



University Archives Terms of Use

- ratified by the University Senate at the assembly on 6 February 2008 –

In accordance with Article 13 Subsection 1 Sentence 2 of the Bavarian Higher Education Act (BayHSchG) of 23 May 2006 (GVBI p. 245) in conjunction with Article 14 Subsection 1 Sentence 2 of the Bavarian Archive Act (Bay-ArchivG) of 22 December 1989 (GVBI p.710), amended on 16 December 1999 (GVBI p. 521), University of Bamberg issues the following Terms of Use:

Section 1: Scope

- (1) These Terms apply to the use of the holdings of the University Archives at University of Bamberg.
- (2) The use of archival materials donated by third parties is subject to the terms and agreements met with the donors, which take precedence over the terms of use stipulated here.
- (3) The Terms of Use concerning archive holdings also apply to the use of finding aids, other reference works and reproductions.

Section 2: Authorized Users

Pursuant to the Bavarian Archive Act and the Terms stipulated here, all natural and legal persons, government offices and other public institutions may access the University Archives.

Section 3: Purpose of Use

The use of archival materials is available to anyone with a valid and believable interest in the Archives. A valid interest can be easily established when the use of the archival materials is connected to official matters, academic or heritage research, genealogy, legal matters, teaching purposes or journalism.

Section 4: Application for Use of Archives

- (1) An application form must be submitted in order to request use of materials at the University Archives.
- (2) The application must include the first and last name of the person wishing to use the archives as well as their date of birth and address. It must also state the person's intent and goal in using the Archives. If the person is a minor, they must state so and provide the signature of a legal guardian with the request. A new application is required for each project at the Archives, i.e. for each use with a different purpose.
- (3) By submitting an application, the user agrees to adhere to the University Archives' Terms of Use.
- (4) Users must be able to provide identification upon request.
- (5) Applications are not necessary in order to make queries (written or otherwise) or receive information.

Section 5: Approval of Proposed Use

- (1) The University Archives approve applications for use of the Archives. An approval is valid for one calendar year but applies only to the specific purpose specified in the original request.
- (2) Approval may be revoked or made subject to other conditions to the extent that
 - a) there is reason to believe that the request threatens the interests of the Federal Republic of Germany, one of its Federal States or University of Bamberg.
 - b) there is reason to believe the request is contrary to the interests worthy of protection of affected persons or third parties.
 - c) the duty of confidentiality demands such actions.
 - d) the request would endanger the state of preservation of the archival materials.
 - e) the request would pose excessive demands on the administrative staff.

- (3) The approval can be partially or wholly voided or made subject to other conditions if
 - a) the request can be fulfilled by some other means, in particular by using published materials or reproductions, and the use of the original document is not necessary to fulfil the scientific or legal goal of the project.
 - b) the archive holdings are already being used for official matters, for indexing or for another parallel project.
 - c) the user does not agree to the Terms of Use.
- (4) The use of archival materials can be restricted to part of a collection, anonymised reproductions, information provided by the Archives, or to specific purposes such as quantitative research or statistical analysis. Conditions of use that apply may include, in particular, rendering names anonymous upon publication, attending to the interests worthy of protection of affected persons and third parties or upholding the rule against sharing copies with third parties.
- (5) Archival materials cannot be used if they are subject to a retention period, unless an extra request is approved to shorten the retention period.
- (6) The approval can be revoked if information in the application is no longer valid or if the Terms of Use are not honoured. Further conditions may be applied to the approval at a later time.

Section 6: Retention Periods

- (1) Exceptions can be made to retention periods for individual requests or for certain archive groups as long as there are no legal provisions that otherwise restrict the use of the closed materials and there is no reason to believe that their use would threaten interests worthy of protection of affected persons or third parties. Archival materials containing personal data can only be opened in advance if the user can provide proof of permission from the person in question or otherwise prove that the proposed use is essential to reaching the project's academic goals, that it is required to provide missing evidence or, finally, that the use is largely in the interest of the donor or other third party in question.
- (2) The director of the University Archives approves written requests concerning exceptions to retention periods. The director obtains permission from the donor or their acting heir.
- (3) Retention periods can be extended for up to 30 years if it is in the public interest.
- (4) The use of archival materials by the original owner or donor is also permitted prior to the end of the retention period.

Section 7 Use of Materials in the University Archives

- (1) As a rule, use of the materials involves perusing finding aids, archive holdings and reproductions in designated areas. Exceptions can be made for members of the University.
- (2) Information provided (either orally or in writing) may be limited to recommendations to review pertinent archival materials.
- (3) All archival materials, reproductions, finding aids and other reference works are to be handled with the utmost care. It is prohibited to tamper with the original arrangement of the Archives. It is also prohibited to remove archival documents, to make or remove marks in them or to use archival documents as a writing surface. Taking notes by hand can only be done in pencil. No eating, drinking, or smoking in the reading room.
- (4) It is strictly forbidden to remove archival materials from the designated areas without explicit permission. University Archives employees are authorized to perform searches.
- (5) The use of electronic devices, such as dictation machines, computers or lighted magnifiers, is allowed as long as it does not risk damaging archival materials or interfere with regular archive operations.

Section 8 Reproductions

- (1) Reproductions of archival documents can be requested in accordance with Section 5 of these Terms and to the extent that the University Archives have the technological capacity and sufficient personnel to fulfil such requests. Reproductions cannot be made by the user directly. They must be made by the University Archives or by someone designated by the Archives to perform such tasks.
- (2) Publishing, distributing or copying reproductions must be approved in advance by the University Archives.
- (3) Publications that include reproductions must credit the University Archives and provide the archive reference number for the reproduced material.

Section 9 Sample Copies

A sample copy of any publication that uses archival materials from the University of Bamberg Archives must be provided to the Archives free of charge. The same applies to the publication of reproductions. Exceptions can be made in some cases concerning the fulfilment of this condition.

Section 10 Charges and Fees

- (1) Charges and fees apply to the use of the University Archives for services such as sharing expert information, providing written appraisals or evaluations and any of the activities involved in making reproductions. The specific amounts can be found on the current list of fees (see User Fees document).
- (2) The liable party for user fees is the user or anyone representing their interests in the services rendered.

Section 11 Exemption from Fees

The fees mentioned in section 10 will not be incurred in cases of use that involve

- a. departments or institutions of the University of Bamberg, using the Archives for work-related purposes.
- b. research or teaching projects, genealogical inquiries or studies of regional or national history.
- c. legal and/or public work for the German Federal Government or any of the Federal States of the Federal Republic of Germany.
- d. legal research conducted by the central agencies of religious groups with public and legal standing as well as by public law institutions and foundations, as long as the research is conducted on their own behalf and as long as there is a reciprocal relationship with the institution.
- e. the official business of Bavarian public offices.

Sentence 1 does not apply to fees charged for reproductions or for permissions to reproduce materials.

Section 12 Time of Payment

- (1) Payment of charges and fees are due at the time the services are rendered.
- (2) The University Archives reserve the right to demand advance payment in certain cases and withhold services until payment has been received.

Section 13 Effectiveness of Terms

These regulations come into effect on the day following their public announcement at the University.

Bamberg, 5 March 2008

Prof. Dr. Dr. habil. G. Ruppert

President