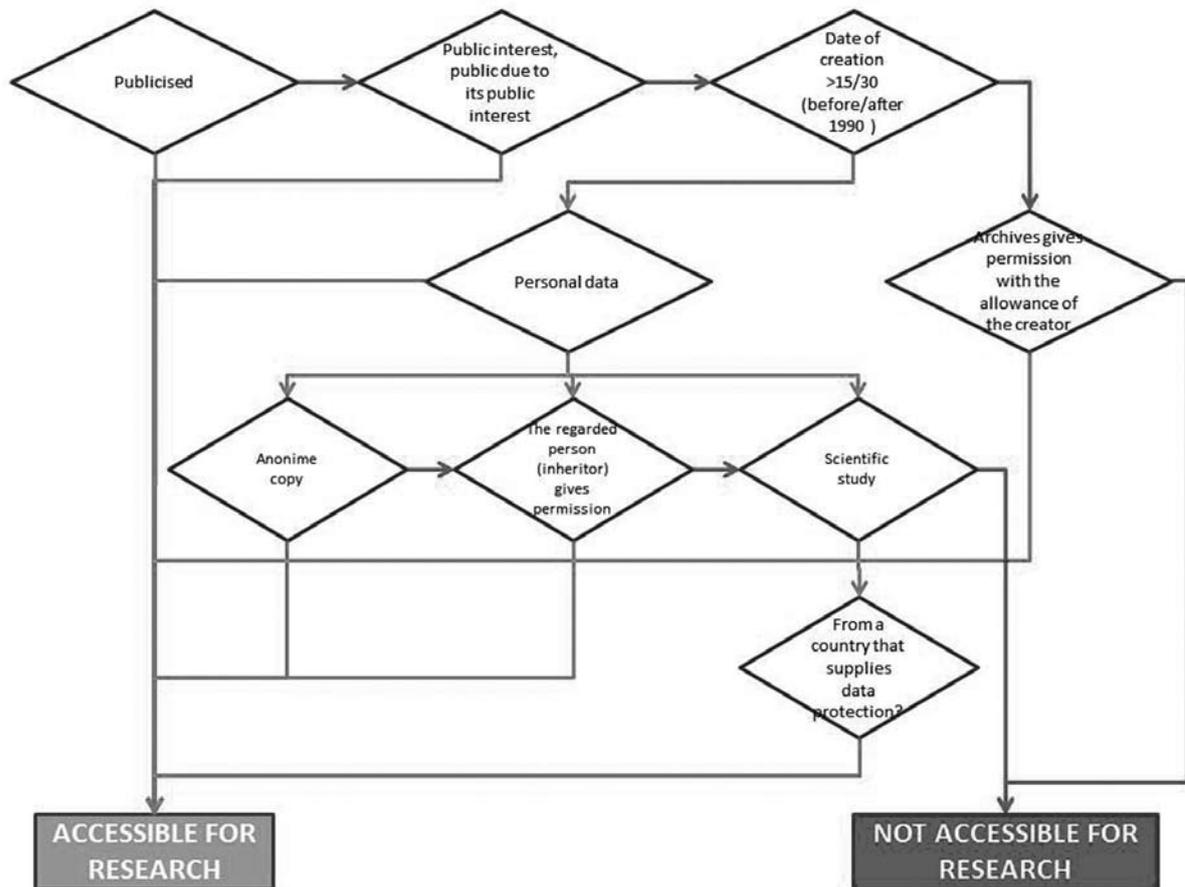
- In classified data research can only be completed with the permission of the classifier before the end of the classification.

VI. (25. §) Prohibition of research

- In the documents issued in the framework of international covenant, given by a foreign person or body until the declared safety period.
- In those not public documents that cannot be researched due to the conditions defined by the handing over body or person.

Those documents that cannot be researched due to its physical status should be copied, but in case the costs are 5 times more than the ordinary copying, the costs can be shifted off to the researcher. In case of payment however, the preparation of the copy is compulsory. The part or full refusal has to be proved in written form by the archives. (26. §)

Whether a document can be handed over to a researcher or not often causes serious problems to the archivists. How to define it? How and in which order should the restrictions be examined? I have prepared the following flow chart, which examines the data content of the documents to make this task easier, to help the decision whether a document can or cannot be researched³⁶.



5 The Main Obstacles of the Research

In the above completed paragraphs I have described the chronological overview of the obstacles of the researches in the archives. The topic / time matrix of the restrictions shows that the regulations became fragmented, almost every year there were some modifications between the period of 1945-1971. These regulation activities were often hard to be followed even by the contemporaries (see the summary of the director from Veszprém as an example, in 1970). After the ORA was issued the restrictions of research were regulated less often and more concentrated. The short introduction of these restrictions is given in the following:

36. The diagram does not examine the researchability of the classified records, and the data that can be handed over to foreign bodies by the state, since they have to be handled in a special process. The flow chart has been prepared for research room use.

Tibor Csaba REISZ: The Freedom of Research and its Boundaries in the Archives in Hungary (since 1945), 201-218

	1947. XXI.	29/1950. tvr.	1950	1951	1952	1953	1954	1955	1957	1960	1962	1964	1965	1967/1968	27/1969. tvr.	1971 (LÜSZ)	1972	1974	1975	1976	1977	1989
Separation of the scientific and private purposes	*	*	*			*					*	*				*			*			
Authorisation of private aimed researches	*	*	*		*											*						
Prohibition of private aimed researches						*				*	*	*										
The definition of the administrative purposes			*		*	*					*	*				*						
Fee for research	*	*																				
Research authorisation by the director of the archives			*										*			*			*			*
Research authorisation by the authorities	*		*			*		*		*	*	*	*	*		*			*			*
Date of issue	*		*			*	*	*		*	*		*			*	*		*			*
	>50 év		<1945				1945<	[KI] <1918<; 1945<		1945<	1919<		1945-1956	1945-1949		*1938.01.01.; >20 év;	>1867; >1895; >1919; >1938;>1945		>1867; >1895; 1919; >1938; <1944.09.30.; >20 év			>30 év; >90 év; 70 év;>50 év;
Safeguarding of public interest (rightful private interest)	*							*								*		*				
The authorisation of the issuer (inheritor)	*																					
Closed qualification of the documents (restrictions)		*			*					*				*			*		*			*
Research is prohibited in the closed documents			*			*				*						*			*			*
The separation of internal and external citizens				*			*	*			*					*			*			*
Political favouritism (power, science)						*	*	*						*								
Research rights for the archival staff							*				*	*										
Regulation of the information publication						*				*	*							*				
Age restrictions											*	*				*						
Necessary knowledge																*						
Public documents open for research																						*

5.1 Safeguarding of Secrets

The Constitutional Court stated in its resolution about the termination of the unconstitutional legal regulations in 1994: „The regulations regarding safeguarding of the secrets based on the legal requirements and the constitutional basic rights limit the publicity of public data as well as the freedom of scientific research.” However it admits those state interests that restrict some information as their early publication may cause conflicts in fulfilling governmental tasks, but it has stated several criteria that limit the constitutional state against the actors of the process to defined if a document is privileged and its whole process.

Even today, 20 years after the issue of the decision there are political and public debates about the rightfulness of some classifications. It is evident, that for those in power it is always easier to have the “problematic” issues known by the public with a bit of delay with the aid of prohibition classification, than the normal methods of a democratic state. The political changes that took place after 1945, the violent nature of the power and its fear originated from the previous fact of the reactions are the evident reasons of the declarations of most of the prohibitions (state, ministerial, official, company secrets) and their safeguarding. There is relatively a small amount of classified records in the archives, but their handling requires high attention. Upon the effective regulations learning of the classified document depends on the permission of the owner of the secret (classifier or its legal successor).

The importance of safeguarding the „secrets” is underlined by the number of regulations about the matter. Due to the lack of space I am not going to introduce them all, since it would require a whole study, thus I am only going to list them.

In the summer of 1951 the Criminal Law No. 21 in 1951. was issued about the safeguarding state secrets and ministerial secrets. It was supplemented by the regulation of the Councils of Ministers No. 9/1955. (II. 15.), which defined the data that have to be regarded as state secrets, and then the Governmental regulation No. 34/1957. (VI. 16.) modified the regulations about the state secrets. With the termination of the previous regulations the Governmental regulation No. 31/1963. (XI. 17.) defined new regulations concerning state secrets. The Governmental regulation No. 14/1971. (IV. 15.) about the safeguarding of state and ministerial secrets came into effect on 1st November 1971, and the Regulation of the Ministry of Interior No. 3/1971. (IX. 23.) about the implementation was also issued. This safeguarding of the secrets worked well, thus this issue was regulated again after 15 years (1st July 1987) by the statutory rule No. 5 about the state and ministerial secrets, and the Regulation of the Council of Ministers No. 17/1987. (VI.19.) about its implementation. This legal regulation was terminated by the Constitutional Court with its resolution that I have already written about, after which the safeguarding of the secrets have been regulated in a law according to the constitutional states. (Act LXV in 1995)³⁷. I have to add, that the next accepted law was the Act on Archives.

5.2 Date of creation

One of the main obstacles of research a document is its date of creation. It was defined either referring to the absolute dates of the great milestones of the Hungarian history (1867, 1895, 1918, 1919, 1938, 1939, 1945, 1956), or regarding the years after its creation (20, 30, 50, 60, 70, 75, 90, 100 years). At the beginning of the regulations longer restriction periods were defined (50 years), however due to the political changes the really new documents were also open for research. Later the 30 year general restriction became domineering. A special difference from the general 30 year restriction is that the currently effective law regarded the documents issued before 1990 as ones to be safeguarded for 15 years only, thus the documents created before the political changes can be freely researched. (However that is another issue, whether the documents of the party, which contain a lot of sensitive personal data should not be safeguarded according to the general safeguarding times? This question is rather not to be asked.)

In 2013 the 100 and 75 year safeguarding period of the state registers was introduced, this classic trichotomy of the safeguarding period (30-90-60 years) have been broken with the data of one type of documents. We still cannot see the professional consequences.

37. The Act LXV. of 1995 was replaced by the Act CLV. of 2009, on the protection of classified information on 1st April 2010, which is still in effect.

5.3 Personal Goals

As an individual person, that is if someone completes a research not as a professional researcher, research has always been difficult. Not only, because only a short time was available for the research, and some professional knowledge had to be obtained by the person himself. This researcher type was not the favourite customer of the archives, they needed special attention, and quite often the results of the research were made only for his drawer.

At the beginning (1947) research of an individual person was not obstructed, however they had to pay for the research as opposed to the scientific researches, and he was not allowed to see the newest records. He had to ask for permission from the director of the archives, he was not allowed to research in the restricted records, and however he could see the other documents (1950). In 1953 the personal researches were all forbidden, in 1955 research in the restricted documents were prohibited; this regulation was underlined in 1960. In 1962 it was prohibited to give any information from the records of the Ministry of Interior and the police. In 1964 the private researchers were excluded from the archival research together with the secondary school students. And while the students were allowed back to the libraries, the private researchers were not.

The secondary level status of researchers became a bit lighter by 1971, when ORA defined the archival researches as the exploration of data for private purposes. Later it was not the restrictions of the private researchers that were underlined, rather the opportunities and possibilities of the scientific researchers, and it is the same in the currently effective law as well. It is a question however, whether the scientific researchers should get these privileges, would it not be more democratic to supply all the researchers with the same rights?

5.4 Age

Restrictions by age did not exit at the beginning of the regulations. The increasing research demands however had increased the burdens of the archives, that is why from 1964 the secondary school students, everybody under the age of 18 were excluded from the researches. This strict regulation was a bit eased when the secondary school students were allowed to use the libraries and periodical collections of the archives³⁸. The long-time effective ORA listed the age above 18 years as one of the restriction factors. Even the regulation in 1989 contained this restriction, and it was left out from the new Act on Archives (1995) only. How much this regulation inveterate, habitual was is proved by the report of the archival professional supervision of the regulations of the research rooms of the archives in 2001 stating, that „a significant rate of the regulations contain rules that are opposed to the law, typically they require the age above 18 years and / or specialised knowledge to allow the research of the given archival documents”³⁹.

Currently the age is not a restriction factor of the research.

5.5 Citizenship

In the regulations the activities of the foreign institutes and foreign researchers were always regulated separately. The requests of foreign individuals were not fulfilled (1951), or they were answered via the authority (its supervision) (1954). The archives had to inform the authorities (NCA) about the visit of any foreign researchers (1955).

The foreign researchers were not supplied with the same conditions as the Hungarian researchers: regarding the date of the creation of the documents only before an earlier date (e.g. before 1918, later before 1938 and 1944) was the date until the research was permitted, and some documents were not handed over to them. Research permission had to be asked for the authorities (e.g. Directorate of the Archives, Ministry of Foreign Affairs) and not from the archives, thus it quite often took a very long time. This was the reason for example why the Ministry of Foreign Affairs resigned from the right

38. Personal reminiscence: in 1985 I had to write about the history of my own secondary school between 1945-1948 for a competition (history). In the archives I was only given some books, nothing else, thus I had to complement my knowledge with verbal information of reminiscences.

39. http://www.mnl.gov.hu/kapcsolatok/leveltari_szakfelugyelet/eves_jelentesek/2001.html.

of giving permissions, and shifted this right to the archives. Among the foreign researchers those ones were privileged who researched in the framework of an intergovernmental agreement; the research regulations were more favourable for them (time limits, the types of documents)⁴⁰. In case a Hungarian citizen completed a research for a foreign state or person, his activities were regarded as foreign, and the same regulations applied to him.

The current archival law describes only a few different regulations regarding the foreign researchers, mainly in connection with the research of documents containing personal data.

5.6 The Content of the Documents

Besides the issue of the document a seriously limiting factor was the type, the content of the document. Even in 1950 the regulation allowed to classify certain parts of a document as restricted, thus to withdraw it from the research, even if concerning its date of issue it could have been researched. These restriction lists are real documentations of an era, which restricted mainly those documents that belonged to the Ministries of Interior, Foreign Affairs, Finance and Culture. Reading the long list the reader can contemplate what exactly was allowed to be freely researched from among the documents of the modern era. I am not giving the detailed list of the thematic restrictions, since the details can be read above, and I am summing up only the two great units (parish and state) of a type of documents (registers).

5.6.1 Parish Registers

Before the state registers were introduced in Hungary in 1895 the personal registration had been made by the churches. After the implementation of the state system, the parish registers lost their public document qualities, however, for a long time, until the 70s of the 20th century legitimations were made based on them. The parish registers became the private properties of the churches; they have never been socialized, or collected centrally. The parish registers have always been one of the most important sources of family and local history researchers, however to travel to the vicarages made the researches significantly more difficult.

In 1956 upon an article introducing the activities of the Mormon Church in Danmark the decision of the Hungarian archivists was born about the collection of the parish registers, and with the help of the Mormon Church - they supplied the necessary equipment for filming - prepare microfilms of the documents, give a copy to the Mormon Church, and one to the National Archives of Hungary. Even due to the original objectives the goals were to encourage the researches. Between 1960-1969 almost 5,1 million frames were made (about 3,5 million of the parish registers) in the microfilming studio of the National Archives⁴¹.

The legal regulations did not regulate the research of the parish registers kept by the archives, however, in 1975 due to some problems the earlier freedom was terminated by the Directorate of the Archives, the central organizer. On 2nd December the state archives were ordered to restrict the research of the copies of the parish registers issued after 1867 until further notice⁴². On 28th December the Directorate of the Archives applied to the ministry describing the precursory actions and the problem that was caused in the microfilm collection of the National Archives of Hungary by the prohibition: „Káldy Zoltán, the Bishop of the Southern Evangelic Diocesan drew my attention to the fact that Schmidt-Tomka, Gusztáv a retired teacher from Ebringen (Western Germany) had made microfilms of several parish registers in the Hungarian Evangelic Church, using them he wrote his leaflets and was sending them to Hungary. The objective of these leaflets was to prove the German origin of several

40. L. pl. 51385/1972 X. LIG, A LÜSZ 109. § értelmezése (külföldi kutató) (1972.02.21.) [Interpretation of foreigner researcher in ORA].

41. The two basic studies of the topic: Garadnai, Zoltán-Berkes, József-Viszket, Zoltán (2008). A „mormon” mikrofilmezés története a Magyar Országos Levéltár filmtárában, 1956-1963. [The history of the „mormon” microfilming in the Microfilm Collection of NAH] *Levéltári Közlemények*, 79(2), pp. 5-63. and more recently: Reisz, T. Csaba (2013). Felekezeti közreműködése az egyházi anyakönyvek levéltári mikrofilmezésében a „mormon akció” idején. [Confessional contributions in archival microfilming of parish registers during the „mormon” action] In: Ólmosi, Zoltán-Szabó, Csaba (eds.), *Amikor „fellazult tételben fogalmazódott meg a világ”*. Magyarország a hatvanas években. Bp., 2013. pp. 110-130.

42. 38725/1975 XII. LIG, Egyházi anyakönyvek kutatása (1975.12.02.) [Research of parish registers].

settlements. The pastors themselves protested against the actions of Schmidt-Tomka, which caused uneasiness in church circles, moreover Bishop Káldy forbade the further research and copy of the birth certificates and other registrations.” That is why the research of the copies was temporarily forbidden. A new problem originated from it, since the filming was continuous on the microfilms of the National Archives of Hungary until 1895, thus the restriction obstructed the research of the period before 1867. Cutting the films was impossible, as it would have meant 5,000 rolls, keeping the prohibition caused disadvantages to the researchers⁴³. At the beginning of 1976 the Directoriate of the Archives partly terminated the prohibition of research, the prohibition of the research of the copies and the microfilms of the parish registers issued after 1867 was still effective concerning the foreign researchers, however, the Hungarian citizens, - in case they were not researching for a foreign individual - could be permitted⁴⁴. A year later, in 1977 the strictness was further eased, the research of the parish registers was permitted with increased carefulness. The restriction of the research was kept regarding the changes of citizenship and names from 1867, thus in the parish registers anything like that was mentioned, the document was not permitted to be researched either by Hungarian or foreign researchers⁴⁵. The restrictions were further detailed in autumn, from 1st September 1977 permission for the research of the parish registers have to be asked only for the foreign citizens, or those Hungarians, who live abroad, the restrictions do not apply to the Hungarian scientific researchers⁴⁶.

5.6.2 State birth certificates and Registrations

The state registers were implemented in 1894; from 1st October 1895 it became the legal personal registration.

During the civil era a law (1894:XXXIII.) and implementation regulations of the minister of interior regulated the actions concerning the state registers as well as the secondary copies that were deposited in the archives. After 1945 only statutory rules were issued (1952:19., 1963:33., 1982:17.), which were accompanied by several implementation regulations or orders. Regulations were issued by the Ministers of Interior, other related ministers, the president of the government, the Council of the Ministers, president of the office, and the missing regulations were supplemented by the orders of the archival central managing body (NCA, AD, DA)⁴⁷.

Several problems aroused concerning the research of the state registers. Do the registers belong to the records of the archives? Thus do the restrictions regarding the date of issue apply to them? The regulations regarding the state registers consistently restrict the individual researchers from obtaining an insight into the registers. From 1960s however, a dual legal regulation can be traced: the public administrative law absolutely restricts the research of the state registers, while the cultural (archives) regulations permits first the scientific, and later the non-qualified research of the archival copies, and it was permitted by the director of the archives. Since 2009 the right of the directors of the archives was terminated, thus now the state registers cannot be legally researched in the archives.

In 2009 the new law about the state registers (Act I in 2010), which would allow the research of the state registers kept in the archives 90 years after their issue. The strict regulation caused the panic and counter-reactions of the researcher society, that is why the effectiveness of the law was postponed several times, and the regulations followed the archival safety periods. In 2013 the modification of the law concerning the digital state register first would have terminated the not effective legal regulation, which means the total restriction of the research of state registers would have been born, and eventually due to the new lobbying activities of the researchers an even stricter and difficultly understandable

43. 38846/1975 XII. LIG, Egyházi anyakönyvek reprodukcióinak kutatása (1975.12.28.) [Research of the reproductions of the parish registers].

44. 26279/1976 IX. LIG, Egyházi anyakönyvek másodpéldányainak kutatása (1976.02.09) [Research of the copies of the parish registers].

45. 26517/1977 IX. LIG, 1895.10.01. előtti egyházi anyakönyvek másodpéldányainak kutathatósága (1977.04.21.) [Research of the copies of the parish registers before 1 Oct 1895] Supplement to this: 27025/1977 IX. LIG, Anyakönyvek kutatása. (1977.09.02.) [Research in the registers].

46. 27025/1977 IX. LIG, Anyakönyvek kutatása (1977.09.02.) [Research in the registers].

47. At the time of the publication of the current study the study that I prepared with the title of „Az állami anyakönyvek kutatásának jogi keretei” [The legal frames of the research in the state registers] in spring 2014 may have been published on the pages of Levéltári Szemle [Archival Review].

regulation was issued. The law defines three safety periods regarding the birth certificates and other registrations: 30 years after the year of the death of the given person, 100 years after the birth data, and 75 years after other data are regarded as safety periods. The law will come to effect on 1st July 2014, from that time there will be a legal ground to research the state registers kept in the archives. This is a prime example of the situation when the lack of legal knowledge of the archivists create a bad practice (the state registers can be researched without any rights) that can deteriorate or terminate the useful legal regulations causing further difficulties for themselves.

Typology: 1.01 Original scientific research

Submitting date: 15.01.2014

Acceptance date: 07.02.2014