



Official Gazette of Iraq

Law of Preservation of Documents

No. (37) Of 2016

قانون الحفاظ على الوثائق

Translated in
Ministry Of Justice
Iraqi Gazette Office
Translation department
2019



Laws

In the name of the people

Presidency

Resolution (42)

Based on what was approved by the council of representatives pursuant to the provisions of item (First) of article (61) and item (Third) of article (73) of the constitutions;

The president of the public decided on 27/11/2016 issuing the following law:

Law No. (37) Of 2016

Law of preservation of documents

Article (1)

This law aims to:

First: Preserving the documents of academic and historical importance which related to executive, legislative and judicial departments of the state, including bodies and entities not affiliated with the ministry.

Second: Preserving the documentary heritage of the society by documenting oral memory and intangible inheritance.

Third: Obtaining copies of foreign documents relating to the history of Iraq and providing researchers, and university students with them through the agreements, grants or any other means

Fourth: Facilitating the process of informing researchers and university students about the various documents and use them in their academic studies.

Fifth: Providing information to be used in the state departments, public sector, media and centres of academic studies and researchers.



Laws

Sixth: Collecting the documents of institutions of the former regime, including security, military and partisan documents, and use them to serve the community for the purposes of the transitive justice.

Article 2

First: This law applies to the following documents:

- a. The documents belonging to the state departments and the public sector, including:
 1. Technical documents that are the core of the specialized qualitative activity of the offices.
 2. Financial documents organizing the affairs and financial conditions of the offices.
 3. Administrative documents organizing the affairs and administrative activities of the state offices and public sectors.
- b. The security, political and economic documents belonging to the institutions of the former regime.
- c. Documents of the (dissolved) Baath Party and civil organizations associated with.
- d. Documents of the supreme criminal court.
- e. Parity documents.
- h. Documents and publications of existing and dissolved civil society organizations.
- g. Papers related to the public figures after death if they didn't leave a commandment showing how to dispose of it.

Second: The document mean forms of the paper, electronic, digital, photographic and film information storage containers and any new or any new container created later, include documents, correspondence, records, instruments,



Laws

maps, drawings, data, plans and all what contains a right has been proven in favour of a certain party.

Article 3

Documents are divided into three sections in terms of their nature:

First: General Documents: The documents that each relevant party may be acquainted with.

Second: Special documents: The documents which may not be seen by except in cases that require this and with the consent of the competent authority.

Thirdly: Confidential documents: These documents may not be seen because they are related to state security or disclosure of them leads to prejudice and according to the requirements of work.

Article 4

First: The official documents shall be accessible to researchers, university students and the media. Any person may obtain the official support of the competent authority and shall have the right to obtain a copy thereof with the approval of the concerned department, provided that this does not lead to prejudice.

Second: The process of access to documents belonging to the former regime and documents of the supreme criminal court will be organized in accordance with instructions issued by the minister of culture in coordination with the competent authorities and with the approval of the council of ministers.

Third: The competent department may withhold certain documents from the public information with the approval of the general secretariat of the council of ministers.

Article 5

First: A main committee shall be formed in each ministry or entity is not affiliated with the ministry and civil society organizations.



Laws

Second: A subcommittee in each department in the ministries and entities not affiliated with the ministry shall be formed, which shall be linked to the main committee.

Third: The formation of the main and sub-committees and their functions shall be determined by instructions issued by the competent minister or by the head of the entity not affiliated with the ministry or by the head of the organization.

Article 6

The National library and archive shall undertake the following tasks:

First: Nominating representatives to participate in the work of the main committee provided for in article (5) of this Law.

Second: Sending representatives to the government departments, the public sector and civil society organizations to understand the status of the documents and organize them, and providing the necessary environmental and technical requirements for their protection, easing their use, and preparing periodic reports on this.

Third: Submitting periodic reports to the general secretariat of the council of ministers showing the extent of commitment of the government departments, the public sector and civil society organizations to implement the provisions of this law.

Fourthly: Making overture to the state departments on all matters related to the application of the provisions of this law.

Fifth: Maintaining the damaged historical documents by using the best modern techniques.

Sixth: Omitting the documents received from the government and public sectors, which cannot be used for the purposes of scientific research.



Laws

Seventh: Providing free training opportunities for employees of the governmental departments, the public sector and the civil society organizations working in the field of supervision and documentation.

Eighth: Registering documents in the possession of natural or legal persons or those who subsequently acquire them, provided that photocopies are kept.

Ninth: Accepting special documents in a permanent or temporary manner at the request of their owners.

Tenth: Providing documents by using different ways and methods.

Article 7

First: The documents of the ex-regime, which are kept by governmental departments and which do not accord with the nature of their work, shall be transform with its legal responsibilities to the national library and archive.

Second: The civil society organizations and any person shall commit to deliver all what they have of documents concerning the ex-regime to the national library and archive.

Third: Every person has a document of historical or security importance or has a link to the interest of the state shall commit to deliver it to the national library and archive.

Fourth: The national library and archive my grant financial rewards to those mentioned in items (Second, Third) of this article in accordance with instructions issued by minister of culture in coordination with the ministry of financial.

Article 8

The employees of the national library and archive shall commit not to disclose any information concerning the saved documents .



Laws

Article 9

First:

- a: Documents relating to nationality, civil rights, public and private property, documents relating to state security, instruments, agreements, international or bilateral treaties and the foreign policy of the State may not be destroyed.
- b. Exempting from provisions of Para (a) of this item, and with consent of the head of competent department, and without inconsistency with the provisions of this law, the main committee may make the necessary decisions to keep, exclude or destroy some special documents in accordance with the work requirements, after copying and registering these documents in special records.

Secondly: Documents intended for destruction may be used for industrial purpose that belong to the state and public sector, and this shall be considered a destruction for it, provided that necessary precautions must be taken to prevent the disposal of information contained in these documents.

Article 10

First: No documents deposited in the national library and archive or any Iraqi person may not be taken out from Republic of Iraq, except by minister of culture's decision according to recommendation of the national library and archive mentioned above.

Second: The transfer of documents shall be prohibited only by a decision of the competent minister or the entity not affiliated with the ministry, taking into account the retention of a copy of such in the necessary cases that require such.

Article 11

Firstly: The financial documents and the minimum and maximum limits for the period of time required for their retention shall be evaluated by instructions



Laws

issued by the Minister of Finance within (90) ninety days from the date of entry into force of this Law.

Secondly: The financial documents and the minimum and maximum limits for the period of time required for their retention shall be evaluated by instructions issued by the competent minister within (180) hundred and eighty days from the date of entry into force of this law.

Thirdly: In the instructions provided for in the items (1) and (2) of this article, the following shall be observed:

- a. The coordination with the national centre for consultations and the national centre for administrative development and information technology in accordance with their specializations.
- b. How to prepare minutes of the main committees stipulated in article (5) of this law and how to ratify and preserve them.
- c. Determining the responsibility of the authorities entrusted with the obligation of retaining and maintaining the documents, and how to deal with them or to conceal their contents after the completion of the evaluation process.

Article 12

First: Any person who contravenes the provisions of this law shall be punished by imprisonment or a fine not less than (100000) one hundred thousand dinars and not more than (10000000) ten million dinars.

Second: Any person who destroys, takes out, or assists in taking out documents from the Republic of Iraq or misuses them other than the provisions of this law shall be punished by imprisonment for a period of not less than (2) two years or any more severe penalty provided for in other laws

Third: It shall be considered an aggravating circumstance if the act is committed by the competent official.



Laws

Fourth: Anyone who, by his dereliction or negligence, causes the destruction of an official document or its taking out from the Republic of Iraq other than the provisions of this law shall be punished by an imprisonment or a fine of not less than (200000) two hundred thousand dinars and not more than (15000000) fifteen million dinars.

Article 13

The minister of culture may issue instructions to facilitate the implementation of the provisions of this law.

Article 14

Law of the preservation of documents no. (70) Of (1983) shall be repealed, and the instructions issued hereunder shall remain in effect until such time as they are replaced or revoked.

Article 15

This law shall be implemented from the date of its publication in the official gazette.

Fouad Masoum

President of the Republic