



Lifecycle of Parliamentary Documents

Australia • Canada • European Parliament • France
Germany • Israel • Japan • Portugal • Sweden
United Kingdom

December 2021

LL File No. 2022-020729
LRA-D-PUB-002570

This report is provided for reference purposes only.
It does not constitute legal advice and does not represent the official
opinion of the United States Government. The information provided
reflects research undertaken as of the date of writing.
It has not been updated.

Contents

Comparative Summary	1
Australia	3
Canada	24
European Parliament.....	38
France.....	45
Germany	52
Israel	58
Japan	64
Portugal	67
Sweden	87
United Kingdom	94

Comparative Summary

Ruth Levush
Senior Foreign Law Specialist

This report addresses the lifecycle of parliamentary documents in **Australia, Canada, the European Parliament, France, Germany, Israel, Japan, Portugal, Sweden,** and the **UK**. The report contains individual jurisdictional surveys prepared by foreign law specialists in the Global Legal Research Directorate of the Law Library of Congress based on researching legal sources published in the jurisdictions surveyed, where applicable in the native languages.

The jurisdictions surveyed include ones with unicameral parliamentary systems, composed of **Israel, Portugal, and Sweden**, and those with bicameral systems, including **Australia, Canada, France, Germany, Japan,** and the **UK**. The **European Parliament**, the European Union's only directly elected body, is also surveyed.

The lifecycle of parliamentary documents, also referred to as the parliamentary document process, consists of the processing, producing, publishing, collecting, preserving, and distributing to users of parliamentary documents. Parliamentary documents subject to processing in the jurisdictions surveyed often include documents and records that are produced in parliament, such as bills and related information, explanatory memoranda and bill digests, petitions, tabled papers, written and audio reports of parliamentary proceedings, and parliamentary research publications.

While certain types of parliamentary documents are published in the official gazettes of the jurisdictions surveyed, other documents are often preserved as part of a historical parliamentary archive as well as in current legislative records. Depending on whether a jurisdiction has more than one official language, documents may be published in all the official languages, as is the case in **Canada** and the **European Parliament**. **Israel** has special procedures for documenting and translating speeches by foreign dignitaries and statements in a language other than Hebrew made in parliament.

Access to parliamentary documents is guaranteed under constitutional provisions in **France, Japan, Portugal, and Sweden**. The production, publication, and preservation of parliamentary documents in all surveyed jurisdictions are also governed by legislation, standing orders, resolutions, and procedural rules of the relevant parliamentary chambers.

National or parliamentary archives have traditionally engaged in official record keeping of parliamentary documents in some jurisdictions, with national or parliamentary libraries also contributing by collecting and providing access to various parliamentary documents along with reference and analysis to advise members, where applicable.

The jurisdictional surveys of **Australia, Canada, the European Parliament, Germany, Israel,** and **Portugal** describe special procedures for documenting, correcting, and approving recording of floor proceedings and hearing minutes in the plenum and in committees, with different rules applicable in some jurisdictions for confidential hearings and records.

Subject to restrictions on dissemination of certain sensitive documents, information sharing among legislative agencies and within parliamentary departments is a common practice. Projects for preservation of and access to digital records of parliamentary documents exist in all surveyed jurisdictions with procedures in place for coordinating digitization of multiple types of parliamentary documents by designated bodies, such as parliamentary or national libraries and archives.

The attached jurisdictional surveys provide detailed information on particular aspects of the processing of parliamentary documents.

Australia

Kelly Buchanan
Chief, Foreign, Comparative, and
International Law Division II

SUMMARY In the Parliament of Australia, the production, management, and publication of various types of parliamentary documents are governed by different laws, depending on the context, and by the standing orders, resolutions, and other orders of the two houses of Parliament (the House of Representatives and the Senate). The Parliament’s website is the primary online source for all parliamentary documents and provides access to ParlInfo Search (which enables users to search and obtain parliamentary information resources), ParlView (a video archive service), and the ParlWork application (which provides a consolidated view of live, real-time chamber business information).

The Department of Parliamentary Services has overall responsibility for the information systems and services of the Parliament. It is also responsible for the production of Hansard (the report of proceedings of the Parliament and its committees) and for recording, broadcasting, and archiving the audio and audiovisual record of chamber and committee proceedings. The clerks of the House and Senate head two additional parliamentary departments that serve as the secretariats of the respective houses. These departments are responsible for producing and managing a range of parliamentary documents, including the creation of documents to facilitate the business of the two houses, such as the minutes of meetings, and the processing of documents that are tabled in (i.e., presented to) the Parliament. Special procedures apply to Parliamentary Papers, which are a subset of tabled documents. Under resolutions of each house, particular types of documents are made Parliamentary Papers and are published, indexed, and distributed to relevant entities.

The Parliamentary Library is part of the Department of Parliamentary Services. It provides information, analysis, and advice to senators, members, and their staff. In addition to commissioned research, it publishes the *Parliamentary Handbook of the Commonwealth of Australia*, blog posts, bills digests, and research publications on policy issues. It maintains a collection for use within the Parliament, selects and processes material for library and media databases in ParlInfo Search, and is involved in projects to digitize and make available historical materials.

The parliamentary departments work together on various projects related to providing online access to parliamentary information. The *Australian Parliamentary Digital Strategy 2019-2022* states that “[t]he provision of digital services for the Parliament is underpinned by comprehensive governance and advisory arrangements” and sets out strategies and associated objectives related to, for example, providing access to key parliamentary information and data sources, and developing a digital preservation framework to ensure the permanent preservation of parliamentary business information. The corporate documents of the departments provide information on current and recent projects related to digital records of parliamentary documents.

In addition to the parliamentary departments, certain non-parliamentary federal agencies have a role in producing, storing, and providing access to different types of documents. In particular, the Office of Parliamentary Counsel is responsible for drafting and publishing bills and other legislation; the National Archives of Australia collects, stores, and preserves official records of parliamentary office holders, such as the presiding officers of the two houses and the chairs of parliamentary committees; and the National Library of Australia collects, preserves, and provides access to various parliamentary documents, including Parliamentary Papers and other records.

I. The Parliament of Australia

Chapter I of the Australian Constitution describes the composition and powers of the Parliament of the Commonwealth of Australia (i.e., the Federal Parliament), which consists of the Queen (represented by the Governor-General) and a bicameral legislature.¹ The House of Representatives currently consists of 151 members representing single electorates,² while the Senate consists of 76 senators, “twelve from each of the six states and two from each of the mainland territories.”³ The Constitution also establishes the role of the presiding officers of the two houses: the President of the Senate and the Speaker of the House of Representatives.⁴

Australia has a Westminster-style system of government, whereby the executive government comes from within the Parliament and is responsible to the Parliament.⁵ The leader of the political party (or coalition) with the support of the majority of members of the House of Representatives becomes the Prime Minister, and selects ministers from both houses of Parliament.⁶

II. Overview

A. Australian Parliamentary Documents

Documents and records produced in the Australian Parliament include the following:⁷

¹ Constitution of Australia s 1, <https://perma.cc/5FT5-552D>.

² *Members*, Parliament of Australia, <https://perma.cc/4VGV-KBZ4>.

³ *Senate*, Parliament of Australia, <https://perma.cc/W4HA-KYSC>.

⁴ Constitution ss 17 & 35.

⁵ *The Australian System of Government* (House of Representatives Infosheet 20), Parliament of Australia, <https://perma.cc/E3UQ-UUM9>.

⁶ *Id.*

⁷ See generally *Parliamentary Publications*, australia.gov.au, <https://perma.cc/YT33-PC6X>.

- Bills and related information, including explanatory memoranda and bills digests.⁸
- Petitions.⁹
- Tabled papers, i.e., papers presented to the Parliament, including “reports from parliamentary committees, annual reports of departments and agencies, reports from the Auditor-General and legislative instruments.”¹⁰ Parliamentary Papers are a subset of such tabled papers.¹¹
- Hansard, i.e., the report of proceedings of the Parliament and its committees.¹²
- Audio and audiovisual recordings of proceedings.
- Chamber documents, i.e., documents used to facilitate the business of the two houses, including the agenda for each sitting day (“Senate Order of Business” and “House of Representatives Daily Program”), the business currently before each chamber (Notice Papers), and the minutes of meetings for each sitting day (“Journals of the Senate” and “Votes and Proceedings for the House of Representatives”).¹³
- Parliamentary Library research publications.¹⁴

B. Legal Framework

1. Relevant Legislation

The production, publication, and preservation of parliamentary documents may be governed by different legislation, depending on the document type and the context. This includes the

⁸ *Bills and Legislation*, Parliament of Australia, <https://perma.cc/DH3R-GT2N>.

⁹ *Petitions*, Parliament of Australia, <https://perma.cc/NQ7M-HN26>.

¹⁰ *Tabled Papers*, Parliament of Australia, <https://perma.cc/HL5H-M8LQ>.

¹¹ *Parliamentary Papers Series*, Parliament of Australia, <https://perma.cc/22T2-8VDH>; National Archives of Australia (NAA), *Parliamentary Papers* (Fact Sheet 21), <https://perma.cc/ADU2-42HT>.

¹² *Hansard*, Parliament of Australia, <https://perma.cc/3CNL-RWB5>. The “Hansard Mission Statement” reads as follows:

To provide an accurate, substantially verbatim account of the proceedings of the parliament and its committees which, while usually correcting obvious mistakes, neither adds to nor detracts from the meaning of the speech or the illustration of the argument.

For chambers: A rendition which is accurate and readable, with minimal alterations being made only to clarify ambiguous or confusing passages and to ensure that the meaning is understandable and the argument coherent. Politically sensitive subjects require a more strictly verbatim approach.

For committees: An accurate, basically verbatim rendition. Witnesses should, by and large, be given their exact words, even though these are sometimes confusing and not always strictly grammatical. Editing should be kept to a minimum and used only in circumstances where it is deemed absolutely necessary and can be justified as such.

¹³ *Chamber Documents*, Parliament of Australia, <https://perma.cc/S85R-NZJP>.

¹⁴ *Parliamentary Library*, Parliament of Australia, <https://perma.cc/8LK6-XD6Q>.

Australian Constitution, Parliamentary Service Act 1999 (Cth),¹⁵ Parliamentary Privileges Act 1987 (Cth),¹⁶ the Parliamentary Proceedings Broadcasting Act 1946 (Cth),¹⁷ the Archives Act 1983 (Cth),¹⁸ and the Copyright Act 1968 (Cth).¹⁹

The drafting and publication of legislation is governed by the Parliamentary Counsel Act 1970 (Cth),²⁰ along with the Legislation Act 2003 (Cth).²¹

2. *Standing Orders and Resolutions*

The standing orders and resolutions of each chamber of Parliament contain various procedural rules related to different types of records and documents produced within or for the Parliament. The Senate and the House have the power to make such rules under section 50 of the Constitution.

a. House of Representatives

House standing orders related to records and documents include the following:²²

- SO 27, requiring that the Clerk keep and sign the official record of the proceedings of the House, which must contain the proceedings and decisions of the House and attendance of members.
- SO 28, providing that “[u]nder the direction of the Speaker, the Clerk shall have custody of the Votes and Proceedings, records, and all documents presented to the House.”
- SO 199, providing for documents to be presented to the House by ministers or by the Speaker “pursuant to statute or otherwise.”
- SO 200, providing that the House may also order that documents be presented.
- SO 203, providing that “[a]ll documents presented to the House are authorised for publication.”
- SO 208(d), requiring that the terms of petitions be printed in Hansard.
- SO 209(c), requiring that ministerial responses to petitions also be printed in Hansard and published on the House’s website.
- SO 219, requiring that a Publications Committee be appointed “to consider all documents presented to the House which have not been made a Parliamentary Paper by either House of

¹⁵ Parliamentary Service Act 1999 (Cth), <https://perma.cc/N56Q-RLRL>.

¹⁶ Parliamentary Privileges Act 1987 (Cth), <https://perma.cc/QN2T-JWZ2>.

¹⁷ Parliamentary Proceedings Broadcasting Act 1946 (Cth), <https://perma.cc/2Q4F-2UMY>.

¹⁸ Archives Act 1983 (Cth), <https://perma.cc/98MG-Q9HM>.

¹⁹ Copyright Act 1968 (Cth), <https://perma.cc/5GB3-AYKL>.

²⁰ Parliamentary Counsel Act 1970 (Cth), <https://perma.cc/Q3UF-9V4V>.

²¹ Legislation Act 2003 (Cth), <https://perma.cc/4AP5-E57P>.

²² House of Representatives Standing Orders (as at 19 September 2019), <https://perma.cc/ZL99-2K7S>.

the Parliament. The committee may report when it sees fit and may recommend a document be made a Parliamentary Paper, in whole or in part." Furthermore, "[i]f conferring with a similar committee of the Senate the committee may inquire into and report on the publication and distribution of parliamentary and government publications and on matters referred to it by a Minister."

- SO 223, requiring that select committee reports be presented to the House on or before the date set by the House.
- SO 247, requiring that committee reports be presented together with the minutes of proceedings. When a report is presented, "it may be ordered to be made a Parliamentary Paper with or without the documents accompanying it." Special procedures are set out regarding the receipt and publication of reports completed while the House is not sitting.

In addition, there are various relevant House resolutions, including resolutions regarding

- the time frame within which government responses to committee reports must be tabled in the House;
- the disclosure of evidence and documents of House and joint committees;
- the procedures for tabling ministerial papers;
- Hansard and the authority to publish records and debates of proceedings;
- the publication of records of the Privileges Committee, including authorization for the transfer of such records to the National Archives of Australia;
- the broadcasting of proceedings; and
- the documents that are to be made Parliamentary Papers.²³

b. Senate

Senate standing orders related to records and documents include the following:²⁴

- SO 22, requiring that a Publications Committee be appointed for each Parliament, and that "[a]ll documents presented to the Senate which have not been ordered to be printed by either House of the Parliament shall stand referred to the committee, which shall make recommendations on the printing of documents." Furthermore, when sitting with a similar House committee, the committee has the power to "inquire into and report on the publication and distribution of parliamentary and government publications and on such related matters as are referred to it by the relevant minister."
- SO 28, enabling the Senate to fix the date for a committee to report its proceedings to the Senate.

²³ See *Resolutions of the House*, Parliament of Australia, <https://perma.cc/DXV2-WDMY>. The resolutions are published with the House Standing Orders starting from page 110.

²⁴ Senate Standing Orders, <https://perma.cc/2FCX-5LSZ>.

- SO 37, regarding the disclosure of evidence and documents presented to a committee.
- SO 38, regarding the preparation of a committee report and its presentation to the Senate.
- SO 43, requiring that all proceedings of the Senate be recorded by the Clerk in the Journals of the Senate, be signed by the Clerk and, “except in so far as they relate to a meeting of the Senate in private session, be published.” Furthermore, this standing order requires that business before the Senate must be placed on the Notice Paper, which must also be published, and provides that “[p]ublication of the record of debate in the Senate, known as Parliamentary Debates and Hansard, is authorised by this standing order.”
- SO 44, providing that “[t]he custody of the Journals, records and all documents laid before the Senate shall be in the Clerk, and they shall not be taken from the chamber or Senate offices without the permission of the Senate.”
- SO 69(4), requiring that all petitions received be printed in Hansard.
- SO 165, providing for the Senate to order the production and tabling of documents by a minister, and setting out the methods for tabling documents that are presented pursuant to statute, by the President of the Senate, or by a minister.
- SO 167, providing that “[t]he publication of each document laid on the table of the Senate is authorised by this standing order.”

In addition, various procedural orders and resolutions of the Senate relate to the presentation and publication of documents, including a resolution requiring that government responses to committee reports be tabled in the chamber within a particular period.²⁵ There are also orders regarding

- the disclosure of minority or dissenting reports of a committee, and the unauthorized disclosure of committee proceedings, documents, or evidence;²⁶
- requirements for various agency and ministerial documents and information to be tabled;²⁷
- a requirement for the Leader of the Government in the Senate to table a list of all orders for the production of documents made during the current Parliament that have not been fully complied with, together with information regarding such noncompliance;²⁸
- the types of documents that are to be made Parliamentary Papers upon their presentation to the Senate;²⁹

²⁵ Senate Order 44, Committee Reports – Government Responses (14 March 1973, J.51, amended 24 August 1994 J.2054), <https://perma.cc/4CQ2-2AGD>.

²⁶ Senate Procedural Orders of Continuing Effect, Order 2, Disclosure of Minority or Dissenting Reports (22 November 1995, J.4198), <https://perma.cc/93ZW-2CKT>.

²⁷ Senate Procedural Orders of Continuing Effect, Orders for Documents, <https://perma.cc/JDD8-6TU7>.

²⁸ Id. Order 23, Report of Outstanding Orders for Documents (7 December 2017, J.2534).

²⁹ Senate Procedural Orders of Continuing Effect, Order 24A, Publications Committee – Inclusion of Documents in Parliamentary Papers Series (8 February 2018, J.2648), <https://perma.cc/U6WC-8KVM>.

- broadcasting of Senate and committee proceedings;³⁰ and
- the storage of Senate documents, in which the Senate “authorises the storage outside Parliament House by the National Archives of Australia of documents laid before the Senate, provided that the storage of those documents is under the control of the Department of the Senate and microfilm or digital copies of them are available within Parliament House.”³¹

C. Relevant Agencies

1. *Parliamentary Departments*

As indicated by the standing orders of the two houses, the clerks of each chamber have a significant role in the creation and management of documents and records. The Clerk of the House of Representatives heads the Department of the House of Representatives, while the Clerk of the Senate heads the Department of the Senate. In addition to these two departments, the Department of Parliamentary Services (DPS) and the Parliamentary Budget Office make up the parliamentary service (as distinct from the “public service”) under the Parliamentary Service Act 1999 (Cth). The heads of the departments report to the presiding officers of the two chambers.

The Parliamentary Service Act 1999 (Cth) provides that the parliamentary service consists of department secretaries, the parliamentary librarian, and parliamentary service employees.³² It “serves the Parliament by providing professional support, advice and facilities to each House of the Parliament, to parliamentary committees and to Senators and Members of the House of Representatives, independently of the Executive Government of the Commonwealth.”³³ The act sets out several values, including that the parliamentary service is “professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Parliament,” and that it “performs its functions with probity and is openly accountable for its actions to the Parliament and the Australian community.”³⁴

a. Department of Parliamentary Services

DPS is headed by the Secretary of DPS and encompasses the Parliamentary Library, headed by the Parliamentary Librarian, and an information services division, headed by the Chief Information Officer, as well as several teams reporting to the Chief Operating Officer. The information services division includes branches for the following areas: digital business services, digital customer services, digital recording services, and cyber security.³⁵

³⁰ Senate Order, Broadcasting of Senate and Committee Proceedings (11 December 2013, J.336), <https://perma.cc/8X6N-APNN>.

³¹ Senate Procedural Orders of Continuing Effect, Order 29, Storage of Senate Documents (6 October 2005, J.1200, amended 27 June 2012, J.2668), <https://perma.cc/FHE8-XPWD>.

³² Parliamentary Service Act 1999 (Cth) s 9(1).

³³ *Id.* s 9(2).

³⁴ *Id.* s 10. See also Parliamentary Service Determination 2013 (Cth), <https://perma.cc/NA45-A8NP>.

³⁵ Department of Parliamentary Services Organisational Chart (effective as at Oct. 18, 2021), <https://perma.cc/2GRS-M2FU>.

The Digital Business Services Branch “delivers and operates business applications and capabilities that support effective administration of parliamentary departments, effective running of Parliament and its committees, and engagement with the public through technology.” The Digital Recording Services Branch “records, broadcasts and archives the audio and audio-visual record of chamber and committee proceedings and produces the official written record of parliamentary debates and committee hearings (Hansard).”³⁶

Information about the Parliamentary Library is provided in Section III, below.

b. Department of the House of Representatives

The Department of the House of Representatives includes a Table Office, Procedure Office, Committee Office, and the office of the Serjeant-at-Arms.³⁷ The Department maintains the House internet site (part of the Parliament website, aph.gov.au) and can assist the public with various information about the work of the House, including how to access documents tabled in the Parliament.³⁸ It also “engages with the Australian community through information resources published on the parliament’s website, various social media platforms and educational seminars on topics including legislation, the Commonwealth budget process and the work of parliamentary committees.”³⁹

In terms of parliamentary documents and other information, the Department’s role includes

- processing of all bills
- drafting of private members’ bills
- creating documents to support members in the Chamber and Federation Chamber [the second debating chamber of the House of Representatives]
- creating and processing the records and documents of the Chamber and Federation Chamber
- collecting, analysing and publishing procedural and statistical information
- advising and supporting the Speaker and members in relation to legislative, procedural and administrative matters.⁴⁰

c. Department of the Senate

The Department of the Senate consists of a Clerk’s Office, Table Office, Procedure Office, Committee Office, and the office of the Usher of the Black Rod. It also encompasses the Senate

³⁶ *Department of Parliamentary Services Annual Report 2020-21* (DPS AR 2020-21), at 12 (Sept. 2021), <https://perma.cc/7GUJ-JTLB>.

³⁷ *Department of the House of Representatives Organisational Chart*, Parliament of Australia, <https://perma.cc/WXB4-R2EW>. See also *The Clerk and Other Officials* (House of Representatives Infosheet 21), Parliament of Australia, <https://perma.cc/TDZ4-W4N6>.

³⁸ *Department of the House of Representatives Service Charter* Parliament of Australia (Jan. 2014), <https://perma.cc/A9VY-YU5P>.

³⁹ *Department of the House of Representatives Corporate Plan 2021-22*, at 10 (2021), <https://perma.cc/J3BN-PYYM>.

⁴⁰ *Id.* at 14.

Public Information Office and the Parliamentary Education Office.⁴¹ The Department's Corporate Plan for 2021-22 explains that it publishes "the Senate's records, and produce[s] an array of information resources so that people may understand and engage in its work."⁴² The roles and responsibilities of the different offices related to parliamentary documents and other information include the following:⁴³

- Clerk's Office: The relevant duties of this office include the "production, amendment and updating of *Odgers' Australian Senate Practice*," and the "production and dissemination of material relating to the work of the Senate and its committees to the widest possible audience."
- Table Office:
 - provision of procedural and programming advice and documentation
 - production of the official record of Senate proceedings (*Journals of the Senate*)
 - production of the record of all business before the Senate (*Notice Paper*)
 - production of the daily *Order of Business* (the Red)
 - processing of all legislation considered by the Senate
 - provision of an inquiry and distribution service covering all documentation and business before the Senate
 - arranging custody of all documents tabled in the Senate
 - provision of committee secretariats for the Selection of Bills, Appropriations and Staffing and Senate and Joint Publications committees.
- Senate Public Information Office: This office "works with other areas of the department to improve approaches to publishing and sharing information." It is "responsible for web publishing, design and development; video production; graphic design and print; and project liaison." It also "manages the Senate's social media presence, and produces informal records, including the Dynamic Red, The Week Ahead, the Senate Daily Summary, and statistics about the work of the Senate."
- Procedure Office: This office provides a range of services to senators and departmental staff. It has a Research Section with responsibilities that include publishing information about the Senate online as well as in books and brochures, and maintaining a procedural information resource center. The office also provides legislative drafting services, principally to non-government senators.
- Parliamentary Education Office: This office is jointly funded by the departments of the Senate and the House of Representatives. It "delivers parliamentary education services to teachers, students and other learners across Australia," including through "comprehensive websites covering fundamental concepts such as representation, law-making, the separation of powers and responsible government."

⁴¹ *Department of the Senate Organisational Chart*, Parliament of Australia, <https://perma.cc/JU9U-2YWG>.

⁴² *Department of the Senate Corporate Plan 2021-22* (2021), <https://perma.cc/8M62-KCZJ>.

⁴³ *Department of the Senate: The Clerk and Other Offices*, Parliament of Australia, <https://perma.cc/6KME-JQCE>. See also *Department of the Senate Annual Report 2020-21*, at 28-68 (2021), <https://perma.cc/MCQ3-J2XA>.

2. *Office of Parliamentary Counsel*

Separate from the parliamentary service departments, the Office of Parliamentary Counsel, which is a statutory agency established under the Parliamentary Counsel Act 1970 (Cth), is responsible for drafting Commonwealth bills and subordinate legislation; preparing compilations and reprints of Commonwealth laws; and publishing bills, laws, compilations and reprints, and information related to Commonwealth laws. It also prepares and publishes Government Notices Gazettes and maintains the Federal Register of Legislation.⁴⁴

3. *National Archives of Australia*

In terms of the role of the National Archives of Australia with respect to the collection, storage, and preservation of parliamentary documents, the National Archives explains that

[i]nformation that relates directly to official government or parliamentary business, such as the role of a minister of state, parliamentary secretary or other office holder, is a Commonwealth record and subject to the *Archives Act 1983*. Other office holders include the presiding officers, Leader of the Opposition, shadow ministers and chairs of parliamentary committees.

Commonwealth records need to be maintained as evidence of government or parliamentary business, to protect the rights and entitlements of Australians and the government, and as part of Australia's heritage.

The most valuable Commonwealth records are kept permanently by the National Archives of Australia as part of the archival resources of the nation.⁴⁵

It further explains that “[r]ecords not made or received in connection with the official duties of senators or members are not subject to the *Archives Act*, but should be managed to ensure they can be retrieved when needed.”⁴⁶ These are considered to be personal, non-Commonwealth, records of the senator or member concerned and may include, for example, information concerning electorate matters, including correspondence with or on behalf of constituents; staff, finance, and office management records; and information or records of party political matters.

4. *National Library of Australia*

The National Library of Australia collects various parliamentary documents, including Parliamentary Papers and manuscripts (“including papers of ministers and documents relating to political parties”).⁴⁷ The National Library's collection development policy states with respect to government publications that

⁴⁴ *Our Functions*, Office of Parliamentary Counsel, <https://www.opc.gov.au/about-opc/our-functions>.

⁴⁵ *Information and Records Management for Senators and MPs*, NAA, <https://www.naa.gov.au/information-management/records-authorities/types-records-authorities/general-records-authority-38/information-and-records-management-senators-and-mps>.

⁴⁶ *Id.*

⁴⁷ *Australian Politics and Government*, National Library of Australia (NLA), <https://perma.cc/K7X5-GNPL>.

[m]uch government publication takes place online, whether through downloadable documents or through websites more generally. With almost universal internet access in Australia, these publications are easily accessible without a mediating institution such as the Library. However, there are challenges for the long-term preservation of this material, which can disappear extremely rapidly and entirely, particularly in times of frequent changes to the machinery of government. Through collection of such material, the Library performs an essential role in preserving and ensuring enduring access to government information, whether electronic or hard copy.⁴⁸

The policy further states that “[p]riority material includes major policy initiatives, parliamentary publications and the output of public agencies with significant publishing responsibilities . . .”⁴⁹ In addition, it notes that “[t]he National Archives of Australia retains responsibility for preserving Commonwealth Government records. To ensure efficient and effective collecting activity in both institutions, the Library may collaborate with the archives where the institutions’ collecting responsibilities intersect.”⁵⁰

Requirements for depositing both print and digital material published in Australia with the National Library (i.e., legal deposit)⁵¹ are governed by the Copyright Act 1968 (Cth).⁵² However, Commonwealth, state, and territory government publications are excluded from the legislation. Instead, these are “also received by deposit under a variety of directives and circulars.”⁵³

Government publications are deposited with the National Library and other participating libraries under the Commonwealth Library Deposit and Free Issues Schemes (LDS). Under the LDS, “[t]here is . . . a special requirement for publications tabled in Parliament. Agencies must supply copies of these publications to the participating libraries in print form, even if the document is also available electronically.”⁵⁴ The Digital Transformation Agency is responsible for the LDS policy.

The National Library previously maintained *GovPubs: The Australian Government Publications Guide*, which remains available as a “key resource for locating selected types of government publications,” including legislation and explanatory memoranda, notice papers, Hansard,

⁴⁸ *What We Collect*, NLA, <https://perma.cc/55U9-NGVF>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *What Is Legal Deposit?*, NLA, <https://perma.cc/7VF7-3XPH>; *Legal Deposit in Australia*, National eDeposit, <https://ned.gov.au/resources/legal-deposit-in-australia.html>.

⁵² Copyright Act 1968 (Cth) s 201.

⁵³ *Acquisition Methods*, NLA, <https://perma.cc/KJ7L-6J65>.

⁵⁴ *Commonwealth Library Deposit and Free Issues Schemes*, Digital Transformation Agency, <https://www.dta.gov.au/help-and-advice/guides-and-tools/commonwealth-library-deposit-and-free-issue-schemes>.

parliamentary handbooks, Parliamentary Papers, standing orders, and votes and proceedings/journals.⁵⁵

III. The Role of the Parliamentary Library in the Parliamentary Document Process

The Parliamentary Library provides information, analysis, and advice to “senators, members, their staff, the staff of parliamentary departments and the Governor-General.”⁵⁶ In addition to commissioned research, it publishes the *Parliamentary Handbook of the Commonwealth of Australia*, blog posts, bills digests (which “provide senators and members with an impartial and independent explanation and commentary on Bills as they come before the Parliament”⁵⁷), and research publications on a range of policy and legislative issues. The DPS Annual Report for 2020-21 states that, “[a]lthough produced for the Library’s clients, these publications have a broader benefit as they are published on the web and are available to inform the public debate on important social, economic and legal issues.”⁵⁸

The Parliamentary Library also maintains a library collection for research purposes and for use by its clients.⁵⁹ Furthermore, the Library selects and processes material for library and media databases in ParlInfo Search.⁶⁰ The Annual Report also explains that

[t]he Parliamentary Library, like all legislative libraries, has an important role in chronicling the history of the Parliament. This underlies much of the work of our Politics and Public Administration team and is reflected in many research publications, including the Parliamentary Handbook and the ‘Wadsworth’ database [“containing the digitised biographies of all Commonwealth parliamentarians since 1901”]; the biographies of parliamentarians; condolence books; annual chronologies of events in Parliament; and other regular papers addressing elections, electoral boundaries, the composition of parliaments by party or gender, or voting and crossing the floor.⁶¹

Information regarding recent and current initiatives of the Library related to the digitization and publication of various parliamentary documents is provided below in Section VI.

IV. Special Procedures for Handling Parliamentary Papers

As stated above, Parliamentary Papers are a particular subset of documents that are tabled in Parliament. , Following the completion in December 2017 of a Joint Committee on Publications

⁵⁵ *Australian Politics and Government*, supra note 47; *GovPubs: The Australian Government Publications Guide*, <https://perma.cc/27H4-ZXKQ>.

⁵⁶ *About the Parliamentary Library*, Parliament of Australia, <https://perma.cc/9LK9-2XVJ>. See also Parliamentary Services Act 1999 (Cth) s38B(1).

⁵⁷ DPS AR 2020-21, supra note 36, at 70.

⁵⁸ *Id.*

⁵⁹ See *id.* at 71.

⁶⁰ *Id.* at 84.

⁶¹ *Id.* at 74.

inquiry into the printing standards for documents presented to Parliament,⁶² both the House and Senate made resolutions with respect to Parliamentary Papers in 2018.⁶³ Under the resolutions, various types of documents are automatically made Parliamentary Papers upon their presentation in the respective house. Specifically, the resolutions state as follows:

That unless otherwise ordered, and provided that they conform to the printing standards, the following documents shall be made Parliamentary Papers upon their presentation to the [House of Representatives or Senate]:

- substantive reports of parliamentary committees;
- annual reports of Commonwealth entities;
- a report of a royal commission;
- a report of the Productivity Commission;
- a report of the Auditor-General;
- a report of the Australian Human Rights Commission;
- a report of the Australia Law Reform Commission;
- a report of the Australian Electoral Commission on the redistribution of electoral division boundaries;
- Australian Government white papers;
- a report in a series that has previously been included in the Parliamentary Papers Series on the recommendation of a Publications Committee; and budget papers and ministerial statements presented following the presentation of the appropriation bills.⁶⁴

The Parliament's website explains that,

[o]f all the documents presented to Parliament each year, only documents of a substantial nature are included in the Parliamentary Papers series (PPS).

Documents are either ordered to be included in the PPS at the time they are tabled in Parliament, or they are considered later by the Publications Committees and a recommendation for inclusion in the PPS is made to the relevant House, which usually accepts the Committee's recommendation.

Organisations, such as State, publicly funded university and parliamentary libraries receive the PPS free of charge. In this way, the more significant tabled documents dating from federation are available throughout Australia for use by students, researchers and other sections of the public.

⁶² See *Joint Committee on Publications: Inquiry into the Printing Standards or Documents Presented to Parliament*, Parliament of Australia, <https://perma.cc/7K52-AE73>.

⁶³ Joint Committee on Publications, *Inquiry into the Printing Standards for Documents Presented to Parliament: 2017 Report* (Oct. 2017), <https://perma.cc/6EL2-EMXV>.

⁶⁴ House of Representatives Resolution, *Parliamentary Papers*, adopted 28 March 2018, <https://perma.cc/H4NB-QSX3>; Senate Procedural Orders of Continuing Effect, Order 24A, Publications Committee - Inclusion of Documents in Parliamentary Papers Series (8 February 2018, J.2648), <https://perma.cc/U6WC-8KVM>.

The series is therefore a major reference source for information on the role and activities of the Australian Parliament and Government.⁶⁵

The website also sets out advice to government agencies regarding requirements for the electronic PPS and adherence to the established printing standards.⁶⁶ It also contains advice for recipients of Parliamentary Papers, which states that the PPS is the administrative responsibility of the Department of the House of Representatives (specifically, the Table Office), and that the PPS

is a hard copy, annually numbered and indexed set of the significant documents presented to the Parliament which either House has ordered to be included in the series. The Parliament, through the Joint Committee on Publications and the Presiding Officers, determines which organisations are entitled to receive sets of the PPS gratis. Recipients are generally only entitled to one set annually.

The PPS comprises of loose documents (called pamphlet copies), which are processed as Parliamentary Papers as soon as possible after tabling, and are dispatched in economical parcels and not necessarily in numerical order. All PPS copies of documents have labels at the foot of the back cover as a means of identification. Copies without this label may have been received from the Australian Government's distribution systems (either the Library Deposit Scheme or its 'free issue'). No sets of the PPS are available through the Government's distribution systems.⁶⁷

The presiding officers of the two houses responded to particular recommendations of the Joint Committee in June 2018. This included the recommended resolution set out above, which had already been adopted by both chambers, and a recommendation that DPS work with the departments of the House and Senate to "develop a dedicated web interface with appropriate functionality for locating and accessing tabled documents and in particular the Parliamentary Papers Series)." The presiding officers agreed with this recommendation and stated that

[t]he Departments of the Senate, House of Representatives and Parliamentary Services have advised that a project to receive and publish tabled documents online has been approved and prioritised under the Department of Parliamentary Services' ICT Capital Works Plan. The project will take a holistic approach to modernising the way the Parliament receives, stores and publishes tabled documents, including delivering an intuitive dedicated web interface for accessing these documents online. The PPS is an important subset of tabled documents and will be made available as a distinct collection from the new web interface.⁶⁸

Currently, the Parliament website provides lists of documents included in the PPS by year, dating back to 2002.⁶⁹ For the lists starting from 2013, these also include links to the listed documents in the ParlInfo search platform (see below, Section VI). In addition, ParlInfo provides a full,

⁶⁵ *Parliamentary Papers Series*, supra note 11.

⁶⁶ *Advice to Government Agencies*, Parliament of Australia, <https://perma.cc/BV6F-79AV>.

⁶⁷ *Advice for Recipients*, Parliament of Australia, <https://perma.cc/E7LP-QX4J>.

⁶⁸ *Response of the Presiding Officers to the Report of the Joint Publications Committee: Inquiry into the Printing Standards for Documents Presented to Parliament* (June 2018), <https://perma.cc/H9F5-7LDK>.

⁶⁹ *List by Calendar Year: Parliamentary Paper Series*, Parliament of Australia, <https://perma.cc/H6VK-5W53>.

searchable list of all tabled papers dating back to 1901 (i.e., the date of federation), with digitized versions provided.⁷⁰ Other relevant resources for locating documents include the Register of Committee Reports for both the House and Senate. The House register “is a complete list of all House of Representative and Joint Committee Reports from 1901 to the current day”; “[w]here an electronic version of a report is available a link to the report is provided.”⁷¹ The Senate register currently commences from 1970 and provides lists of reports in different PDF documents; links to the reports are not provided in the lists.⁷² The Senate also has a special page with links to significant committee reports tabled prior to 1997.⁷³ Further information regarding digitization projects is provided in Section VII, below.

The National Archives explains that tabled papers that are not part of the PPS, and therefore are not ordered to be printed, are listed in *Votes and Proceedings of the House of Representatives* or in the *Journal of the Senate*, and that such papers are maintained by the house in which they were tabled, i.e., by the respective departments of each house.⁷⁴

Odgers’ Australian Senate Practice and *House of Representatives Practice* provide detailed information regarding the history and practices of the two houses with respect to the tabling of documents.⁷⁵ These publications also provide information about the rules and practices of the houses with respect to the recording, publication, and broadcasting of the proceedings of the two houses.⁷⁶

V. Information Sharing Among Legislative Agencies

The four parliamentary departments are guided by the *Strategic Framework: The Parliamentary Service*.⁷⁷ Among the strategies in this document are to “[e]xplore and develop innovative technology and systems for the timely delivery of information and services to the Houses, their committees, parliamentarians and their staff,” and to “[i]mprove and enhance access to parliamentary information and proceedings.”⁷⁸ The document also states that the departments

⁷⁰ Tabled Papers dataset on ParInfo Search, <https://perma.cc/438Q-5YA7>. See also *Tabled Papers*, supra note 10.

⁷¹ *House of Representatives Register of Committee Reports*, Parliament of Australian, <https://perma.cc/4E2Z-3NTC>.

⁷² *Register of Senate Committee Reports*, Parliament of Australia, <https://perma.cc/5JLH-4BNR>.

⁷³ *Senate Committees: Significant Reports*, Parliament of Australia, <https://perma.cc/YGA7-URQX>.

⁷⁴ NAA, *Parliamentary Papers* (Fact Sheet 21), supra note 11.

⁷⁵ *Documents Presented in the House*, in *House of Representatives Practice* (7th ed. June 2018), <https://perma.cc/W2V7-5LNF>; *Distribution and Printing of Documents*, in *House of Representatives Practice* (7th ed. June 2018), <https://perma.cc/QZU8-ENCR>; *Chapter 18: Documents Tabled in the Senate*, in *Odgers’ Australian Senate Practice* (14th ed. updated to June 30, 2021), <https://perma.cc/JD75-GDMS>.

⁷⁶ *Access to Proceedings*, in *House of Representatives Practice* (7th ed. June 2018), <https://perma.cc/TQC2-A3T8>; *House Documents – Agenda and Record*, in *House of Representatives Practice* (7th ed. June 2018), <https://perma.cc/EB4B-467H>; *Chapter 3: Publication of Senate Proceedings*, in *Odgers’ Australian Senate Practice* (14th ed. updated to June 30, 2021), <https://perma.cc/SW7B-A242>.

⁷⁷ *Strategic Framework – The Parliamentary Service*, Parliament of Australia, <https://perma.cc/NEM2-6PHQ>.

⁷⁸ *Id.*

work collaboratively on a range of key initiatives, including the development and implementation of the *Australian Parliamentary Digital Strategy 2019-2022*. This strategy explains that “[t]he provision of digital services for the Parliament is underpinned by comprehensive governance and advisory arrangements.”⁷⁹ This includes the presiding officers, the Secretary of DPS (who has executive responsibility for information and communication technology services for the Parliament), the Chief Information Officer (who heads the Information Services Division), and the heads of the parliamentary departments. In addition, “[t]he Parliamentary ICT Advisory Board (PICTAB) is the peak advisory body that guides all strategic elements of ICT service delivery within APH and across the electorate offices. PICTAB includes a significant representation of Senators and Members across all political affiliations.”⁸⁰

Further information about the Digital Strategy is provided below in Section VII.

VI. Users’ Access to Parliamentary Documents

The Parliament of Australia website, aph.gov.au, is the primary access point for all of the parliamentary documents listed in Section II.A. of this report. The site also includes information about senators, members, and committees; statistical information; and documents on the practice and procedure of each chamber, including the detailed reference works referred to above, standing orders, procedural information bulletins, and guides and information sheets. Information about the parliamentary departments, including their corporate publications, is also available, as well as Parliamentary Library publications.

The Parliament’s website provides access to the ParlInfo Search, which “enables visitors to the Parliament of Australia website to search and obtain Australian Parliamentary information resources including Hansard, Bills, Senate Journals, Votes and Proceedings, Notice Papers, Parliamentary Handbook and much more.”⁸¹

In addition, users can access the ParlWork application, which “presents parliamentary information sourced from various parliamentary applications including the Chamber Department’s Table Office Production System (TOPS) and the Department of Parliamentary Service’s (DPS) ParlInfo Search (PIS).”⁸² Originally created for parliamentarians and their staff, the application has been extended to the general public and “provides access to a consolidated view of live, real-time chamber business information, accessible from any device with a connection to the internet and a web browser.”⁸³

⁷⁹ Parliament of Australia, *Australian Parliament Digital Strategy 2019–2022*, at 11, <https://perma.cc/6597-QAEL>.

⁸⁰ *Id.*

⁸¹ *House of Representatives: Powers, Practice and Procedure*, Parliament of Australia, <https://perma.cc/6B8D-VTLD>.

⁸² *About ParlWork*, ParlWork, <https://perma.cc/N9PK-XFPP>.

⁸³ *Information Guide*, ParlWork, <https://perma.cc/X5JH-LKFS>.

Live webcasts of proceedings in the Parliament have been made available since 1999.⁸⁴ ParlView is the Parliament's video archive service and it linked to from the main website.⁸⁵ Users can browse the most recent 100 items from the House and Senate chamber and their committees, from joint committees, and from press conferences and other events, or can search for older material, including historical recordings.

VII. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

A. Australian Parliamentary Digital Strategy 2019-2022

The Digital Strategy sets out that the stakeholders of the parliamentary departments with respect to digital services are as follows:

Our internal stakeholders are the users of digital services within the Australian Parliament, including at Australian Parliament House, electorate offices and Commonwealth Parliament Offices around Australia. This includes parliamentarians and all staff who support the work of the Parliament and its committees.

Our external stakeholders are found in the broader Australian public, who access the Parliament's information, and for whom we are custodians of parliamentary records.⁸⁶

In terms of public accountability, the Digital Strategy states that

[t]he citizens of the Commonwealth have a legitimate expectation to be able to engage with the work of the Parliament and access information generated through the parliamentary process. We are trusted custodians of parliamentary information, and will seek to digitise and preserve it as an asset for future generations.⁸⁷

Two of the strategic themes set out in the document are "Manage Information as a Strategic Asset" and "Innovative Digital Content Delivery and Publishing." These are explained respectively as follows:

We aim to optimise core parliamentary information assets for the benefit of the Parliament and the Commonwealth. We will take an enterprise approach with our systems to make them interoperable and maximise the integrity of content as part of the nation's collective memory. Our environment will be underpinned by common, secure digital platforms and supported by transparent, inclusive information architecture and governance.

We will optimise our information flows, processes and delivery platforms to meet the community's expectations of how parliamentary business information is published and consumed. Our public information will be accessible to users so they can be informed of and engage with the business of the parliament. Our systems will deliver rich media

⁸⁴ *Watch Parliament*, Parliament of Australia, <https://perma.cc/43M3-PSFW>.

⁸⁵ *ParlView*, Parliament of Australia, <https://perma.cc/9FKW-PK7U>.

⁸⁶ *Australian Parliament Digital Strategy 2019–2022*, *supra* note 79, at 6.

⁸⁷ *Id.* at 7.

content, and facilitate interoperability of data across systems to allow third parties to leverage our information in real time.⁸⁸

Various objectives, for achievement by 2022, are listed under these themes, including the following:

- We will provide our citizens with access to key parliamentary information and data sources including legislative information, committee information and records of proceedings (Hansard, voting information and tabled documents)
- Developing a digital preservation framework to ensure the permanent preservation of parliamentary business information
- Chamber and committee documents will be cross-referenced and presented so that users can rapidly and intuitively find information that meets their needs
- Audio-visual recordings of parliamentary proceedings will be more accessible, including through the provision of web content accessibility services and integrated presentation with Hansard, to enhance navigation and facilitate discovery about the work of the Parliament.⁸⁹

The Digital Strategy states that several roadmaps will be developed to “outline the investments and initiatives to implement the strategy, and align with the annual budget planning process and capital works program.” This includes a roadmap related to information management “to guide the way information will be collected, stored, managed, secured and preserved throughout its lifecycle,” and a digital processing and publishing roadmap “to guide improvements to the Parliament’s digital publishing and content delivery systems.”⁹⁰

B. Recent and Current Activities

1. Department of Parliamentary Services

In the 2020-21 fiscal year, DPS’s deliverables included enhancing “digital engagement with parliamentary content.”⁹¹ This is also included as a high-level activity in the DPS 2021-22 Corporate Plan, with an intended result being “[e]nhanced digital access to parliamentary information for the community to engage easily with the parliamentary process.”⁹² The DPS Annual Report for 2020-21 states that it is working on

[t]he installation of a new Parliamentary Information Management System (PIMS) business platform to underpin the next generation of Hansard services. This is one of the first major enhancements deployed to the cloud environment that meets the new security accreditation framework. PIMS leverages and builds upon a common code base with the parliaments of New South Wales, Victoria, South Australia, and the Australian Capital Territory. Additional PIMS-enabled services and capabilities will be launched in 2021-22,

⁸⁸ Id. at 8.

⁸⁹ Id.

⁹⁰ Id. at 10.

⁹¹ DPS AR 2020-21, *supra* note 36, at 9.

⁹² *Department of Parliamentary Services Corporate Plan 2021-22*, at 19 (2021), <https://perma.cc/7K84-PG7S>.

including live transcript presentation to clients and major workflow improvements for the Hansard team.⁹³

The report further stated that

[t]he video-on-demand project commenced in 2020–21 to replace the ParlView system that underpins recording and archival of parliamentary proceedings and other events associated with the Parliament. The new system will improve accessibility to parliamentary proceedings, both near-live and on-demand. This project is scheduled to go-live in early 2022.⁹⁴

2. *Parliamentary Library*

The 2020-21 DPS Annual Report states that the Library

completed important projects to improve our technology infrastructure and applications, including the launch of a new discovery system to improve access to collection materials. Collaborative initiatives with colleagues in the Office of the Parliamentary Counsel and the Department of the Senate enhanced the preservation and accessibility of important parliamentary records. Another significant achievement was the beta release of the Parliamentary Handbook Online, which enables searching of the Library’s data on current and former parliamentarians, ministries, electorates and committees. This is a key milestone in a multi-year project to make this data publicly accessible and more easily used for research. Further improvements are underway to increase the amount of data available and improve the search functionality.⁹⁵

Furthermore,

[d]igitisation of contemporary and historic records remains a high priority for the Library, with significant milestones having been achieved since the digitisation program began in 2014–15. Previous financial years saw the digitisation of the historic press releases, the Prime Ministers’ collections, biographical ‘condolence’ packs and the Parliamentary Papers Series 1901–2012 as well as the Library’s own research publications.⁹⁶

The report further explains the Library’s involvement in collaborative projects with other parliamentary agencies to improve access to information:

In June 2019, the Library began work with the Department of the Senate to enhance online access to the Senate Tabled Papers collection (1902–2013), which had been hosted on an external vendor’s repository. The project was completed in 2020–21, resulting in 261,020 papers (some nine million images) being uploaded into ParlInfo and creating a unified digital collection.

⁹³ DPS AR 2020-21, *supra* note 36, at 18.

⁹⁴ *Id.* at 22.

⁹⁵ *Id.* at 57.

⁹⁶ *Id.* at 72.

Through the project, the Library and Table Office worked together to identify errors and locate documents missing from the Senate original online database, and the Library enriched metadata and optical character recognition (OCR) capability for each file, carried out quality assurance and loaded them into the ParlInfo Search database. Files were also converted into formats that meet current preservation standards. It was work that required meticulous care; and the success of the project points to the benefits of collaborative endeavours such as these. The project has improved both the preservation and accessibility of this important collection. The old repository has been decommissioned, making ParlInfo the single source of access to this collection and enabling the Senate Tabled Papers dataset to be searched in its entirety, from 1901 to the present day.

The second partnership, with the Office of Parliamentary Counsel, saw Bills and Explanatory Memoranda introduced in the House of Representatives from 1901 to 1996 digitised, quality assured and made available in ParlInfo. This collection includes 11,124 Bills and 2,919 Explanatory Memoranda. Documents from 1996 to 2001 will be completed during 2021–22, completing the project.⁹⁷

The Library also assesses older digitized collections “for their ongoing accessibility and utility as digital processes improve.” This includes metadata remediation for a collection of radio and television news and current affairs programs and remediating historic Hansard files that have missing fragments or errors in attribution due to changes in the format of the parliamentary debates over the years.⁹⁸

3. *Department of the House of Representatives*

The Department of the House of Representatives 2021-22 Corporate Plan states that

[t]he department will further expand the use of digital work practices in accordance with the principles of the National Archives of Australia’s (NAA) Building Trust in the Public Record Policy. The department will also work with other parliamentary departments to implement frameworks for digital preservation and development of capability in information management.⁹⁹

In addition, in terms of community awareness, “[t]he department will also further enhance its digital publications and information offerings to meet the growing need for parliamentary information.”¹⁰⁰

4. *Department of the Senate*

According to the 2020-21 Annual Report of the Department of the Senate, in 2021-22 the Table Office of the Department will

⁹⁷ Id. 72-73

⁹⁸ Id. at 72.

⁹⁹ *Department of the House of Representatives Corporate Plan 2021-22*, supra note 39, at 21.

¹⁰⁰ Id. at 22.

continue to support various ICT related activities, including contributing to the ongoing maintenance, enhancement and testing of existing systems that support the work of the office and the Senate, as well as involvement in projects such as the development of a new system to facilitate the receipt and publication of tabled documents in digital format. This was originally intended to be implemented in the current reporting period, but was delayed by the extra demands placed on ICT resources by the COVID-19 pandemic.¹⁰¹

¹⁰¹ *Department of the Senate Annual Report 2020-21*, supra note 43, at 40.

Canada

Tariq Ahmad
*Foreign Law Specialist**

SUMMARY Canada’s House of Commons, the lower chamber, produces documents such as parliamentary records and publications for the use of members, their staff, and the public. These include Journals; Debates; Order Papers and Notice Papers; Project Order of Business; Status of House Business; Minutes of Proceedings, Evidence, and Reports of Committees; and Bills. Similarly, the Senate of Canada produces “chamber documents” which include Debates, Journals, Order Papers and Notice Papers. All of them are available on their respective websites.

Parliament has “exclusive control” over its documentary record and publications as a matter of parliamentary privilege, and publication must be authorized by the respective chamber. In the House of Commons, these documents are published under the authority of the House as represented by the speaker or the clerk. The House and parliamentary committees produce their own records and publications. Since 1995, these records have been available predominantly online.

The Library of Parliament is the primary “information repository” of the Parliament of Canada. One of its mandates is to preserve Parliament’s “documentary heritage” and ensure access to its collections. The Library of Parliament, in collaboration with the Canadian Research Knowledge Network, provide access to the “Canadian Parliamentary Historical Resources,” in the form of a “free searchable database of digitized versions of parliamentary publications” from the first session of the first Parliament (1867) until coverage on House of Commons and Senate websites began.

I. Overview

A. Parliamentary Documents

Canada’s federal legislative branch consists of the monarch, the House of Commons, and the Senate. The Senate and House of Commons constitute Canada’s bicameral Parliament.

Canada’s lower chamber of Parliament, the House, produces documents as parliamentary records and publications for the use of members, their staff, and the public.¹ These documents allow interested parties to follow the business before the House, and provide a permanent record of debate, decisions, and issues raised before the chamber and affiliated committees.² Parliamentary publications published by the House are divided into seven document categories,

* This report was prepared with the assistance of Law Library intern Aaron Dishy.

¹ *The Parliamentary Record, in House of Commons Procedure & Practice* (Marc Bosc & André Gagnon eds., 3d ed. 2017), <https://perma.cc/HU58-P8XA>.

² *Id.*

which include Journals; Debates; Order Papers and Notice Papers; Project Order of Business; Status of House Business; Minutes of Proceedings, Evidence, and Reports of Committees; and Bills. Each document type includes specialized procedures for handling and administration.³

Similarly, the Senate of Canada produces “chamber documents,” which include Debates of the Senate (“the edited transcript of proceedings”), Journals of the Senate (“the Senate’s official record”), Order Papers and Notice Papers (“the Senate’s official agenda”). The Senate Procedural Notes stipulate, “[w]ith the exception of the *Order Paper and Notice Paper*, these documents are no longer printed in paper form, but are available electronically on the Internet.”⁴

Recent parliamentary publications are accessible online on the House of Commons and Senate websites. House of Commons publications can be browsed or searched through a “Publication Search” tool. For older and more historic publications, the Library of Parliament (LOP),⁵ in collaboration with the Canadian Research Knowledge Network (CRKN), a member organization of libraries and research institutions, provides access to the “Canadian Parliamentary Historical Resources.” Parliamentary documents are published electronically in both official languages (English and French).

B. Legal Framework

Parliament has exclusive control over its documentary record and publications as a matter of parliamentary privilege.⁶ In accordance with Canada’s Constitution,⁷ and with the Parliament of Canada Act,⁸ “the general and public law of Canada includes parliamentary privilege, which consists of the privileges, immunities and powers held, enjoyed and exercised by the Senate and the House of Commons, respectively, and their respective Members.” Parliamentary privilege “enables them to carry out their constitutional functions free from external interference. Parliamentary privilege is one of the safeguards of the constitutional separation of powers.”⁹

The Access to Information Act generally does not appear to apply to parliamentary proceedings,¹⁰ but recent reforms have made information “open by default” by making key information concerning certain contracts, hospitality, and travel expenses that apply to “senators, members of Parliament, and the administrative bodies that support Parliament” available proactively, without the need to make a request.¹¹ Access to information is restricted “if the Speaker of the

³ *Parliamentary Publications*, in *House of Commons Procedure & Practice*, supra note 1.

⁴ *Senate Procedural Notes, No. 13: Chamber Documents*, Senate of Canada, <https://perma.cc/W9XC-UVLT>.

⁵ *About the Library*, Library of Parliament (LOP), <https://perma.cc/9HFC-DBRN>.

⁶ John Patrick Joseph Maingot, *Parliamentary Privilege in Canada* 40–44 (2nd ed. Montreal: House of Commons & McGill-Queen’s U. Press, 1997).

⁷ Constitution Act, 1867 30 & 31 Vict., c 3 (U.K.), § 18, <https://perma.cc/XGF4-N76J>.

⁸ Parliament of Canada Act, R.S.C. 1985, c P-1, <https://perma.cc/QT6K-L92Z>.

⁹ *Important Notices*, Parliament of Canada, <https://perma.cc/Z2HA-KSJZ>.

¹⁰ Access to Information Act, R.S.C. 1985, c A-1, <https://perma.cc/9PQS-MFJL>.

¹¹ News Release, Gov’t Can., Government Completes Major Improvements to the *Access to Information Act* (June 21, 2019), <https://perma.cc/AFR4-RYZ4>.

Senate or the Speaker of the House of Commons, as applicable, determines that the publication may constitute a breach of parliamentary privilege.”¹²

1. *House of Commons*

House of Commons proceedings are regulated by written rules known as the Standing Orders.¹³ *House of Commons Procedure & Practice* has a chapter on the parliamentary record that describes the legal and procedural authorities used to publish parliamentary publications:

The House of Commons has exclusive control of its publications. These documents are published under the authority of the House (as represented by the Speaker or the Clerk). All parliamentary publications are produced in both official languages. The Constitution and the Official Languages Act provide for the use and equal status of the official languages in the “records and journals” of Parliament.¹⁴

No member of Parliament is permitted to alter the official record unless there is consent by the House.¹⁵

Parliamentary documents are published under the authority of the House, as represented by the speaker of the House or the clerk of the House.¹⁶

Many of the Standing Orders of the House of Commons make explicit reference to the Journals, the Debates, the Order Paper and Notice Paper. These publications, along with minutes of committees, and bills introduced in the House of Commons, are produced by order of the House under the authority of the Speaker and are considered official publications. Other unofficial publications (for example, the Projected Order of Business and the Status of House Business) have come into existence through administrative decisions or following recommendations of committees. The Status of House Business is published under the authority of the Speaker, while the Projected Order of Business is published under the authority of the Clerk.¹⁷

The clerk is responsible for preparing parliamentary documents. Under Standing Order 151

The Clerk of the House is responsible for the safekeeping of all the papers and records of the House, and has the direction and control over all the officers and clerks employed in the offices, subject to such orders as the clerk may, from time to time, receive from the Speaker or the House.¹⁸

¹² Access to Information Act § 71.12.

¹³ Standing Orders of the House of Commons (consolidated version as at Sept. 21, 2021), <https://perma.cc/QMS8-SK2V>.

¹⁴ *Parliamentary Publications*, in *House of Commons Procedure & Practice*, supra note 1.

¹⁵ John George Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada 186-87* (Thomas Barnard Flint ed., 4th ed. 1916).

¹⁶ *Parliamentary Publications*, in *House of Commons Procedure & Practice*, supra note 1.

¹⁷ *Id.*

¹⁸ Standing Orders of the House of Commons, supra note 13, at 157.

2. Senate of Canada

Senate proceedings are regulated by the Rules of the Senate.¹⁹ The Senate publishes “chamber documents” under similar legal and procedural authority:

The Senate maintains exclusive control over its publications. Rule 14-5 [Rules of the Senate of Canada]²⁰ provides that the publishing of any documents relating to the proceedings of the Senate shall be as ordered by the Senate. In accordance with the Constitution and the Official Languages Act, all chamber documents are published in English and French, and both versions are equally authoritative.²¹

C. The Role of Parliamentary Committees, Offices (Including Members’ Offices) and Agencies

Parliamentary committees, including the House, produce their own records and publications.²²

Since 1995, these “records have become available primarily by electronic means.”²³ They include three main documents:

- *Minutes of Proceedings*: the formal record of business occurring during a committee meeting;
- *Evidence*: the *in extenso* transcript of what is said during a committee meeting; and
- Reports to the House: the means by which committees make their views and recommendations known.²⁴

All committee records are “made available electronically under the authority of the Speaker of the House.” Under the Standing Orders, “committees are empowered to print papers and evidence as may be ordered by them” but are subject to certain limitations guidelines of the Board of Internal Economy.²⁵

Other agents of Parliament, such as the auditor general, chief electoral officer, commissioner of official languages, privacy commissioner, and information commissioner, also produce their own publications and reports, which typically are authorized, regulated, or subject to provisions in their authorizing legislation.

¹⁹ Rules of the Senate of Canada (updated Oct. 2020), <https://perma.cc/US8C-P3LU>.

²⁰ Id. Rule 14-5 states, “[t]he publishing of anything relating to the proceedings of the Senate shall be as ordered by the Senate.”

²¹ Senate of Canada, *Senate Procedure in Practice* 76 (June 2015), <https://perma.cc/2Z2G-NZKH>.

²² *Parliamentary Publications, in House of Commons Procedure & Practice*, supra note 1.

²³ Id.

²⁴ Id.

²⁵ Id.

II. The Role of the National or Parliamentary Library in the Parliamentary Document Process

A. LOP

LOP is the primary “information repository” of the Parliament of Canada. One of its mandates and services is to “[p]reserve Parliament’s documentary heritage and ensure access to its collections,”²⁶ and it “collects, curates, preserves and ensures access to historical information about Parliament.”²⁷ LOP is managed by the parliamentary librarian, who exercises control and administration of the library. Having the status of a deputy head, the parliamentary librarian reports to the speakers of the House and Senate.²⁸ LOP’s extant collection includes 650,000 items tended to by 300 staffers.²⁹ LOP serves four identified communities. They include parliamentarians and their staff, parliamentary committees, organizations that support Parliament, and the Canadian public.³⁰ Speakers of the Senate and the House of Commons are vested with the direction and control of LOP. The Standing Joint Committee of the Library of Parliament is composed of legislators responsible for advising speakers on LOP’s operations.³¹

The Parliament of Canada website, including LEGISinfo, is a “collaborative effort”³² managed jointly by LOP and the House and Senate. Each entity has the “sole right and responsibility for the content that it posts on this site.”³³

LOP provides a number of resources to preserve and provide access to Canada’s parliamentary historical resources, namely, two databases: Parlinfo and Canadian Parliamentary Historical Resources.³⁴ Parlinfo is an online tool that allows a user to “perform customized searches of the Library of Parliament’s extensive collection of historical data about the Parliament of Canada, its institutions and the people and events that have shaped it since 1867.”³⁵

Concerning preservation efforts, LOP’s *Annual Report 2009-2010* details the development of a parliamentary publications preservation program. One of its projects entailed the following:

For example, one copy of every volume of debates and journals has now been archived in the secure collections area in appropriate environmental conditions. This program ensures

²⁶ *About the Library: Mandate*, LOP, <https://perma.cc/SP5E-J6AL>.

²⁷ *About the Library: Services*, LOP, <https://perma.cc/A4G9-Z5KU>.

²⁸ *About the Library: Organizational Overview*, LOP, <https://perma.cc/Y2Q7-YSEZ>.

²⁹ LOP, *Strategic Outlook 2017-2022* (2017), <https://perma.cc/37FC-4K8S>.

³⁰ *About the Library: Mandate*, *supra* note 26.

³¹ *About the Library: Organizational Overview*, *supra* note 28.

³² *Help*, LEGISInfo, <https://perma.cc/4PCG-VN2D>.

³³ *Important Notices*, Parliament of Canada, *supra* note 9.

³⁴ LOP, *Annual Report 2018-2019* 16 (2019), <https://perma.cc/LA99-HF44>.

³⁵ *Historical Information About Parliament*, LAP, <https://perma.cc/K37M-N6C6>.

the preservation of collections and is in line with the Library's proposed digitization agenda.³⁶

LOP's *Annual Report 2013-2014* also highlighted a "revitalized conservation program," in which the library bound more than 1,500 volumes of debates, journals, and other standard collection items and conserved nearly 1,100 valuable collection items for the Senate, House, and LOP.³⁷

More on LOP's role in the digital preservation of parliamentary documents (including the Canadian Parliamentary Historical Resources project) is found in Section VI of this report.

LOP also produces its own research publications, which "provide non-partisan, reliable and timely information and analysis on current and emerging issues, legislation and major public policy topics." These include HillNotes, which are "quick reads on topics of interest to parliamentarians," HillStudies, which are "[i]n-depth reads on topics of interest to parliamentarians," and legislative summaries, which are "[c]oncise analyses of certain bills before Parliament."³⁸

The workflow management from creation to publication of research documents produced by LOP is stewarded by an organizational partnership between LOP and the Canadian information management corporation *Opentext*. Opentext's workflow "manages the lifecycle of research information" of LOP documents and helps preserve "Parliament's documentary heritage" and "ensure access to collections."³⁹

B. Library and Archives Canada (LAC)

One of the mandates of the Library and Archives Canada (LAC) is to manage and preserve Canada's documentary heritage and provide enduring access to it. LAC serves as the "permanent repository of records of the Government of Canada, as well as publications and records of historical or archival value." LAC is the "sole organization in the Government of Canada with a national mandate for long-term preservation. This mandate is enshrined in LAC's legislation, empowering the Librarian and Archivist to ensure that documentary heritage is available to Canadians for the long term."⁴⁰

In the past, LOP has collaborated with LAC in a digital preservation project called the Early Debates Project for the initial digital imaging of parliamentary debates from 1901 to the mid-1990s.⁴¹

³⁶ LOP, *Annual Report 2009-2010* 11 (2010), <https://perma.cc/VZ8F-82KP>.

³⁷ LOP, *Annual Report 2013-2014* 19 (2014), <https://perma.cc/QY72-QW6L>.

³⁸ *Research Publications*, LOP, <https://perma.cc/8QPL-6V3M>.

³⁹ *Open Text Customer Detail: The Library of Parliament Streamlines Research Services Using OpenText ECM Suite*, OpenText, <https://perma.cc/DY7R-D8QP>.

⁴⁰ Libr. & Archives Can., *Strategy for a Digital Preservation Program* (Nov. 2017), <https://perma.cc/4P54-Y3Z5>.

⁴¹ LOP, *Annual Report 2010-2011* 2, <https://perma.cc/QVZ4-EBP5>.

III. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Journals

Journals are the minutes of the meetings of the House and are considered “the authoritative record of its proceedings.”⁴² Journals of the Senate are the “official record of Senate proceedings” and take note of “all proceedings, decisions and votes taken by the Senate in the course of a sitting.”⁴³

When the House is sitting, the unrevised Journals are available online immediately after the adjournment of the House. At the end of each session a “compilation of the revised Journals along with other information is produced in a limited number of bound copies.”⁴⁴ Unlike the United States House of Representatives, there is no requirement to adopt minutes at the start of the following sitting.⁴⁵

Journals are prepared by House staff under the clerk. “No explicit authority exists by which *Journals* are produced.”⁴⁶ The foundation for the Journals are the scrolls—“notes and records kept by the Clerk and other Table Officers in the course of a sitting.”⁴⁷ Errors are corrected by “those responsible for the publication.”⁴⁸ In September 1994, the Parliament began publishing revised weekly Journals, as well as unrevised daily Journals. In September 2014, weekly Journals were eliminated. Until 1997, Journals were printed separately in English and French editions. Since that time, a bilingual side-by-side format has been adopted.⁴⁹

In the same way, in the Senate, unrevised Journals are also prepared based on the clerk’s scrolls and “published after each sitting in both languages.” The unrevised Journals are “posted on the Internet (at www.sencanada.ca and www.parl.ca) the morning after each sitting.” At the end of each session, “the Journals are revised, edited and published in bound volumes.”⁵⁰

⁴² *The Journals, in House of Commons Procedure & Practice*, supra note 1.

⁴³ *Senate Procedural Notes: Journals of the Senate*, Senate of Canada, supra note 4.

⁴⁴ *The Journals, in House of Commons Procedure & Practice*, supra note 1.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Senate Procedural Notes: Journals of the Senate*, Senate of Canada, supra note 4.

B. Debates

Debates, or “Hansard,”⁵¹ are full-length reports of House debates. They are compiled from transcribed audio recordings and information from parliamentary staff. Like Journals, Debates follow the order of proceedings in the course of a sitting. Unlike Journals, they contain the full deliberations of the House, including speeches and statements.⁵² Similarly, debates of the Senate are “a verbatim transcript of the proceedings of the Senate published after each sitting.”⁵³

In the House, debates are prepared in both official languages and made available online. The language used by the member speaking is indicated. They are produced in a limited number of bound copies. The unedited transcripts of Debates are known as “blues” because they were published on blue paper in the past.⁵⁴

Members and delegates may submit changes to the parliamentary publications editorial staff. Minor alterations may not disturb the meaning of House discourse. Substantial error must be brought to the attention of the House by means of a point of order. When the accuracy of the record is in question, it is the responsibility of the speaker to investigate.⁵⁵

Similarly, in the Senate,

Senators may correct errors or make minor alterations to the blues before these are published as the Debates, but they must obtain agreement of the Senate to make substantial corrections to the Debates. If this permission is given, the correction is published in a subsequent issue of the unrevised Debates. The Debates are published in separate English and French documents that are available on the parliamentary website the morning after a sitting.⁵⁶

C. Order Papers and Notice Papers

The Order Paper and Notice Paper are published together on days when the House sits. The Order Paper is the authoritative agenda of all items of business to be considered by the House. The Notice Paper contains all items for which notice must be given. Together, the documents contain all items of business that may be put before the House.⁵⁷

⁵¹ Hansard is the family name of the first official printer of debates in the British Parliament. The term now refers to official reports of parliamentary debates. Norman Wilding & Philip Laundy, *An Encyclopaedia of Parliament* 340-45 (London: Cassell, 4th ed. 1972).

⁵² *The Debates, in House of Commons Procedure & Practice*, supra note 1.

⁵³ *Senate Procedural Notes, Debates of the Senate*, Senate of Canada, supra note 4.

⁵⁴ *The Debates, in House of Commons Procedure & Practice*, supra note 1.

⁵⁵ Id.

⁵⁶ *Senate Procedural Notes, Debates of the Senate*, Senate of Canada, supra note 4.

⁵⁷ *The Order Paper and Notice Paper, in House of Commons Procedure & Practice*, supra note 1.

Notice Papers must be distributed before a matter of substance is put before the House.⁵⁸ The sponsoring member sends an e-notice or written notice for inclusion. Notices received are published in that day's Notice Paper and are automatically placed on the Order Paper. Items are primarily taken up in accordance with the order assigned in the Order Paper. This reflects the dual nature of the Order Paper – it contains all items of business and the sequence in which they are considered.⁵⁹

The Order Paper and Notice Paper are examined by the clerk's procedural staff. If a procedural irregularity is found, modification to form or content may occur. As long as a motion has not been proposed to the House, it may be withdrawn. Once a Notice Paper has been transferred to the Order Paper, it can only be removed by order of the House.

The Order Paper and Notice Paper are bilingual publications available electronically and in printed versions.⁶⁰

The Senate also uses Order Paper and Notice Paper as the "official agenda of the Senate." It "sets out all items of business before the Senate, including items for future sittings" and is "prepared in advance of each sitting based on decisions taken at the previous sitting and notices given by senators." In the Senate, the Scroll is an "administrative document based on the *Order Paper and Notice Paper*." It is printed on larger paper, "with more space for notes, and with abbreviated text for long items of business. Senators have access to the Scroll through a shared electronic folder. An annotated version of the Scroll is also prepared for the Speaker's use during the sitting."⁶¹

D. Projected Order of Business

A Projected Order of Business is a tentative working agenda that lists all business by the government and private members (members of parliament who are not cabinet members) taken up in the House. It serves as "a simplified, unofficial, daily agenda in addition to the Order Paper."⁶²

This document is produced in a side-by-side bilingual format. Both electronic versions as well as printed versions are made available. The listings within the document are subject to change without notice.⁶³

⁵⁸ Id.

⁵⁹ Id.

⁶⁰ Id.

⁶¹ *Senate Procedural Notes, Order Paper and Notice Paper*, Senate of Canada, *supra* note 4.

⁶² *The Order Paper and Notice Paper, in House of Commons Procedure & Practice*, *supra* note 1.

⁶³ Id.

In the Senate, “a summary version of anticipated business,” called the Scroll Notes, “is circulated by email to all senators prior to a sitting. These notes are not authoritative and are subject to change at any time.”⁶⁴

E. Status of House Business

A Status of House Business provides a history of each item of House business. It is produced under the authority of the speaker. Status of House Business documents have five corresponding sections. In Part 1, the legislative progress of each bill is recorded. Part 2 provides similar information about private members’ bills and motions. Part 3 contains questions submitted by private members. Part 4 details committee reports and motions regarding standing or special committees. Part 5 holds information about appointments and amendments.⁶⁵

F. Minutes of Proceedings, Evidence, and Reports of Committees

Each committee of the House produces its own records. These primarily born-digital documents are segmented into the following three categories:

- minutes of proceedings are the formal records of business during a committee meeting,
- evidence documents are complete transcripts of a committee meeting, and
- reports of committees refer to the documents where committee members make their recommendations known.⁶⁶

These documents are made available electronically under the authority of the speaker. Minor corrections can be made by submitting a proposed change. More significant changes must be made by the committee responsible.⁶⁷

G. Bills

The House examines proposed laws or bills submitted for approval by cabinet ministers and private members. They are published under the authority of the speaker and are made available electronically. Clerks are empowered to make nominal corrections to bills.⁶⁸ The speaker may also order a correction when a document does not reflect a decision of the House.⁶⁹

⁶⁴ *Senate Procedural Notes, Order Paper and Notice Paper*, Senate of Canada, *supra* note 4.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Bills, in House of Commons Procedure & Practice*, *supra* note 1.

⁶⁹ Arthur Beaudesne et al., *Beaudesne’s Rules & Forms of the House of Commons of Canada* 233 (Toronto: Carswell, 6th ed. 1989).

LEGISinfo is the “primary source of information regarding legislation before Parliament,”⁷⁰ and it includes the following information:

- The full text of the most recent version of a bill and any previous versions of the bill.
- The bill’s life cycle, from the day it is introduced for first reading until it receives royal assent.
- Links to the relevant content in official parliamentary publications associated with the passage of a bill.⁷¹

IV. Coordination and Information Sharing Among Legislative Agencies

As noted earlier, the Senate, House, and LOP each manage their own websites and the Parliament of Canada website jointly, and each entity has the “sole right and responsibility for the content that it posts on [the Parliament of Canada] site.”⁷² Information Services, which is headed by the chief information officer/executive director, is “responsible for providing information management and information technology, multimedia, publishing and printing services to the House of Commons.”⁷³ The Senate website is “managed jointly by the Communications Directorate and the Information Services Directorate of the Senate.”⁷⁴

The House, Senate, and LOP appear to have an “information management partnership.”⁷⁵ The three institutions have had a working group, the parliamentary information management committee, since at least 2004. A 2015 report by an outside consultancy group for a Senate standing committee describes its workings.

The Parliamentary Information Management framework is a governance initiative of the Clerks of the Senate and House of Commons, and the Parliamentary Librarian who worked together to improve how information is presented online. The Information Services Directorate and the Communications Directorate are both represented on the Parliamentary Information Management Committee (PIM), which provides guidance around how information management is shared by the House of Commons, Library of Parliament and Senate. Guidance is based on the PIM Vision, which was developed in 2004. The PIM vision does not, however, address a joint digital communications or content management strategy for the three bodies and within the Senate itself.⁷⁶

⁷⁰ *Help*, LEGISinfo, *supra* note 32.

⁷¹ *Id.*

⁷² *Important Notices*, Parliament of Canada, *supra* note 9.

⁷³ *Id.*

⁷⁴ *Important Notices*, Senate of Canada, <https://perma.cc/X833-M8FM>.

⁷⁵ LOP, *Annual Report 2009–2010*, *supra* note 36, at 19.

⁷⁶ Blueprint Public Relations Inc., *Senate of Canada Communications Functional Review* 35-36 (Mar. 10, 2015), <https://perma.cc/RP9M-EDFR>.

V. Users' Access to Parliamentary Documents

Subsection 18(1) of the Constitution Act, 1982, states, "The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative."⁷⁷ Section 5 of the Official Languages Act stipulates that "[t]he journals and other records of Parliament shall be made and kept, and shall be printed and published, in both official languages."⁷⁸

A. House of Commons

All House of Commons parliamentary publications "are published simultaneously in both official languages and are made available electronically on the House of Commons website."⁷⁹ In 1994, the House began to "distribute its publications electronically. The following year, it began the process of making its publications accessible worldwide by posting them online."⁸⁰ These publications include the Journals; Debates; Order Papers; Notice Papers; Projected Orders of Business; Statuses of House Business; Minutes of Proceedings, Evidence, and Reports of Committees; and Bills.⁸¹

House publications, such as Debates,⁸² dating back to 1994 are accessible online on the House website and can be searched or browsed. A more advanced search of publications can be made through a "Publication Search" tool for content published after January 2001.⁸³

B. Senate

Similarly, Senate publications such as Debates,⁸⁴ Journals, Order Papers, and Notice Papers dating back to 1996 are accessible on the Senate website and can be searched or browsed.

VI. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

In Canada, as noted above, publishing of parliamentary documents online "commenced in 1994," and by the "early 2000s, the digitization of Hansard had evolved into an integrated data management system called Prism."⁸⁵ Prism "integrates all aspects of parliamentary business:

⁷⁷ Constitution Act, 1982, § 18(1); see also Constitution Act, 1867, § 133.

⁷⁸ Official Languages Act, R.S.C. 1985, c 31 (4th Supp.), § 5, <https://perma.cc/H2N5-AHPW>.

⁷⁹ *Our Procedure: Parliamentary Publications*, House of Commons, <https://perma.cc/A66T-SHY2>.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Hansard Index*, House of Commons, <https://perma.cc/2C7U-GMN7>.

⁸³ *Publication Search*, House of Commons, <https://perma.cc/CAK2-79P8>.

⁸⁴ *Calendar of Debates of the Senate (Hansard)*, Senate of Canada, <https://perma.cc/CA8L-UBJ9>.

⁸⁵ Audrey O'Brien, *Prism: The House of Commons Integrated Technology Project*, in 25(2) *Canadian Parliamentary Rev.* (2002), <https://perma.cc/5NGH-8RFF>.

bills, committee evidence and debate transcripts.”⁸⁶ It launched in 2001. The system was “capable of managing all aspects of information publishing, from the capture of the spoken word to the distribution of Hansard itself.”⁸⁷

According to one report, “[u]ntil very recently, the electronic record of Hansard encompassed only the past two decades of parliamentary debates.”⁸⁸ In the summer of 2013, the LOP adopted a digital preservation strategy that focused on “priority setting for digit content” both through “partnerships and its own infrastructure.”⁸⁹

In 2013, LOP “scanned the entire historical proceedings from 1867 to 1999,” and the “corresponding files were given to Canadiana, a nongovernmental organization committed to the preservation of Canadian heritage, which in turn deposited the proceedings in an online digital archive of PDF files.”⁹⁰ In 2018, Canadiana merged with CRKN.⁹¹

Today, LOP, in collaboration with the CRKN, provides access to the Canadian Parliamentary Historical Resources portal, in the form of a “free searchable database of digitized versions of parliamentary publications from the 1st Session of the 1st Parliament (1867) until coverage at ourcommons.ca and sencanada.ca begins.” The publications that are made available are “debates, journals, committee documentation and bills of both the Senate and the House of Commons.” The portal also contains “the Senate Minutes of Proceedings, the Rules of the Senate, the House of Commons Votes and Proceedings, and the Standing Orders of the House of Commons. Historical sessional papers are also available from 1867 to 1901.”⁹²

More recently, the Scrapbook Debates of the Parliament of Canada,⁹³ which are a “collection of newspaper clippings about Senate and House of Commons proceedings that were published from 1867 to 1871, before Parliament introduced an official record for its debates,” are publicly available. They are the “only organized source of parliamentary proceedings for that period.”⁹⁴ According to LOP, “[d]igital versions of their contents can be searched by the public on the Canadian Parliamentary Historical Resources portal.”⁹⁵

⁸⁶ Kaspar Beelen et al., *Digitization of the Canadian Parliamentary Debates*, 50 *Can. J. Pol. Sci.* 849, 852 (2017), <https://perma.cc/NVB9-HWCW>.

⁸⁷ House of Commons, *Report to Canadians 2006 24* (2006), <https://perma.cc/4F2L-26WU>.

⁸⁸ *Id.*

⁸⁹ LOP, *Annual Report 2013–2014* 177 (2014), <https://perma.cc/7ADZ-4TH4>.

⁹⁰ *Id.*

⁹¹ *Heritage Content*, CRKN, <https://perma.cc/L6XB-MHA4>.

⁹² *Canadian Parliamentary Historical Resources*, LOP, <https://perma.cc/9M4J-ZTEU>.

⁹³ *The Scrapbook Debates of the Parliament of Canada*, LOP, <https://perma.cc/N4PU-ZNBR>.

⁹⁴ LOP, *Annual Report 2017–2018* 15 (2018), <https://perma.cc/SD5W-FPNE>.

⁹⁵ *Id.*

The Publishing and Depository Services Directorate, which is a part of Public Services and Procurement Canada, also has a mandate “to provide the public with centralized access to Government of Canada publications.”⁹⁶

⁹⁶ *Learn About What We Do*, Gov’t Can. Publications, <https://perma.cc/4VA6-KVC5>.

European Parliament

Jenny Gesley
Foreign Law Specialist

SUMMARY In the European Union (EU), the directly elected European Parliament acts as a legislator on an equal footing with the Council of the European Union. The Treaty on the Functioning of the European Union and the Charter of Fundamental Rights of the European Union provide that citizens of the EU have a right of access to documents of the EU's institutions, bodies, offices, and agencies. This right of access is specified in the Rules of Procedure of the European Parliament, Regulation (EC) No. 1049/2001, and a bureau decision of November 28, 2001. Public access to a register of documents is provided in electronic form. Legislative procedure documents or those concerning parliamentary business are entered in the public register as soon as they have been tabled or made public.

For each committee meeting, a rapporteur prepares legislative reports, non-legislative reports, or own-initiative reports, depending on the topic, and presents them to the plenary. For each sitting of the plenary, minutes of the meeting, a multilingual verbatim report, and an audiovisual recording are prepared. The minutes and verbatim reports are preserved in the records of the European Parliament and published in the Official Journal of the EU.

The European Parliament historical archives unit is the official record keeper of the European Parliament and manages and preserves the official public documents and other archival fonds. Rules on public access to the historical archives are set forth in Council Regulation (EEC, Euratom) No 354/83. All the documents in the historical archives are digitized and/or converted in the PdfA format in order to assure their permanent conservation.

I. Overview

The European Parliament (EP) is one of the main institutions of the European Union (EU) and is its only directly elected body.¹ It exercises legislative and budgetary functions together with the Council of the European Union (Council),² as well as supervisory and consultative functions.³ The role and powers of the European Parliament have changed and been expanded over time. In 2009, the ordinary legislative procedure (formerly called co-decision procedure) became the standard procedure for passing legislation at the EU level, with the European Parliament acting

¹ Consolidated Version of the Treaty on European Union [TEU], art. 13, para. 1, art. 14, para. 3, 2016 O.J. (C 202) 13, <https://perma.cc/3NQE-GMSW>.

² The Council is made up of government ministers from each EU country. See TEU, art. 16, para. 2.

³ TEU, art. 14, para. 1.

as a co-legislator on an equal footing with the Council.⁴ There are up to three readings and the two institutions have to approve an identical text. Within the European Parliament, the proposals are examined by the appropriate committee (or several committees), which adopts a report and presents it to the plenary session.⁵ All legislative acts are published in the Official Journal of the European Union (OJ).⁶ Effective July 1, 2013, only the OJ published in electronic form (e-OJ) is authentic and produces legal effects.⁷

The Treaty on the Functioning of the European Union (TFEU) and the Charter of Fundamental Rights of the European Union (Charter) provide that “[a]ny citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union’s institutions, bodies, offices and agencies.”⁸ Each EU institution, body, or agency specifies in its own Rules of Procedure how access will be granted.⁹ The Rules of Procedure of the European Parliament state that access to parliamentary documents is subject to the principles, conditions, and limits laid down in Regulation (EC) No. 1049/2001.¹⁰ Regulation (EC) No. 1049/2001 deals with the scope of the right of access to documents of the European Parliament and other institutions, sets out exceptions, provides the procedure for submitting an application to access documents, and provides that public access to a register of documents must be provided in electronic form, among other things.¹¹ The right to access to documents of the European Parliament was further defined in a bureau decision of November 28, 2001.¹² Legislative procedure documents or those concerning parliamentary business are entered in the public register as soon as they have been tabled or made public.¹³

II. The Role of the EP’s Historical Archives in the Parliamentary Document Process

According to its website, the historical archives unit “is the official record keeper of the European Parliament. It manages and preserves the Parliament’s official public documents and other

⁴ Consolidated Version of the Treaty on the Functioning of the European Union [TFEU], arts. 289, 294, 2016 O.J. (C 202) 47, <https://perma.cc/X2NH-JV26>.

⁵ Rules of Procedure of the European Parliament, Sept. 2021, rules 49–55, <https://perma.cc/45FY-JSF9>.

⁶ TFEU, art. 297; *EUR-Lex: Access to the Official Journal*, European Union, <https://perma.cc/BB2C-4MHQ>.

⁷ Consolidated Version of Council Regulation (EU) No 216/2013, art. 1, 2013 O.J. (L 69) 1, <https://perma.cc/8MPR-GAVM>.

⁸ TFEU, art. 15, para. 3, 2016 O.J. (C 202) 47, <https://perma.cc/X2NH-JV26>; Charter of Fundamental Rights of the European Union [Charter], art. 42, 2012 O.J. (C 326) 39, <https://perma.cc/7829-KP5L>.

⁹ TFEU, art. 15, para. 3.

¹⁰ *Id.* art. 232; Rules of Procedure of the European Parliament, rule 122.

¹¹ Regulation (EC) No. 1049/2001, 2001 O.J. (L 145) 43, <https://perma.cc/TZ6E-N7PU>.

¹² Consolidated Version of the Rules Governing Public Access to European Parliament Documents (Bureau Decision), 2011 O.J. (C 216) 19, <https://perma.cc/GD4D-ARFD>. The Bureau of the European Parliament, made up of the president, 14 vice-presidents, and five quaestors, is the body that lays down rules for Parliament, among other responsibilities. *About Parliament: The Political Bodies of the European Parliament*, European Parliament, <https://perma.cc/6AZZ-H6EP>.

¹³ *Id.* art. 4, para. 3.

archival fonds, dating back to 1952.”¹⁴ Rules on public access to the historical archives are set forth in Council Regulation (EEC, Euratom) No 354/83.¹⁵

The holdings of the historical archives include

a variety of types of records, such as adopted texts, reports, parliamentary questions, petitions and committee papers spanning from the creation of the European Community of Coal and Steel Assembly in 1952 to the present... The core of the holdings is constituted by the files related to the legislative activity of the Parliament, through the committees work and the plenary sittings.

Other special parliamentary collections illustrate the first stages of the development of the European Union (records of the Assembly ad Hoc and of the Committee of the Four Presidents) and the development of parliamentary cooperation between the European Economic Community and countries of the Associated African and Malagasy States (AAMS), now the African, Caribbean and Pacific Group of States (ACP).

The Archives also hold collections of private political papers of Members and former Members which give an insight into the political activity of the Parliament.¹⁶

III. The Role of the Parliamentary Library in the Parliamentary Document Process

The Parliamentary Library is not involved in the parliamentary document process. The Citizens' Library Unit of the European Parliamentary Research Service's Directorate for the Library and Knowledge Services makes library services available to the public and outside researchers. Patrons may consult sources about EU services and the work of the European Parliament.¹⁷

IV. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Committee Meetings

Committee meetings are generally public. If a meeting is closed to the public, the committee may nonetheless decide to make documents from the meetings available to the public.¹⁸

For each committee meeting on a proposal for a legally binding act, the committee appoints a rapporteur to document the process. The legislative report must include amendments to the proposal, short justifications for amendments, a draft legislative resolution, an explanatory statement including a financial statement, and a reference to the impact assessment by the

¹⁴ *Historical Archives*, European Parliament, <https://perma.cc/QL2E-CK5Y>.

¹⁵ Consolidated Version of Council Regulation (EEC, Euratom) No. 354/83, 1983 O.J. (L 43) 1, <https://perma.cc/URJ5-568T>.

¹⁶ *Holdings*, European Parliament Historical archives, <https://perma.cc/7QTX-5L23>.

¹⁷ European Parliamentary Research Service [EPRS], *Library and Knowledge Services* (Sept. 2021), <https://perma.cc/M3DH-H3NS>.

¹⁸ Rules of Procedure of the European Parliament, rule 121, para. 3.

European Parliament.¹⁹ The rapporteur for a non-legislative report must include a motion for a resolution, an explanatory statement including a financial statement, and the texts of any motions for resolutions.²⁰ Drawing up own-initiative reports, meaning reports on a subject within the competence of the committee on which no referral has taken place, requires authorization from the Conference of Presidents.²¹

Reports in general must include the vote taken on the report as a whole and how each member voted.²² Minority positions may be included at the request of the author.²³ The rapporteur prepares the committee's report and presents it to the European Parliament on behalf of that committee.²⁴

B. Plenary Sessions

Plenary sessions are always public.²⁵ Documents that form the basis for the debates and decisions are made available to the members of the European Parliament.²⁶ They may be prepared, signed, and distributed in electronic form.²⁷ A list of these documents is included in the meeting minutes.²⁸ In addition, non-confidential preparatory documents can be accessed by MPs and political groups directly via the EP's internal computer system.²⁹ All documents of parliament are available in all of the official languages of the EU.³⁰

For each sitting, minutes are prepared. They must detail the proceedings, list the documents that formed the basis for the debates and decisions, name the speakers, and document all decisions, including the result of any vote on any amendment. Minutes must be made available at least half an hour before the beginning of the afternoon period of the next sitting.³¹ The minutes of each sitting of the plenary must indicate which members were recorded as "present" in the attendance register or "excused" by the president.³² In cases of voting by roll call, the minutes must record the votes by political group in the alphabetical order of member' names, with an indication of

¹⁹ Id. rule 51.

²⁰ Id. rule 53.

²¹ Id. rule 54. The Conference of Presidents consists of the president of the European Parliament and the chairs of the political groups. See rule 26, para. 1.

²² Rules of Procedure of the European Parliament, rule 55, para. 3.

²³ Id. rule 55, para. 4.

²⁴ Id. rule 55, para. 1.

²⁵ Id. rule 121, para. 2.

²⁶ Id. rule 169.

²⁷ Id. rule 170.

²⁸ Id. rule 202, para. 2.

²⁹ Id.

³⁰ Id. rule 167, para. 1.

³¹ Id. rule 202.

³² Id. rule 156, para. 2.

how they voted.³³ For voting by secret ballot, the minutes must indicate the names of members who have taken part.³⁴ For electronic votes, only the numerical result of the vote is recorded.³⁵

At the beginning of each sitting, parliament approves the minutes from the last sitting.³⁶ Objections are considered by the whole parliament.³⁷ Once the minutes are approved, they are signed by the president of the European Parliament and the Secretary-General, preserved in the records of the European Parliament, and published in the Official Journal of the EU (OJ).³⁸ Adopted texts are published immediately after the vote and are also preserved in the records of the European Parliament.³⁹

In addition to the minutes of the sitting, a multilingual verbatim report and an indexed audiovisual record of the proceedings are prepared.⁴⁰ The audiovisual record is linked to the verbatim report.⁴¹ Corrections to typescripts of speeches must be submitted to the secretariat of the European Parliament within five working days.⁴² Members who have not spoken in a debate have the option of submitting a written statement of not more than 200 words, which is appended to the verbatim report of the debate.⁴³ The verbatim report is published as an annex to the OJ and is preserved in the records of the European Parliament.⁴⁴

C. Information-Sharing Among Legislative Agencies

In general, the European Parliament keeps the national parliaments of the EU Member States regularly informed of its activities.⁴⁵ Documents concerning a legislative procedure at the EU level that are officially transmitted by a national parliament to the European Parliament are forwarded to the appropriate committee.⁴⁶

³³ Id. rule 190, para. 4.

³⁴ Id. rule 191, para. 4.

³⁵ Id. rule 192, para. 2.

³⁶ Id. rule 202, para. 3.

³⁷ Id. rule 202, para. 4.

³⁸ Id. rule 202, para. 5.

³⁹ Id. rule 203, para. 1.

⁴⁰ Id. rules 204, 205.

⁴¹ Id. rule 205, para. 2.

⁴² Id. rule 204, para. 3.

⁴³ Id. rule 171, para. 11.

⁴⁴ Id. rule 204, para. 4.

⁴⁵ Id. rule 150, para. 1.

⁴⁶ Id. rule 150, para. 4.

D. User's Access to Parliamentary Documents

As mentioned, Regulation (EC) No. 1049/2001 deals with the right of access to documents of the European Parliament and provides that public access to a register of documents must be provided in electronic form.⁴⁷ In particular, legislative documents must be directly accessible to the public.⁴⁸ For other documents, citizens must submit a written application, which includes the electronic form.⁴⁹ No reason for the application is required.⁵⁰ The application may be submitted in any EU language.⁵¹ Access to the requested documents must be given within a period of 15 working days.⁵² If access is not granted, the European Parliament must provide reasons for the refusal, and the applicant may ask for reconsideration.⁵³ If access is granted, the applicant may choose to either consult the documents on the spot or receive a copy, including an electronic copy, whichever he or she prefers.⁵⁴

Access to sensitive documents classified as (top) secret or confidential, such as documents concerning public security, defense, and military matters, is generally prohibited, but may be granted subject to special rules.⁵⁵ Sensitive documents can only be recorded or released in the public register with the consent of the originator.⁵⁶

The European Parliament must inform the public of the right to access to documents under Regulation (EC) No. 1049/2001 and how and where applications for access may be submitted.⁵⁷ The public register website of the European Parliament contains references to documents produced or received by the institution since December 3, 2001.⁵⁸ The "Unit for Transparency - Public Access to Documents and Relations with Lobbyists" operates the public register and assists the public.⁵⁹ In general, documents in the public register, in electronic form, consultation of documents on the spot, and copies of less than 20 DIN A4 pages are provided free of charge.⁶⁰

⁴⁷ Regulation (EC) No. 1049/2001, art. 2, para. 4, arts. 11, 12.

⁴⁸ Id. art. 2, para. 4, art. 12.

⁴⁹ Id. art. 6, para. 1.

⁵⁰ Id.

⁵¹ Id.

⁵² Id. art. 7, para. 1.

⁵³ Id. art. 7.

⁵⁴ Id. art. 10.

⁵⁵ Id. art. 4, para. 1, art. 9; Bureau Decision, arts. 17-20.

⁵⁶ Regulation (EC) No. 1049/2001, art. 9, para. 3.

⁵⁷ Id. art. 6, para. 4, art. 14, para. 1.

⁵⁸ Bureau Decision, art. 1; *Public Register of Documents*, European Parliament, <https://perma.cc/5S5K-WC9L>.

⁵⁹ Bureau Decision, art. 3.

⁶⁰ Regulation (EC) No. 1049/2001, art. 10, para. 1.

E. Projects For Preservation of and Access to Digital Records of Parliamentary Documents

According to the website of the EP's historical archives, all the documents are "digitised and/or converted in the PdfA format in order to assure their permanent conservation. Once transformed in the electronic format, the documents are stored in our database, in relation with their classification and description."⁶¹ They may be consulted on premises or, under certain circumstances, be obtained from the historical archives directly.⁶²

⁶¹ *Our Mission*, European Parliament Historical archives, <https://perma.cc/4UVX-JYJL>.

⁶² *Id.*; Consolidated Version of Council Regulation (EEC, Euratom) No 354/83, art. 9.

France

Nicolas Boring
Foreign Law Specialist

SUMMARY France has a bicameral parliament composed of a National Assembly and a Senate, each of which has its own library and archives. The French National Library, the BnF, does not appear to be involved in the parliamentary document process apart from participating in digitization efforts.

Many parliamentary documents must be published in the official gazette, which is published by an agency under the authority of the secretary-general of the government, who in turn is under the authority of the prime minister.

The French Constitution requires that a full transcript of every public session of the Senate and National Assembly be published in the official gazette. Other parliamentary documents published in the official gazette include bills, resolutions, and questions to the government. The official gazette is now published online only, and the Senate and National Assembly publish many parliamentary documents on their own websites and on open data web portals. Additionally, there are ongoing efforts to digitize historical parliamentary documents, from the French Revolution onward.

I. Overview

France has a bicameral parliament composed of a National Assembly and a Senate.¹ In contrast to the United States, where the Library of Congress serves as both the national library and the legislative library, France's national library, the Bibliothèque nationale de France (BnF), is distinct from the parliamentary libraries. The National Assembly and Senate each have their own library and archives.² By law, each parliamentary assembly is responsible for its own archives and determines how archived documents are collected, preserved, classified, and accessed.³ The BnF does not appear to be involved in the parliamentary document process, apart from participating in digitization efforts. Rather, the parliamentary document process is centered on the parliamentary libraries and archives along with France's official gazette (*Journal officiel*), as described below.

Both the Senate and National Assembly's libraries have dual roles: they exist both to inform the legislators and help them in their missions, and to preserve some of France's bibliographical patrimony. The Senate's library contains 370,000 volumes, including 12,800 that date from before

¹ Constitution du 4 octobre 1958 (as amended) (Const.) art. 24, <https://perma.cc/VQP6-8TW4>.

² *Direction de la bibliothèque et des archives, Sénat*, <https://perma.cc/Q33H-NPEJ>; *Bibliothèque et archives, Assemblée nationale*, <https://perma.cc/47SW-PK8L>.

³ Ordonnance n° 58-1100 du 17 novembre 1958 relative au fonctionnement des assemblées parlementaires (as amended) art. 7 bis, *Légifrance*, <https://perma.cc/8NPR-WS77>.

1830 and 9,300 that are considered particularly rare and valuable, 6,500 manuscripts, and 45,000 prints and engravings.⁴ The library of the National Assembly contains close to 700,000 volumes in French, primarily on the topics of law, political science, history, economics, and social sciences, as well as university doctoral dissertations on these same topics.⁵ It also contains 1,900 manuscripts and many rare and original editions.⁶ Neither of these institutions is usually open to the public.⁷

The preservation of parliamentary documents falls within the scope of the parliamentary archives, as described in Section II. The Senate archives and library are managed and organized under a single directorate,⁸ as are the National Assembly archives and library.⁹

The publication of many parliamentary documents falls under the responsibility of the official gazette, which is published by the Directorate for Legal and Administrative Information (*Direction de l'information légale et administrative*, DILA).¹⁰ The DILA is an agency under the authority of the secretary-general of the government, who in turn is under the authority of the prime minister.¹¹

The Senate's day-to-day operations, including archiving and publication of documents, are governed by the Senate Regulations (*Règlement du Sénat*), and its Bureau General Instructions (*Instruction générale du Bureau*).¹² Similarly, the National Assembly's day-to-day operations, including archiving and publication of documents, are governed by the National Assembly Regulations (*Règlement de l'Assemblée nationale*), and by its own Bureau General Instructions (*Instruction générale du Bureau*).¹³

⁴ *Bibliothèque du Sénat, Description de la Bibliothèque*, BnF Gallica, <https://perma.cc/74SK-KTLC>.

⁵ *Bibliothèque et archives*, supra note 2.

⁶ Id.

⁷ Id.

⁸ *Direction de la bibliothèque et des archives*, supra note 2.

⁹ *Bibliothèque et archives*, supra note 2.

¹⁰ *Diffusion légale*, Direction de l'information légale et administrative (May 29, 2018), <https://perma.cc/6UDY-NVNY>.

¹¹ *Qui sommes nous?*, Direction de l'information légale et administrative (May 26, 2018), <https://perma.cc/4HV8-TNBK>.

¹² *Règlement du Sénat et Instruction générale du Bureau*, Sénat (Nov. 1, 2021), <https://perma.cc/D3NL-VXGG>.

¹³ *Règlement de l'Assemblée nationale*, Assemblée nationale, <https://perma.cc/PJ5J-RCBZ>; *Instruction générale du Bureau*, Assemblée nationale (Sept. 2018), <https://perma.cc/77MM-6WWW>.

II. The Roles of the National and Parliamentary Libraries in the Parliamentary Document Process

A. Senate

The Senate's archives are collected, preserved, classified, and communicated by the Senate's Library and Archives Directorate.¹⁴ The Senate's various directorates submit their documents for archiving according to methods and on timetables defined jointly with the Library and Archives Directorate, in accordance with their administrative utility and their scientific and historic value.¹⁵

Senate regulations require that committee meetings be recorded and that these recordings be deposited in the Senate archives.¹⁶

B. National Assembly

The National Assembly's archives and library were merged into a single organizational unit, the Archives and Library Service, in 2009.¹⁷ The Archives Division of the Archives and Library Service is in charge of collecting, organizing, and preserving the National Assembly's archives.¹⁸

C. National Library

The BnF, France's national library, does not appear to be very involved in the parliamentary document process, except for digitization efforts. The BnF has a partnership with DILA to digitize the official gazettes from their first publication in 1869.¹⁹ The BnF also has partnerships with the Senate and the National Assembly to digitize the transcripts of their sessions held since 1881.²⁰

III. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Senate

The French Constitution requires that a full transcript of every public session of the Senate be published in the official gazette.²¹ The Senate's internal rules add that these transcripts should be published on the Senate's website as well.²²

¹⁴ Instruction générale du Bureau, Sénat (Nov. 1, 2021), XIX. Archives (I).

¹⁵ Id. XIX. Archives (II).

¹⁶ Règlement du Sénat art. 15 ter.

¹⁷ *Fiche de synthèse n°74: Le service de la bibliothèque et des archives*, Assemblée nationale, <https://perma.cc/Q3JQ-Y26U>.

¹⁸ Id.

¹⁹ *Journal officiel (JORF) Présentation*, BnF, <https://perma.cc/3KJV-34TW>.

²⁰ Id.

²¹ Const. art. 33.

²² Instruction générale du Bureau, Sénat, XI. Comptes rendus (III).

It should be noted that the Constitution allows the Senate to meet in closed, confidential sessions upon the request of the prime minister or of one-tenth of the number of senators,²³ in which case the proceedings would presumably not be published. This does not appear to have ever happened under the current Constitution, which has been in force since 1958, but it happened four times during World War I and twice during World War II.²⁴

Bills and proposed resolutions are published in the official gazette.²⁵ Senators may submit written questions to the executive. These questions, and the answers to them, are published in the official gazette.²⁶ Several other documents are published in the official gazette, including the Senate's order of the day, summonses issued by Senate committees, adopted resolutions, the results of public Senate votes, and the appointment of committee members and delegation members.²⁷

Senate committees can decide how to publicize their work.²⁸ Each committee may decide to meet confidentially upon the request of the prime minister, of the committee president, or of one-tenth of its members. It may then decide whether to publish the minutes of that meeting in the official gazette.²⁹

B. National Assembly

The French Constitution requires that a full transcript of every public session of the National Assembly be published in the official gazette.³⁰ The National Assembly Regulations also require that an audiovisual report of every public session be published.³¹

Like the Senate, the Constitution allows the National Assembly to meet in closed, confidential sessions upon the request of the prime minister or of one-tenth of its members.³² The National Assembly (or its predecessor institution, the Chamber of Deputies) appears to have met in closed sessions during both world wars, but does not appear to have done so since then.³³

²³ Const. art. 33.

²⁴ *Les comités secrets*, Sénat, <https://perma.cc/256A-5Q8U>; *Les Comités secrets de 1940*, Sénat, <https://perma.cc/R8JX-GGWX>.

²⁵ Règlement du Sénat art. 24.

²⁶ Règlement du Sénat art. 75; Instruction générale du Bureau, Sénat, II. Publications au Journal officiel (Lois et décrets).

²⁷ Instruction générale du Bureau, Sénat, II. Publications au Journal officiel (Lois et décrets); Instruction générale du Bureau, Sénat, III. Publications au Journal officiel (Débats parlementaires).

²⁸ Règlement du Sénat art. 15 ter.

²⁹ Id.

³⁰ Const. art. 33.

³¹ Règlement de l'Assemblée nationale art. 59.

³² Const. art. 33.

³³ *Comités secrets*, Assemblée nationale, <https://perma.cc/QDH3-TSF9>; *La République dans la tourmente (1939-1945)*, Assemblée nationale, <https://perma.cc/P2GN-55NE>.

Several parliamentary documents are published in the official gazette, including the composition and declarations of the National Assembly's political groups,³⁴ the constitution of special commissions, the submission of bills,³⁵ questions to the government,³⁶ the submission of proposed resolutions, and adopted resolutions.³⁷

Additionally, the National Assembly publishes bills, reports, and advisory opinions on its website.³⁸ This is done by the National Assembly's Service of Communication and Multimedia Information.³⁹

A number of other parliamentary documents are published by the National Assembly in the form of a serial (*feuilleton*), including the order of the day, the committees' orders of the day, summonses issued by the National Assembly's leadership, any information regarding the National Assembly's composition and the appointments it makes, lists of published parliamentary and extra-parliamentary documents, and information regarding the National Assembly's internal and external communications.⁴⁰

Investigative committees may work under rules of confidentiality, in which case the documents related to the investigation will be deposited under seal in the National Assembly's archives.⁴¹ An investigation report, or any section of the report that the National Assembly has decided not to publish, will also be deposited under seal in the archives.⁴²

IV. Users' Access to Parliamentary Documents

Many parliamentary documents are published in the official gazette or on the Senate and National Assembly's websites. Access to unpublished parliamentary documents is limited, however.

Only senators and Senate staff have access to the Senate's library, but outside researchers can apply for access if they wish to conduct research on the Senate or on documents that only exist within its holdings.⁴³ The National Assembly's library is slightly more open in that, in addition to members and staff of the National Assembly, it is open to senators, to members of the European

³⁴ Règlement de l'Assemblée nationale arts. 19, 21.

³⁵ Id. art. 81.

³⁶ Id. art. 135.

³⁷ Id. art. 136.

³⁸ Instruction générale du Bureau, Assemblée nationale (Sept. 2018), art. 22.

³⁹ Id.

⁴⁰ Instruction générale du Bureau, Assemblée nationale (Sept. 2018), art. 20.

⁴¹ Instruction générale du Bureau, Assemblée nationale (Sept. 2018), art. 6.

⁴² Id.

⁴³ *Bibliothèque du Sénat, Description de la Bibliothèque*, BnF Gallica.

Parliament, and to former members of the French parliamentary assemblies.⁴⁴ Outside researchers can also apply for access to the National Assembly's library if they need access to documents that are not available elsewhere.

By default, documents archived by the Senate may be released to members of the public after a period of 25 years.⁴⁵ This period may be longer for information involving certain topics such as national security.⁴⁶ If an archived document used to belong to a specific senator, this senator (or former senator) may consent to have the document released before the default period of 25 years. Similarly, the Senate's leadership may approve the release of other archived documents before the default period.⁴⁷

Documents archived by the National Assembly may also be released to the public after a default period of 25 years, unless they concern a topic that justifies a longer period of confidentiality.⁴⁸ Only current and former members of the National Assembly, or individuals specially authorized by the secretary general or president of the National Assembly, may access the archives in person.⁴⁹ However, the National Assembly's Archives Division manages a Parliamentary Documentation Center, which is open to the public and provides access to archived documents and other parliamentary documents, to the extent they can be released to the public.⁵⁰

V. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

Since 2016, the French official gazette is only published online, on the French government's legal portal, [Legifrance.gouv.fr](https://legifrance.gouv.fr).⁵¹ Furthermore, on June 22, 2015, the National Assembly launched a dedicated web portal to give access to its parliamentary records in an open data format.⁵² This portal is accessible at <https://data.assemblee-nationale.fr/>. The Senate also has an open data web portal at <https://data.senat.fr/>. Both portals appear to be part of a larger open data web portal called data.gouv.fr. This broader web portal is developed and operated by an agency called Etalab, which is part of the Interministerial Directorate of Information Technology (*Direction interministérielle du numérique*).⁵³

⁴⁴ *Bibliothèque et archives*, Assemblée nationale.

⁴⁵ Instruction générale du Bureau, Sénat (Nov. 1, 2021), XIX. Archives (III).

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Instruction générale du Bureau, Assemblée nationale (Sept. 2018), art. 27.

⁴⁹ Id.

⁵⁰ *Centre de Documentation Parlementaire*, Assemblée nationale, <https://perma.cc/NMQ2-AGKK>.

⁵¹ *Journal officiel (JORF) Présentation*, BnF.

⁵² *Data.gouv.fr accueille les données de l'Assemblée nationale / Data.gouv.fr Welcomes French National Assembly's Open Data*, Etalab (June 22, 2015), <https://perma.cc/74S9-U4CM>.

⁵³ *À propos de data.gouv.fr*, [data.gouv.fr](https://perma.cc/WV2J-C95C), <https://perma.cc/WV2J-C95C>.

As mentioned above, the BnF is in a partnership with DILA to digitize the official gazettes published since 1869 and has partnerships with the Senate and the National Assembly to digitize the transcripts of their sessions since 1881. Additionally, the National Assembly's Archives Division has a program to digitize and publish online documents from the French Revolution onward.⁵⁴ These documents are available online on a dedicated website at <https://archives.assemblee-nationale.fr/>.

⁵⁴ *Fiche de synthèse n°74: Le service de la bibliothèque et des archives, Assemblée nationale.*

Germany

Jenny Gesley
Foreign Law Specialist

SUMMARY In Germany, the main legislative role is assigned to the German Bundestag (parliament). The German Bundesrat is the constitutional body through which the representatives of the German state governments participate in the legislative process. The Rules of Procedure of the German Bundestag and the Rules of Procedure of the German Bundesrat contain rules on producing records of committee hearings and plenary sittings. Publicly available materials of the German Bundestag and Bundesrat are accessible and searchable online in the Documentation and Information System for Parliamentary Material (DIP). The Parliamentary Archives (“Parliament’s Memory”) preserves, catalogs, and indexes the records of the German Bundestag and Bundesrat and makes them available for internal and external use.

All printed papers and plenary records from the German Bundestag have been digitized and are fully searchable. Digital versions of printed papers from the German Bundesrat are available from 1984 onwards; however, only documents from 2003 and newer are searchable. Plenary records from the Bundesrat have been completely digitized; however, only documents after the year 2000 are searchable. The digitization process for Bundesrat documents is ongoing.

I. Overview

Germany is a federal republic with sixteen states (*Länder*).¹ It has a parliamentary system in which the main legislative role is assigned to the German Bundestag (parliament), the only constitutional body that is directly elected by the people.² The German Bundesrat is the constitutional body through which the representatives of the German state governments participate in the legislative process.³

The Rules of Procedure of the German Bundestag (*Geschäftsordnung des Deutschen Bundestages*, BTGO 1980) and the Rules of Procedure of the German Bundesrat (*Geschäftsordnung des Bundesrates*, BRGO 1966) contain rules on producing records of committee hearings and plenary sittings.⁴ The Parliamentary Documentation Division of the

¹ Grundgesetz für die Bundesrepublik Deutschland [Grundgesetz] [GG], May 23, 1949, Bundesgesetzblatt [BGBl.] I at 1, as amended, art. 20, para. 1, <https://perma.cc/5VJ4-PTLU> (original), <https://perma.cc/B4F4-LPFW>.

² Id. art. 20, para. 1; arts. 38–49, 77.

³ Id. art. 77, paras. 2–4.

⁴ Geschäftsordnung des Deutschen Bundestages [BTGO 1980], June 25, 1980, BGBl. I at 1237, as amended, § 73, para. 1, § 116, para. 1, § 120, <https://perma.cc/K229-ESU3> (original), <https://perma.cc/PL4A-72GA> (English translation, updated through Apr. 2020); Geschäftsordnung des Bundesrates [BRGO 1966], Nov. 26, 1993, BGBl.

German Bundestag catalogs and indexes publicly available materials of the German Bundestag and Bundesrat.⁵ These materials are available and searchable online in the Documentation and Information System for Parliamentary Material (DIP).⁶ The Archive Regulations of the German Bundestag (Archivordnung für den Deutschen Bundestag) contain rules on collecting, preserving, and accessing historically valuable parliamentary records (those of “enduring value”).⁷

Likewise, parliamentary documents of the German state parliaments are available and searchable online in the database “Parlamentsspiegel.”⁸

The 19th parliamentary term, which started on October 24, 2017, and concluded on October 26, 2021, has produced a record number of parliamentary documents, more than 31,700.⁹ The least number of parliamentary records (2,443) were produced in the 9th parliamentary term, which ran from 1980 to 1983.¹⁰

II. The Role of the Parliamentary Archives in the Parliamentary Document Process

According to the website of the German Bundestag, the Parliamentary Archives (Parlamentsarchiv) are “Parliament’s Memory.”¹¹ Its purpose is to “preserve archival material and facilitate its use. . . . [A]rchival material shall encompass the documents of Parliament and its Administration, which are of enduring value.”¹² Printed papers (*Drucksachen*), plenary records (*Protokolle*), and audiovisual recordings of plenary and committee meetings are always of enduring value. Excluded are documents of members or parliamentary groups of the German Bundestag.¹³

I at 2007, as amended, § 34, <https://perma.cc/L38L-5DQB> (original), <https://perma.cc/LJ9H-7PFH> (English translation).

⁵ *Parliamentary Documentation*, Deutscher Bundestag, <https://perma.cc/JT8X-3A7C>.

⁶ *Dokumentations- und Informationssystem für Parlamentsmaterialien [DIP]*, Deutscher Bundestag, <https://perma.cc/42Z2-KJAC>.

⁷ *Archivordnung für den Deutschen Bundestag*, Mar. 21, 2019, <https://perma.cc/L4DW-EX36> (original), <https://perma.cc/ZFT7-2X5R> (English translation).

⁸ *Parlamentsspiegel*, Landtag NRW, <https://perma.cc/MPU5-BB5Y>.

⁹ Press Release, Deutscher Bundestag, *Der Rekordbundestag: Noch nie wurden so viele Drucksachen publiziert* (July 27, 2021), <https://perma.cc/ER6B-6RRJ>.

¹⁰ *Id.* Please note that the 9th parliamentary term was shorter than usual.

¹¹ *The Parliamentary Archives – Parliament’s Memory*, Deutscher Bundestag, <https://perma.cc/K252-85R8>.

¹² *Archivordnung für den Deutschen Bundestag*, § 1.

¹³ *Id.* § 1, para. 3.

The website states that

In the Parliamentary Archives, the records of the German Bundestag are preserved, catalogued, indexed and made available for internal and external use. The Parliamentary Archives also prepare documentation and reference materials.

The Archives' holdings include files, printed papers, minutes of proceedings, Internet pages, photographs and images as well as video recordings of plenary sittings, public committee meetings, and other parliamentary events.

The Parliamentary Archives compile all documents relating to the passage of legislation in the Bundestag and the Bundesrat, thereby creating a comprehensive set of documentation for each individual law.¹⁴

III. The Role of the National or Parliamentary Library in the Parliamentary Document Process

The Library of the German Bundestag (Bibliothek des Deutschen Bundestages) does not have a collection mandate for parliamentary documents in print. It “supplies information and literature, in printed and electronic form, to Parliament, its bodies, and the Bundestag Administration; [i]t is a lending library with designated reference stocks.”¹⁵

The German National Library (Deutsche Nationalbibliothek, DNB) does not have a specific mandate to collect parliamentary publications in print. Instead, the German National Library Act requires the German National Library to collect, archive, catalog, and preserve all “media works” published in Germany, all media works published abroad in the German language, all translations of German works published abroad, and media works about Germany published abroad in other languages (Germanica) from 1913 onwards.¹⁶ In addition, it administers printed works written or published between 1933 and 1945 by German-speaking emigrants.¹⁷ The DNB Act defines media works as “all representations in text, image and sound that are distributed in material form or made accessible to the public in immaterial form.”¹⁸ That general mandate does include parliamentary documents; however, it is not the focus of the DNB's collection mandate.

¹⁴ *The Parliamentary Archives – Parliament's Memory*, supra note 11.

¹⁵ Benutzungsordnung für die Bibliothek, Nov. 8, 2018, § 1, <https://perma.cc/TD5V-7SM7> (original), <https://perma.cc/H2FH-YTCB> (English translation).

¹⁶ Gesetz über die Deutsche Nationalbibliothek [DNBG], June 22, 2006, BGBl. I at 1338, as amended, § 2, no. 1, <https://perma.cc/84ZL-MYAX>.

¹⁷ Id. § 2, no. 2.

¹⁸ Id. § 3, para. 1.

IV. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Bundestag Plenary Sessions

The Rules of Procedure of the German Bundestag (Geschäftsordnung des Deutschen Bundestages, BTGO 1980) provide that for each sitting of the plenary, a written stenographic record must be produced (plenary record).¹⁹ The minutes are distributed to the members of the German Bundestag.²⁰ All other records of the meeting, such as tape recordings, are stored at the Parliamentary Archives.²¹ Speakers receive a transcript of their speech and must submit any corrections to the stenographic service within two hours.²² Corrections may not alter the content of the speech.²³ The transcript is deemed approved if this deadline is missed.²⁴ In general, interjections are made part of the plenary record unless the President of the Bundestag and those concerned agree to remove it.²⁵ Plenary records are made publicly available online the day after the meeting. In addition, a partial plenary record for the first part of the ongoing plenary session is made available during the session.²⁶

In addition to the plenary protocol, an official record (Amtliches Protokoll) is created, which is signed by the President of the Bundestag and distributed to the members.²⁷ Objections to the official record must be submitted to the President of the Bundestag by the end of the next day the plenary is in session. If no objections are raised by that deadline, the official record is deemed approved.²⁸ If an objection cannot be resolved by the Secretaries (Bundestag members who help chair plenary meetings), the President consults the whole Bundestag for its opinion. If the Bundestag finds the objection to be well founded, the amended section is annexed to the official record.²⁹

¹⁹ BTGO 1980, § 116, para. 1.

²⁰ Id. § 116, para. 2.

²¹ Id. § 116, para. 3.

²² Id. §117.

²³ Id. § 118, para. 1.

²⁴ Id. § 117.

²⁵ Id. § 119, para. 1.

²⁶ *Plenarprotokoll*, Deutscher Bundesrat, <https://perma.cc/E62V-ZVJ3>.

²⁷ BTGO 1980, § 120.

²⁸ Id.

²⁹ Id. § 121.

B. Bundestag Committee Meetings

In general, committee meetings are not public.³⁰ There are special guidelines for the treatment of minutes of non-public committee meetings that do not constitute classified material.³¹ The Rules of Procedure provide that written minutes of every committee meeting must be taken. They must include all motions and the decisions taken.³² However, making a stenographic record requires the permission of the President.³³ With regard to distribution of the minutes to the committee members and objections, the rules for plenary sessions apply.³⁴ Persons who demonstrate a legitimate interest may inspect the minutes only after the promulgation of the law concerned or at the end of the electoral term.³⁵

C. Bundesrat Meetings

Likewise, the Rules of Procedure of the German Bundesrat provide that a verbatim record (stenographic record) must be made of each Bundesrat meeting.³⁶ The stenographic record is made publicly available online a few days after the meeting.³⁷ English and French-language translations of selected decisions are also available.³⁸ The record is deemed approved if no objection is filed with the President of the Bundesrat within two weeks of publication of the record.³⁹ The Bundesrat may choose to refrain from making a record for a non-public meeting.⁴⁰

V. Users' Access to Parliamentary Documents

The public can access parliamentary documents online free of charge in the DIP on the Bundestag's website. In addition, printed versions of parliamentary documents (printed papers and plenary records) from the Bundestag and the Bundesrat may be ordered, subject to a fee, from Reguvis Fachmedien GmbH, the company that also provides access to the German Federal Law Gazette (*Bundesgesetzblatt*).⁴¹ Furthermore, several public libraries, including the German National Library as explained above, collect printed versions of parliamentary documents of the German Bundestag and Bundesrat.

³⁰ Id. § 69, para. 1.

³¹ Anhang 2 - Richtlinien für die Behandlung der Ausschussprotokolle gemäß §73 Abs. 3 GO-BT, Sept. 16, 1975, as amended, <https://perma.cc/5RG7-KHVQ> (original), <https://perma.cc/PL4A-72GA> (English translation).

³² BTGO 1980, § 73, para. 1.

³³ Id.

³⁴ Id. § 74.

³⁵ Anhang 2, at I.1.

³⁶ BRGO 1966, § 34, para. 1.

³⁷ *Plenarprotokolle*, Bundesrat, <https://perma.cc/S649-EMSP>.

³⁸ *Übersetzungen von Bundesratsbeschlüssen*, Bundesrat, <https://perma.cc/GF8H-V3BZ>.

³⁹ BRGO 1966, § 34, para. 3.

⁴⁰ Id. § 34, para. 2.

⁴¹ *Einzelverkauf*, Reguvis, <https://perma.cc/93FF-2VHJ>.

Archival materials held by the Parliamentary Archives may be accessed by anyone upon request pursuant to the Archive Regulations and the Regulations on the Use of the Parliamentary Archives.⁴² Priority is given to members of the German Bundestag, parliamentary groups, and the Bundestag administration.⁴³

VI. Projects For Preservation of and Access to Digital Records of Parliamentary Documents

Parliamentary documents are available online in the DIP.⁴⁴ In 2014, all documents from the German Bundestag (printed papers and plenary records) were made available in a digitized PDF version, starting with the first electoral term (September 1949).⁴⁵ They are fully searchable.⁴⁶

Digital versions of printed papers from the German Bundesrat are available from 1984 onwards; however, only documents from 2003 and newer are searchable. Plenary records from the Bundesrat have been completely digitized; however, only documents after the year 2000 are searchable. The digitization process for Bundesrat documents is ongoing.⁴⁷

Digital versions of deliberation documents (*Beratungsverfahren*) are available from the beginning of the eighth electoral term, which started in December 1976. Documents from the first to the seventh electoral term are currently being digitized.⁴⁸

⁴² Archivordnung für den Deutschen Bundestag, § 3, para. 1; Nutzungsordnung für das Parlamentsarchiv, Mar. 26, 2019, <https://perma.cc/K6RV-89TB> (original), <https://perma.cc/EBC8-V859> (English translation).

⁴³ Archivordnung für den Deutschen Bundestag, § 3, para. 1.

⁴⁴ *Was ist recherchierbar*, Deutscher Bundestag, <https://perma.cc/33ME-QL3K>.

⁴⁵ Press Release, Deutscher Bundestag, Drucksachen und Plenarprotokolle ab 1949: Neue Version des Dokumentenarchivs PDok verfügbar (Apr. 22, 2014), <https://perma.cc/TQ6X-AF59>.

⁴⁶ *Was ist recherchierbar*, supra note 44.

⁴⁷ Id.

⁴⁸ Id.

Israel

Ruth Levush
Senior Foreign Law Specialist

SUMMARY The processing and preservation of parliamentary documents in Israel is regulated by law and by parliamentary rules. The official text of laws passed by the Knesset on the third reading, as well as the text of government bills filed with the Knesset for first reading, are edited and published by the government in print and digital form.

The Knesset's Protocols Department and the Knesset Archives coordinate parliamentary document processing. The Knesset Rules of Procedures (Rules) govern the documentation of both plenary and committee hearings.

Transcripts of plenary hearings are published in Divrei HaKnesset. Minutes, speeches and documents used in plenary hearings, as well as minutes of committee hearings are also available on the Knesset website subject to limited exceptions enumerated by the Rules.

The Knesset has made the *National Legislative Database* available on its website. The database involved an extensive digitization program, which included scanning and cataloging historical parliamentary documents, including plenary and committee hearings, bills, and enacted laws. The database was established with the collaboration of the Knesset's information systems, the Knesset Archives, and the Ministry of Justice, and is open to all users.

I. Overview

Israel's legislative body is a unicameral parliament known as the Knesset.¹

In accordance with the Law and Government Order 5708-1948, as amended, legislation in Israel requires publication in the official gazette, *Reshumot*.² In addition to other official documents, *Reshumot* publications include laws passed by the Knesset on the third reading, as well as the text of government bills filed with the Knesset for first reading. The editing and print of *Reshumot* publications is done by the Official Publications Department at the Ministry of Justice.³ *Reshumot* publications are also available digitally at Gov.il, Israel's Government Services and Information

¹ *The Work of the Knesset*, Knesset website, <https://perma.cc/NHC9-T4GF>.

² Law and Government Order 5708-1948, §10, Iton Rishmi [The Provisional Government of Israel] No. 2, 1st app. p. 1 (May 21, 1948), as amended, available at available at Nevo Legal Database (Nevo), <https://perma.cc/7KJE-ZGAQ> (in Hebrew, by subscription).

³ *Reshumot (The Official Gazette)*, Ministry of Justice, <https://perma.cc/NM9B-TCS7>.

website. Gov.il was built and is managed by the E-government Unit of the Prime Minister's Office.⁴

The processing, producing, publishing, collecting, preserving and distributing to users of parliamentary documents are regulated by the Knesset Rules of Procedures.⁵ General provisions on the processing of archival materials by Israeli state institutions are addressed in the Archives Law, 5716-1955, as amended.⁶

Processing of parliamentary documents began with the first meeting of the People's Council, on May 4, 1948, before Israel's May 14, 1948 Declaration of Independence.⁷ Since then there has been continuous documentation and preservation of information in the Knesset Archives.⁸

The processing of parliamentary documents involves coordination between the Knesset's Archives and the Knesset's Protocols Department (KPD). The KPD is responsible for documenting Knesset deliberations in plenary sessions as well as in committees by preparing "Knesset protocols." A "Knesset protocol" is a parliamentary record that documents a hearing that took place in the Knesset whose purpose is to provide an accurate and clear reflection of the discussion and the decisions made during it.⁹

The KPD records the minutes of plenary hearings and voting, and distributes them as the hearing is taking place as a temporary record.¹⁰ It also records the hearings of the Knesset committees, both public and confidential, and distributes the minutes to various databases.¹¹

II. The Role of the Knesset Archives in the Parliamentary Document Process

It is the Knesset Archives, not Israel's National Library,¹² that serves as both an administrative and a historical archival repository of parliamentary documents. According to the Knesset's website:

The administrative archives provide archival services to the administrative departments of the Knesset; their purpose is to preserve and describe all current records in accordance with the working procedures and practices of the organization; the historical archives

⁴ *About Gov.il*, Israel Government Portal, <https://perma.cc/C3P5-T6L7>.

⁵ Knesset Rules of Procedures (updated to April 6, 2021) (Rules), <https://perma.cc/864H-EFK5> (in Hebrew).

⁶ The Archives Law, 5716-1955, §§ 1& 4(a), Sefer HaHukim (SH, Book of Laws, official gazette) 5716 No. 171 p. 14, as amended, available at Nevo, <https://perma.cc/55R8-A5RY> (in Hebrew).

⁷ Declaration of Independence, Knesset (May 14, 1948), <https://perma.cc/GK6S-AYJZ>.

⁸ *Knesset Archives*, Knesset (in Hebrew), <https://perma.cc/QSA5-2884> (in Hebrew).

⁹ *KPD*, Knesset website (in Hebrew), <https://perma.cc/5J5A-C7T3> (in Hebrew).

¹⁰ See *Latest Plenum Minutes*, Knesset website (in Hebrew), <https://perma.cc/LXK2-4BGM> (in Hebrew).

¹¹ *KPD*, *supra* note 9.

¹² See *Our Story*, The National Library of Israel, <https://perma.cc/M2J6-J5T8>.

preserve and describe the parliamentary records created by the Knesset as well as the photograph collection and the special ceremonial records.

In fact, the Archives function as a custodian of the memory of the Knesset, and maintain records related to significant events in the State of Israel since its establishment in 1948.

The collections of the historical archives are essential to the research endeavor and to the legislative process. They are used by history researchers in the field of Israeli parliamentarianism as well as by the Knesset Members, Knesset Committees, Parliamentary Assistants and by the Knesset employees involved in routine daily parliamentary work.¹³

For the past decade, the Knesset Archives has been working on a multi-year extensive digitization program, which includes scanning and cataloging historical parliamentary documents. All the main parliamentary documents, including hearings of plenary sessions and committees, bills, and enacted laws, were scanned and are available in the Knesset's digital databases.¹⁴

A description of the duties of Archives staff provides insight into the responsibilities of the Knesset Archives. These include:

- Implementing the Knesset's record documentation and preservation policy
- Ensuring public access to the records through digital databases and the Knesset parliamentary website
- Managing the physical and electronic records
- Implementing the principles of physical and electronic record management with a view to preserving the integrity and accessibility of the records
- Arranging, describing, and providing information about the records of the legislative process for certain Knesset committees
- Maintaining relations between the Knesset and the State Archives¹⁵

III. Special Procedures for Handling Particular Types of Parliamentary Documents

Parliamentary activity in the Knesset includes legislative processes at the Knesset plenary chamber and at the Knesset committees. According to the Knesset website,

The Knesset Plenum is the core of the parliamentary work and it plays a decisive role with regard to legislation, control over government decisions, and placing issues on the agenda...

¹³ *Introduction to the Parliamentary Documentation of the Knesset*, The Knesset Archives, <https://perma.cc/WPM8-B3HK>.

¹⁴ See *About the Knesset Archives*, Knesset website (in Hebrew), <https://perma.cc/QSA5-2884> (in Hebrew).

¹⁵ *The Archives Staff*, Knesset website, <https://perma.cc/SK2N-YBST>.

The Knesset Committees exert a significant influence on the parliamentary work as a whole. A large amount of the parliamentary work is carried out by the Knesset Committees. The Committees' debates are attended by professional experts, university professors, position holders and Government employees, representatives of various interest groups, representatives of different social and civic groups who are willing to express their point of view before the Knesset Committees.

To-date there are twelve Standing Committees and a number of Committees for special matters. The Committees hold in-depth technical debates on Private Members' and Government Bills and prepare the legislative drafts that are submitted to the Knesset Plenum for the first, second and third readings. The Committees are also entitled by the Knesset Rules of Procedure to initiate bills on their behalf and submit them to the Knesset Plenum for the first reading.

In addition the Committees are empowered to debate and approve the country's secondary legislation namely the regulations, ordinances, decrees and agreements issued by the Government Ministers in accordance with the provisions of the first legislation.

The Committees are also empowered to control the activity and performance of Government Ministries and Agencies. In that respect the Knesset Committees are entitled to summon the Ministers to their meetings and ask them to report on topics related to their sphere of activity as well as on the budgetary expenditures of their Ministries...

Both the Knesset Plenary and the Knesset Committees have developed a number of procedures with a view to preserving their records and making them available to future generations.¹⁶

The procedures that apply for processing and preservation of parliamentary documents issued or used in either the Knesset plenary chamber and at the Knesset committees are contained in the Knesset Rules of Procedures (Rules).¹⁷

A. Records of Plenum Hearings

The Rules require documentation of minutes of Knesset hearings, including a full record of the proceedings; oral speeches, including those from the podium and unscheduled interruptions; and voting results. The transcript and detailed voting results are published on the Knesset's website.¹⁸

In addition to speeches in Hebrew, the record is required to include translations of any speech delivered in the Knesset plenum other than in Hebrew by foreign dignitaries, with a transcript of the speech in the language in which it was made included in appendices of Divrei HaKnesset (DK; Protocols of Knesset Proceedings, דברי הכנסת).¹⁹

¹⁶ *Introduction to the Parliamentary Documentation of the Knesset*, supra note 13.

¹⁷ Knesset Rules of Procedures, supra note 5.

¹⁸ Id. § 38(a).

¹⁹ A head of state, prime minister or head of a foreign parliament, as well as the head of an international organization in which Israel is a member, may be allowed to speak at the Knesset plenum in their language subject to the approval of the Knesset Speaker and the Knesset [House] Committee, Rules § 38 & 22.

The record of Knesset hearings must be prepared by the DK's editor and published in the DK, along with appendices containing documents confirmed by the Knesset Secretary or Deputy Secretary as having been filed, as instructed by the Knesset Secretary.²⁰ Before publication, minutes of hearings should be made available for inspection by Knesset members who spoke at the hearings. Members may submit corrections and indicate omissions in their remarks as recorded in the minutes within seven days.²¹

Knesset hearings must also be videotaped and made available for viewing to the general public by electronic means.²²

B. Records of Knesset Committee Hearings

In accordance with the Rules, minutes should also be taken at committee hearings. The record should include a list of the Knesset members present and the names of non-members who were invited and were present, unless their identity must be kept confidential by law. The minutes should specify if the hearing was not public or if the content was confidential.²³

Any speaker may request to correct errors and omissions in the minutes by writing to the KPD. Errors may be corrected by the record taker with notification to the committee chair; in cases of doubt, the committee will determine whether the protocol should be corrected.²⁴

Statements in a language other than Hebrew should be recorded in the protocol translated into Hebrew, and depending on a decision by the Knesset Secretary, may also be included in the appendix of the protocol in the language used.²⁵

Minutes of committee hearings are available to public viewing and are posted on the Knesset's website.²⁶ Hearings of the Foreign Affairs and Defense Committee and the Joint Committee on Defense Budget are generally confidential, however. Similarly excluded are hearings where committee chairs have determined that confidentiality was required to protect public welfare, state security, or protection of minors and vulnerable persons.²⁷

Though not available to the public, minutes of confidential hearings are available for review by permanent members or permanent substitute members of committees in which the hearings were conducted. Regardless of committee membership, Knesset members may review minutes of

²⁰ Rules § 39(b).

²¹ Id. § 39(a).

²² Id. § 40.

²³ Id. § 119(a).

²⁴ Id. § 119(c).

²⁵ Id. § 119(d).

²⁶ See *Protocols of Committees' Hearings*, Knesset website, <https://perma.cc/6KHA-6H9Q> (in Hebrew).

²⁷ Rules § 119(b-d).

hearings in which they participated, and if invited to attend part of a hearing, they may review only that part of the hearing at the offices of the relevant committee.²⁸

The procedures governing the review of minutes of committee hearings are described in the Archives Regulations (Review of Archival Material Deposited in the Archives), 5770-2010, as amended (Regulations).²⁹

IV. Users' Access to Parliamentary Documents

In principle, any person may inspect material kept at the State Archives under conditions enumerated by the Regulations.³⁰ Transcripts of plenary hearings are published in DK. Minutes, speeches and documents used in plenary hearings, as well as minutes of committee hearings, are available on the Knesset website under the conditions enumerated in part III, above. As noted, special rules apply regarding access to confidential hearings by committee members or Knesset members who participated in the hearings.

V. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

In 2014 the National Legislative Database (NLD) was made available on the Knesset's website. The NLD contains the text of all Israeli laws and draft bills that are either pending or which have been rejected. Every law has a page in the database that shows its legislative history since it was first enacted and all its amendments, including different versions proposed by its drafters, parliamentary debates, and the minutes of the deliberations in the Knesset committees.³¹

The establishment of the NLD required the collection, scanning and optimization of information and documents originating from the Knesset's information systems and the Knesset Archives, and the cooperation of the Ministry of Justice in obtaining historical materials to fill in gaps.³²

²⁸ Id. § 119(e).

²⁹ Archives Regulations (Review of Archival Material Deposited in the Archives), 5770-2010, Kovetz HaTakanot (KT, Collection of Regulations) 5770 No. 6917 p. 1462, as amended, Nevo, <https://perma.cc/XBP4-FXSP> (in Hebrew).

³⁰ Id. § 3.

³¹ *National Legislative Database*, Knesset website, <https://perma.cc/X7N5-W3SD> (in Hebrew).

³² Id.

Japan

Sayuri Umeda
Senior Foreign Law Specialist

SUMMARY The Diet, Japan’s parliament, consists of two houses, the House of Representatives and the House of Councillors. The secretariat of each house produces, collects, processes, and preserves legislative documents. Both houses provide information to the public on their websites. In addition, the National Diet Library provides an online database of the records of proceedings in both houses and the history of laws and regulations (the progress of deliberation and revision).

I. Overview

The Diet, Japan’s parliament, consists of two houses, the House of Representatives and the House of Councillors.¹

The Constitution of Japan states that deliberation in each house must be public. Each house must keep a record of proceedings, and these records must be published and given general circulation. Extraordinarily, a secret session may be held if a majority of two-thirds or more of the house members present passes a resolution to do so. The house must still record and publish proceedings of the secret session, except for parts that the house decides must be kept secret.² In addition, upon demand of one-fifth or more of the members present, the votes of the members on any matter in a secret session must be recorded in the minutes.³

There are no other national laws to regulate parliamentary documents. The secretariats of both houses produce, collect, process, and preserve legislative documents in accordance with internal rules. The Secretariat of the House of Representatives Document Handling Rules and the House of Councillors Secretariat Document Management Rules provide general administrative rules.⁴

¹ Constitution of Japan (1946), art. 42, <https://perma.cc/3Y8U-CL9S> (unofficial translation).

² Id. art. 57, para. 2; Diet Law, Act No. 9 of 1947, amended by Act No. 86 of 2014, art. 63, <https://perma.cc/8ZYY-49CS> (unofficial translation).

³ Constitution art. 57, para. 3.

⁴ Ayako Ohkura, 参議院事務局及び衆議院事務局における現用文書の管理 [*Management of Documents by the Secretariats of the House of Representatives and the House of Councillors, Record Management, No. 74*] 27-29 (2018), <https://perma.cc/MSW6-E46Q> (in Japanese).

II. Record of Proceedings

Both the House of Representatives and House of Councillors rules list items that must be included in the record of proceedings.⁵ The secretariat of each house produces the record of proceedings.⁶ It obtains the signature of the chairperson of the committee for committee proceedings and of the president of the house for plenary sessions.⁷ Each house stores its records of proceedings.⁸ Some records of proceedings of plenary sessions and committee meetings are available online on each house's website.⁹ The House of Representatives provides its records of proceedings of plenary sessions and committee meetings after January 2001.¹⁰ The House of Councillors provides its records of proceedings during the last 30 days.¹¹

The records of proceedings of plenary sessions in each house are also sent to the National Printing Bureau. The bureau publishes them in an extra edition of the official gazette (*Kanpō*).¹²

III. Bills and Laws

The House of Representatives' website provides the progress of deliberation of bills, the texts of bills at the time of submission, and proposed amendment to bills.¹³ The House of Councillors' website provides the texts of bills at the time of submission and proposed amendment to bills.¹⁴ We were unable to locate any regulation that obligates the houses to provide such information. Enacted laws and regulations are published in the official gazette by the National Printing Bureau.¹⁵

⁵ Rules for the House of Representatives, 1947, as amended, art. 200, <https://perma.cc/2UA7-8DEP> (in Japanese); Rules for the House of Councillors, 1947, as amended, art. 157, <https://perma.cc/3KTL-9YYP> (unofficial translation).

⁶ 事務局 [Secretariat], House of Representatives, <https://perma.cc/P3WY-YTKG> (in Japanese).

⁷ Rules for the House of Representatives arts. 62, 205; Rules for the House of Councillors arts. 57, 159.

⁸ Rules for the House of Representatives arts. 62, 205; Rules for the House of Councillors arts. 57, 159; 両院の事務局における文書管理の概要 [*Summary of Document Management by Secretariat of Each House*], Cabinet Office (2014), <https://perma.cc/8DTS-RGPZ> (in Japanese).

⁹ Article 160 of the Rules for the House of Councillors states “[t]he minutes shall be distributed in electronic or other appropriate media to each Member and be available to the general public.”

¹⁰ 会議録 [Records of Proceedings], House of Representatives, <https://perma.cc/56NZ-JGAN> (in Japanese).

¹¹ 会議録情報 [Information on Records of Proceedings], House of Councillors, <https://perma.cc/5Q64-YM46> (in Japanese).

¹² Rules for the House of Representatives, 1947, as amended, art. 206; 会議録の閲覧・購入 [Browsing and Purchase of Records of Proceedings], House of Councillors, <https://perma.cc/LG5V-VXBV> (in Japanese).

¹³ 議案情報 [Information on Bills], House of Representatives, <https://perma.cc/TAU5-CFA4> (in Japanese).

¹⁴ 議案情報 [Information on Bills], House of Councillors, <https://perma.cc/K8HR-X8U5> (in Japanese).

¹⁵ 官報について [*About the Official Gazette*], Nat'l Printing Bureau, <https://perma.cc/RAH9-GK7H> (in Japanese).

IV. The Role of the National or Parliamentary Library

The National Diet Library provides an online database of the records of proceedings in both houses.¹⁶ The database was established jointly with both the houses.¹⁷ The library also provides a database of the history of laws and regulations (the progress of deliberation and revision) that has links to the text of the records of proceedings, laws and regulations, and bills.¹⁸ We were unable to locate any law or regulation that obligates the library to establish and manage these services. The library's website explains that it created the databases to connect the Diet and the people.¹⁹

V. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

As mentioned in Section IV, the National Diet Library established an online database of the records of proceedings jointly with both the houses. Subsequently, the National Diet Library completed a similar database of the previous parliament, the Imperial Diet.²⁰ Additionally, both of the houses have continuously digitized parliamentary documents and expanded the information that is provided on their websites.

¹⁶ 国会会議録検索システム [*Diet Records of Proceedings Search System*], Nat'l Diet Libr., <https://perma.cc/4WQ2-PYY8> (in Japanese).

¹⁷ 使命・役割 [*Mission and Roles*], Nat'l Diet Libr., <https://perma.cc/V7KU-5XUC> (in Japanese).

¹⁸ 日本法令索引 [*Japanese Law Index*], Nat'l Diet Libr., <https://perma.cc/MR4B-Y6AD> (in Japanese).

¹⁹ *Mission and Roles*, supra note 17.

²⁰ *Id.*

Portugal

Eduardo Soares
Senior Foreign Law Specialist

Elizabeth Marin
Global Legal Research Intern

SUMMARY Regulations enacted by the Portuguese Assembly of the Republic along with the Assembly's Regiment (internal rules) define a series of services and organs that together provide support to the legislative process and guarantee that all legislative activities are documented, preserved, publicized, and made available to members of Parliament and the public.

The Constitution defines what must be published in an official gazette, and a resolution enacted by the Assembly of the Republic established the Official Gazette of the Assembly of the Republic as the legislature's official journal, which must register all its legislative activities. A law defines what is published in the Official Gazette of the Republic as established by the Constitution. Both gazettes are available online free of charge, and for preservation and historical archival purposes, hard copies and electronic copies of them are available to the public at the parliamentary library and the National Library.

I. Overview

Portugal's Parliament, the Assembly of the Republic, has enacted several resolutions that established the services and units responsible for publishing, distributing, and preserving parliamentary documents. These resolutions, along with the Regiment (internal rules) of the Assembly of the Republic, laws, and decree-laws, provide the legal framework that organizes the lifecycle of parliamentary documents in the country.

A working group was formed in 2016, at the request of the president of the Assembly of the Republic, to assess, among other things, the technological structure of the information available on the website of Portugal's Parliament and to take advantage of new technologies' potential to focus and strengthen the relationship between citizens and the Assembly of the Republic. In 2018, it recommended a greater involvement with citizens through a more user-friendly website that provides, in a more transparent and accessible way, information on deputies and parliamentary activity in general.

A. Legal Framework

1. Resolution of the Assembly of the Republic No. 20 of February 16, 2004

Resolution of the Assembly of the Republic No. 20 of February 16, 2004, establishes the structure and responsibilities of the services of the Assembly of the Republic, as well as the principles that govern them and the levels of management and hierarchy that coordinate and delineate them.¹

The Parliamentary Support Directorate (*Direção de Apoio Parlamentar*, DAP) is responsible for coordinating, together with the Editorial Division (*Divisão de Redação*), preparation of the Official Gazette of the Assembly of the Republic (*Diário da Assembleia da República*) and of parliamentary documents for publication.²

The Plenary Support Division (*Divisão de Apoio ao Plenário*, DAPLEN) registers, numbers, organizes and makes available projects and drafts of bills (*projetos e propostas de lei*), drafts of resolutions (*projetos e propostas de resolução*), charter and deliberation bills (*projetos de regimento e de deliberação*), requests for consideration of decree-laws, requirements, motions, votes, formal questioning, debates, and other parliamentary acts and documents.³ The DAPLEN also submits to the Editorial Division the documents to be published in the Gazette of the Assembly of the Republic, under the terms of the Regiment.⁴ It develops the final proposed draft of texts approved by the plenary sessions and submits these drafts to the authoritative parliamentary committee.⁵

The Committee Support Division (*Divisão de Apoio às Comissões*, DAC) works alongside the Editorial Division to register committee and subcommittees meetings and determine which meetings should be transcribed for publication in the Official Gazette of the Assembly of the Republic.⁶ The DAC also drafts meeting minutes, summaries, and reports based on requests from parliamentary committees.⁷

The Editorial Division oversees the electronic publication of the Official Gazette of the Assembly of the Republic.⁸ It also transcribes plenary and parliamentary committee meetings to publish in the gazette.⁹

¹ Resolução da Assembleia da República No. 20/2004, de 16 de Fevereiro, as amended by Resolução da Assembleia da República No. 74/2018, de 20 de Março, art. 1, <https://perma.cc/9XK5-X4JE>.

² Id. art. 8(1)(i).

³ Id. art. 9(c).

⁴ Id. art. 9(g). See Regimento da Assembleia da República No. 1/2020, de 31 de Agosto, arts. 112, 115, 116, <https://perma.cc/2ZDB-3KER>.

⁵ Resolução da Assembleia da República No. 20/2004, de 16 de Fevereiro, as amended by Resolução da Assembleia da República No. 74/2018, de 20 de Março, art. 9(m).

⁶ Id. art. 10(1)(n).

⁷ Id. art. 10(1)(p).

⁸ Id. art. 11(a).

⁹ Id. art. 11(b).

The Information and Culture Directorate (*Direção de Informação e Cultura*), which ensures technical and logistical support to the parliamentary body in charge of cultural affairs,¹⁰ is composed of the Legislative and Parliamentary Information Division (*Divisão de Informação Legislativa e Parlamentar*, DILP), the Passos Manuel Library (*Biblioteca*), the Parliamentary Historical Archives (*Arquivo Histórico Parlamentar* (AHP)), the Publications Division (*Divisão de Edições*), and the Museological and Citizenship Division (*Divisão Museológica e para Cidadania*).¹¹

The work of DILP includes ensuring the administration and loading of database contents relating to legislative and parliamentary activity;¹² processing, dissemination, and retrieval of information relating to legislative and parliamentary activity;¹³ and developing, producing, and disseminating information products in the field of legislative and parliamentary activity that contain summaries, analyses, and comparative tables.¹⁴

The following services are the responsibility of the Passos Manuel Library:¹⁵

- a) Acquire, process and disseminate bibliographic, scientific and technical information, from abroad and from international organizations, in the various areas of knowledge, relevant to support parliamentary activity;
- b) Manage the Library's bibliographic collection and ensure its conservation and preservation;
- c) Manage the contents of library management databases and others within the scope of its activity;
- d) Participate, in articulation with the other competent organizational units, in the preparation of technical notes for legislative initiatives;
- e) Develop, produce and disseminate information products on matters of interest to parliamentary activity, namely with regard to the portals of parliamentary committees;
- f) Carry out all the necessary procedures for the acquisition of material in accordance with the users' needs;
- g) Acquire and disseminate information produced by the national media and, eventually, local, regional and international [media], which is considered of interest for the development of the activities of the Assembly of the Republic;
- h) Promote and collaborate in activities to disseminate the bibliographic heritage of the Assembly of the Republic, namely with regard to vintage books [*Livro Antigo*];
- i) Cooperate with other national and foreign institutions in matters of information sharing;

¹⁰ Id. art. 13(1)(e).

¹¹ Id. art. 13(2).

¹² Id. art. 14(1)(a).

¹³ Id. art. 14(1)(b).

¹⁴ Id. art. 14(1)(i).

¹⁵ After the Revolution of April 25, 1974, the Library was renamed the Library of the Assembly of the Republic. In 2017, it was renamed the Passos Manuel Library. *História, Parlamento, Assembleia da Republica*, <https://perma.cc/X9HM-NKXP>.

j) Preserve and make available the printed collection of the Gazette of the Assembly of the Republic and the Official Gazette of the Republic [*Diário da República*].¹⁶

The AHP ensures the management of the Assembly of the Republic's documentation (*expediente*).¹⁷ It also supports the organization of the archives pertaining to the Assembly of the Republic's current services.¹⁸ It defines methodologies to optimize the management of the Assembly of the Republic's documents, by developing necessary instruments to implement the increasing efficiency of producing, processing, and archiving such documents.¹⁹ It also incorporates documents produced by the services at the end of each legislature or after the administrative, legal, or evidential deadlines stipulated in the regulation for the management of archival documents and the respective table for document selection.²⁰

In addition, the AHP promotes the organization and description of the documents in its custody.²¹ It is charged with ensuring the conservation of all the documents to avoid physical degradation, misplacement, and unavailability.²² The AHP manages access to the documents in its custody and the communication of information conveyed by them.²³ It guarantees the security of the documents and the information contained therein according to the policy defined by the Assembly of the Republic and applicable legislation.²⁴

The Publications Division proposes, plans, and executes all processes relating to the editions of the Official Gazette of the Assembly of the Republic on the activity, history, and heritage of the Parliament, ensuring its scientific and editorial quality as well as its suitability for different audiences.²⁵ It oversees the graphic image of the Assembly of the Republic, carrying out the necessary design work to support parliamentary events and gazette editions,²⁶ and it secures the copyright to the editions of the Assembly of the Republic's gazette.²⁷

The Museological and Citizenship Division proposes preventive and curative conservation measures for the artistic and museological heritage of the Assembly of the Republic,²⁸ provides

¹⁶ Resolução da Assembleia da República No. 20/2004, de 16 de Fevereiro, as amended by Resolução da Assembleia da República No. 74/2018, de 20 de Março, art. 15.

¹⁷ Id. art. 16(a).

¹⁸ Id. art. 16(b).

¹⁹ Id. art. 16(c).

²⁰ Id. art. 16(d).

²¹ Id. art. 16(e).

²² Id. art. 16(f).

²³ Id. art. 16(h).

²⁴ Id. art. 16(k).

²⁵ Id. art. 17(a).

²⁶ Id. art. 17(b).

²⁷ Id. art. 17(f).

²⁸ Id. art. 18(e).

information on the Assembly of the Republic's artistic and heritage assets,²⁹ and organizes and maintains an information and reception center for citizens.³⁰

2. Regiment of the Assembly of the Republic

The Regiment of the Assembly of the Republic states that bills or proposed laws should be accompanied by studies, documents, and opinions that provide reasoning for the proposed legislation as well as the position of entities heard by the government in the process of approving such legislation.³¹ The Regiment also provides the requirements for documenting parliamentary committee meeting minutes, including that all committee meetings should be recorded without prejudice to their confidential nature when the law or committee regulations so require.³² These meeting minutes should indicate parliamentary committee members' absence or presence and the results of votes, among other things.³³

3. Decree-Law No. 103 of May 16, 2012

Decree-Law No. 103 of May 16, 2012, established the Directorate of the Book, Archives, and Libraries (*Direção-Geral do Livro, dos Arquivos e das Bibliotecas*, DGLAB), a directorate that merged the functions of the Directorate of the Book and Libraries with the Directorate of the Archives.³⁴ In the area of archives, the DGLAB is responsible for designing and implementing a national policy on archives and their management that meets the government's obligations in the domain of archival documentation (*património arquivístico*).³⁵ In addition, DGLAB is tasked with promoting the development and quality of a national network of archives to facilitate access to archival information.³⁶

4. Decree-Law No. 47 of March 3, 2004

Decree-Law No. 47 of March 3, 2004, defines the general regime of incorporation into public archives.³⁷ It states that documents of recognized historical or cultural importance, produced by private or public entities, are incorporated into the archives with the objective of preserving, defending, enhancing, and sharing these documents.³⁸ Decree-Law No. 47/2004 also details that documents produced by the government's central administration and its services should be

²⁹ Id. art. 18(g).

³⁰ Id. art. 18(h).

³¹ Regimento da Assembleia da República No. 1/2020, de 31 de Agosto, art. 124(3), <https://perma.cc/2ZDB-3KER>.

³² Id. art. 107(2).

³³ Id. art. 107(1).

³⁴ Decreto-Lei No. 103/2012, de 16 de Maio, pmbL., <https://perma.cc/G385-DAA3>.

³⁵ Id. art.2(3)(a).

³⁶ Id. art.2(3)(e).

³⁷ Decreto-Lei No. 47/2004, de 3 de Março, art. 1, <https://perma.cc/3XWR-X6N8>.

³⁸ Id. art. 2.

incorporated into the National Archive of Torre do Tombo (*Arquivo Nacional da Torre do Tombo*, ANTT).³⁹ Decree-Law No. 47/2004 states that, as determined by Decree-Law No. 16 of January 23, 1993, ANTT is the national archives management body.⁴⁰ Agencies or companies that have historical archives that offer public access and long-term preservation are exempt from sending archival materials to ANTT.⁴¹

5. Decree-Law No. 16 of January 23, 1993

Decree-Law No. 16 of January 23, 1993, establishes the general regime of archives and of archival heritage (*património arquivístico*).⁴² It states that the National Archives/Torre do Tombo (*os Arquivos Nacionais/Torre do Tombo*) is the management body responsible for implementing the national archival policy, under terms defined by law.⁴³ The national archives management consists of defining the principles and rules for collection, handling, classification, conservation, and enhancement of archival heritage.⁴⁴ This law also states that the government has a responsibility to promote the inventory of archival heritage and support the organization of archives, whatever their nature, as well as to guarantee, facilitate, and promote access to documentation held by public entities.⁴⁵ Decree-Law No. 16/93 defines the national archives as documentation predominantly gathered from central administration bodies or national institutions.⁴⁶ It is the responsibility of the originating services, in accordance with the adopted policy, to implement document management systems as well as guarantee and provide instruments, resources, and infrastructures to support the operation of these systems.⁴⁷

B. Coordination

1. Processing

DAPLEN provides specialized legal and administrative support to the president of the Assembly of the Republic, the Plenary, the Bureau of the Assembly (*Mesa da Assembleia*), and the permanent committee by providing all the necessary information and documentation for their respective activities.⁴⁸ DAPLEN also puts forward the preparation of deliberations, resolutions, decrees, and other documents for the signature of the president of the Assembly of the Republic.⁴⁹

³⁹ Id. art. 3(1)(a).

⁴⁰ Id. pmb.; Decreto-Lei No. 16/93, de 23 de Janeiro de 1993, art. 8, <https://perma.cc/G2CY-F4A6>.

⁴¹ Id. art. 3(2).

⁴² Decreto-Lei No. 16/93, de 23 de Janeiro de 1993, art. 1(1), <https://perma.cc/G2CY-F4A6>.

⁴³ Id. art. 8.

⁴⁴ Id. art. 7.

⁴⁵ Id. art. 2(2).

⁴⁶ Id. art. 9(a).

⁴⁷ Id. art. 14.

⁴⁸ Resolução da Assembleia da República No. 20/2004, art. 9(a).

⁴⁹ Id. art. 9(n).

2. Production

a. Technical Notes

DAC coordinates and participates in the preparation of technical notes for legislative initiatives with the other authoritative organization units.⁵⁰ The participants in this process of preparing technical notes for legislative initiatives are DAPLEN,⁵¹ DILP,⁵² and the Passos Manuel Library.⁵³ The services of the Assembly of the Republic prepare a technical note for each proposed project or bill.⁵⁴ When possible, the technical note should, among other things, analyze the bill's compliance with formal, constitutional, and regulatory requirements;⁵⁵ contain legal and academic frameworks about the legislative topic;⁵⁶ and identify other similar pending initiatives.⁵⁷ The technical note should be attached as an annex to the parliamentary committee's prepared opinion. It will accompany the legislative initiative throughout the legislative process.⁵⁸

b. Meetings, Minutes, and Transcriptions

DAC, in conjunction with the Editorial Division, registers committee and subcommittee meetings and identifies which work should be transcribed.⁵⁹ The Editorial Division converts into text the full recording of plenary meetings as well as meetings of the parliamentary inquiry committees (*comissões parlamentares de inquérito*); this text may then be transcribed and published in the Official Gazette of the Assembly of the Republic.⁶⁰

c. Other Informational Documents

DAC is also tasked with preparing solicited minutes, summaries, reports, and opinions.⁶¹ DILP prepares, produces, and diffuses information products that contain syntheses, analyses, and comparative frameworks,⁶² as mentioned in Section I.A. DILP also responds to information

⁵⁰ Id. art. 10(1)(b).

⁵¹ Id. art.9(l).

⁵² Id. art. 14(1)(g).

⁵³ Id. art. 15(d).

⁵⁴ Regimento da Assembleia da República No. 1/2020, art. 131(1).

⁵⁵ Id. art. 131(2)(a).

⁵⁶ Id. art. 131(2)(b).

⁵⁷ Id. art. 131(2)(c).

⁵⁸ Id. art. 131(4).

⁵⁹ Resolução da Assembleia da República No. 20/2004, art. 10(1)(n).

⁶⁰ Id. art. 11(b).

⁶¹ Id. art.10(1)(p).

⁶² Id. art. 14(1)(i).

requests about parliamentary and legislative activity from parliamentary groups, cabinets, and other national and foreign groups.⁶³

3. Publishing

a. Constitutional Principle

Article 119 of the Portuguese Constitution states that the following should be published in the Official Gazette:

- a) Constitutional laws;
- b) International conventions and the respective ratification notices, together with the rest of the notices in relation thereto;
- c) Laws, executive laws and regional legislative decrees;
- d) Decrees of the President of the Republic;
- e) Resolutions of the Assembly of the Republic and of the Legislative Assemblies of the autonomous regions;
- f) The Rules of Procedure of the Assembly of the Republic, the Council of State and the Legislative Assemblies of the autonomous regions;
- g) Decisions of the Constitutional Court, and other court decisions to which the law grants generally binding force;
- h) Regulatory decrees and other decrees and regulations issued by the Government, together with decrees of the Representatives of the Republic to the autonomous regions and regional regulatory decrees;
- i) The results of elections to or for entities that exercise sovereignty, organs of autonomous regions and local government organs, as well as to the European Parliament, and also the results of national and regional referenda.⁶⁴

Failure to publicize the acts provided for in subparagraphs (a) to (h) listed above and of any act with a generic content of entities that exercise sovereignty, organs of autonomous regions, and local government organs will cause them to be without legal effect.⁶⁵ The law must specify the forms in which other acts are to be publicized and the consequences of any failure to do so.⁶⁶

b. Official Gazette of the Republic

Decree-Law No. 263-A/76 of April 9, 1976, designates the Official Gazette of the Republic as the official gazette, which had previously been named the Official Gazette of the Government (*Diário*

⁶³ Id. art. 14(1)(l).

⁶⁴ Constituição da República Portuguesa, VII Revisão Constitucional [2005], art. 119(1), <https://perma.cc/5P3S-RUCE>.

⁶⁵ Id. art. 119(2).

⁶⁶ Id. art. 119(3).

do Governo).⁶⁷ Law No. 74/98 of November 11, 1998, establishes that the legal effectiveness of acts included in the Official Gazette of the Republic depends on their publication.⁶⁸ It also mandates that the Official Gazette of the Republic be distributed on the day corresponding to its date.⁶⁹ Decree Law No. 83/2016 of December 16, 2016, establishes universal and free access to the Official Gazette of the Republic as a public service.⁷⁰ It provides that the Official Gazette of the Republic is exclusively published electronically.⁷¹ The electronic version of the Official Gazette of the Republic is edited and made available by the National Press (*Imprensa Nacional-Casa da Moeda*, INCM)⁷² via the gazette's electronic portal.⁷³

The Official Gazette of the Republic has two series as outlined by Law No. 74/98.⁷⁴ The documents published in the first series include, but are not limited to, constitutional laws,⁷⁵ international conventions and the respective presidential decrees,⁷⁶ laws and decree-laws,⁷⁷ decrees from the president of the Republic,⁷⁸ and decisions and declarations of the Constitutional Tribunal.⁷⁹ The second series publishes any dispatches from the government,⁸⁰ results of local elections,⁸¹ and budgets for state services.⁸²

DAPLEN numbers, organizes, and sends laws, resolutions, and declarations to the INCM for publication in the first series of the Official Gazette of the Republic.⁸³ DAPLEN also works with the National Press to ensure that the documents comply with publication guidance.⁸⁴

⁶⁷ Decreto-Lei No. 263-A/76, de 9 de Abril, art. 1, <https://perma.cc/84X7-89T3>.

⁶⁸ Lei. No. 74/98, de 11 de Novembro de 1998, as amended by Lei No. 43/2014, de 11 de Novembro, art. 1(1), <https://perma.cc/LR6B-3XBC>.

⁶⁹ Id. art. 1(3).

⁷⁰ Decreto-Lei No. 83/2016, de 16 de Dezembro, as amended by Decreto-Lei No. 84/2019, de 28 de Junho, art. 1(1), <https://perma.cc/QQD6-5N88>.

⁷¹ Id. art. 2(1).

⁷² Diário da República, Imprensa Nacional-Casa da Moeda, <https://perma.cc/LM5J-224W>.

⁷³ Diário da República Eletrónico, <https://perma.cc/ZH8C-6FGU>.

⁷⁴ Lei. No. 74/98, art. 3(1).

⁷⁵ Id. art. 3(2)(a).

⁷⁶ Id. art. 3(2)(b).

⁷⁷ Id. art. 3(2)(c).

⁷⁸ Id. art. 3(2)(d).

⁷⁹ Id. art. 3(2)(h).

⁸⁰ Id. art. 3(3)(a).

⁸¹ Id. art. 3(3)(b).

⁸² Id. art. 3(3)(c).

⁸³ Resolução da Assembleia da República No. 20/2004, art. 9(q).

⁸⁴ Id. art. 9(r).

Any deputy or parliamentary group may request correction of the texts of acts published in the Official Gazette of the Republic, which is assessed by the president of the Assembly of the Republic, who, after notification by the Bureau of the Assembly, sends the text to the National Press within the time established for publishing corrections.⁸⁵

c. Official Gazette of the Assembly of the Republic

Resolution of the Assembly of the Republic No. 35/2007 of August 20, 2007, states that the Official Gazette of the Assembly of the Republic (*Diário da Assembleia da República*) is the official journal of the Assembly,⁸⁶ and that the gazette publishes two independent series.⁸⁷

The first and second series of the gazette are published exclusively and fully in electronic format on the Assembly of the Republic's internet portal.⁸⁸

The first series contains a complete, accurate account of what occurred in each plenary meeting.⁸⁹ It includes the start and end hours of meetings as well as members' attendance,⁹⁰ and the full record of statements and actions by the president of the Assembly of the Republic, deputies, or other meeting attendees.⁹¹ The first series can also include a summary mentioning topics discussed, an indication of discussion participants, and voting results as well as other elements the president of the Assembly of the Republic may deem necessary to include.⁹²

The second series includes the text of resolutions and deliberations and decrees, proposed bills, and legal opinions from parliamentary committees.⁹³ The second series also includes reports about parliamentary committees' activities in accordance with the Regiment, as well as the minutes of the parliamentary committees and hearings.⁹⁴ The text of votes, parliamentary inquiries, and requests for consideration of decree-laws are included in the second series.⁹⁵

Resolution No. 68/2003 of August 7, 2003, states that the first series of the Official Gazette of the Assembly of the Republic should be published exclusively in electronic form as of September 15, 2003.⁹⁶ Resolution No. 68/2003 also states that the second series of the gazette should stop being

⁸⁵ Regimento da Assembleia da República No. 1/2020, art. 115(2).

⁸⁶ Resolução da Assembleia da República No. 35/2007, de 20 de Agosto de 2007, art.1(1), <https://perma.cc/9AD6-852Q>.

⁸⁷ Id. art. 1(2).

⁸⁸ Id. art. 2(1).

⁸⁹ Id. art. 3(1).

⁹⁰ Id. art. 3(2)(a).

⁹¹ Id. art. 3(2)(b).

⁹² Id. art. 3(4).

⁹³ Id. art.5(1)(A).

⁹⁴ Id. art.5(1)(C).

⁹⁵ Id. art.5(1)(B).

⁹⁶ Resolução da Assembleia da República No. 68/2003, de 7 de Agosto, art. 1(1), <https://perma.cc/UK92-D33X>.

published in the traditional form and necessary measures should be adopted to ensure electronic publication in the shortest time frame.⁹⁷

Deputies and parliamentary groups as well as the offices and services of the Assembly of the Republic must deliver, simultaneously with a paper version, an electronic version of the documents detailing their parliamentary activity regarding the legislative process.⁹⁸

Rule No. 1/2020 also mentions that all documents and acts required to be published in the Official Gazette of the Assembly of the Republic should be available in real time on both the Parliament's website and intranet.⁹⁹

d. Databases

In conjunction with other services, the administration and uploading of database contents related to parliamentary and legislative activities is ensured by DAPLEN,¹⁰⁰ DAC,¹⁰¹ and DILP.¹⁰²

4. *Collecting*

The services prepare, edit, and deposit in the Passos Manuel Library and in the National Library four copies of a printed version of the two series of the Official Gazette of the Assembly of the Republic, prepared solely for this purpose.¹⁰³ The AHP collects documents produced at the end of each legislative session.¹⁰⁴

The INCM guarantees the sending, in electronic format, of the two series of the Official Gazette of the Republic, for the purposes of the digital public archive, to the National Library, National Archive of Torre do Tombo,¹⁰⁵ and other entities that are bound by this duty to file.¹⁰⁶

5. *Preservation*

In terms of preserving parliamentary documents, the Passos Manuel Library (discussed in Section II.A. below) preserves and makes available the printed collections of the Official Gazette of the Assembly of the Republic and the Official Gazette of the Republic.¹⁰⁷ The AHP is responsible for

⁹⁷ Id. art. 1(2).

⁹⁸ Id. art. 2(1).

⁹⁹ Regimento da Assembleia da República No. 1/2020, art. 113.

¹⁰⁰ Resolução da Assembleia da República No. 20/2004, art. 9(f).

¹⁰¹ Id. art. 10(1)(r).

¹⁰² Id. art. 14(1)(a).

¹⁰³ Resolução da Assembleia da República No. 35/2007, art. 2(3).

¹⁰⁴ Resolução da Assembleia da República No. 20/2004, art. 16(d).

¹⁰⁵ Decreto-Lei No. 47/2004, de 3 de Março, art. 3(1).

¹⁰⁶ Decreto-Lei No. 83/2016, de 16 de Dezembro, art. 4(2).

¹⁰⁷ Resolução da Assembleia da República No. 20/2004, art. 15(j).

following preservation guidance to ensure that documents do not physically deteriorate, become misplaced, or become unavailable.¹⁰⁸

6. Distribution

The Editorial Division and the Bureau of the Assembly of the Republic ensure the timely electronic publication of the Official Gazette of the Assembly of the Republic, guaranteeing its dissemination.¹⁰⁹

The Official Gazette of the Republic has an online version with universal and free access that includes the possibility of printing, downloading, and searching the content of acts published in the first and second series of the Gazette in electronic format.¹¹⁰

The AHP manages access to its documents and the communication of information conveyed by them.¹¹¹ It promotes and collaborates in activities to disseminate archival heritage.¹¹²

C. The Role of Parliamentary Committees, Offices, and Agencies

Permanent parliamentary committees are responsible for, among other things, assessing proposed bills, projects, changes to legislation, and treaties and agreements submitted to the Assembly and for producing relevant opinions (*pareceres*).¹¹³ They are also responsible for preparing reports on issues within their scope,¹¹⁴ and they present and approve projects for a vote.¹¹⁵

Specifically, parliamentary committees are responsible for approving their legal opinions and sending them to the president of the Assembly of the Republic within 30 days from the date of their admissibility.¹¹⁶ A legal opinion has four parts: considerations,¹¹⁷ the opinion of the deputy

¹⁰⁸ Id. art. 16(f).

¹⁰⁹ Id. art. 11(a).

¹¹⁰ Decreto-Lei No. 83/2016, de 16 de Dezembro, art. 3.

¹¹¹ Resolução da Assembleia da República No. 20/2004, art. 16(h).

¹¹² Id. art. 16(i).

¹¹³ Regimento da Assembleia da República No. 1/2020, art. 35(a).

¹¹⁴ Id. art. 35(i).

¹¹⁵ Id. art. 35(m).

¹¹⁶ Id. art. 136(1).

¹¹⁷ Id. art. 137(1)(a).

author,¹¹⁸ the conclusion,¹¹⁹ and annexes.¹²⁰ These legal opinions are published in the Official Gazette of the Assembly of the Republic.¹²¹

In addition, to gather more information to exercise their functions properly, parliamentary committees have the authority to request or conduct studies,¹²² hold hearings,¹²³ or consult specialists.¹²⁴ Documents, such as the legal opinions and technical notes that have been analyzed or are being analyzed by parliamentary committees, should be available on the parliamentary internet portal if they do not contain sensitive information.¹²⁵

Parliamentary committees are responsible for the final draft of bills that fall within their scope.¹²⁶ Once the preparation of the final draft text is concluded, the text is published in the Official Gazette of the Assembly of the Republic.¹²⁷

II. The Role of the National Library in the Parliamentary Document Process

A. Passos Manuel Library

The Passos Manuel Library, which serves as the parliamentary library,¹²⁸ develops, produces, and distributes informational reports about issues of interest for the parliamentary committees.¹²⁹ This library also acquires, processes, and distributes information in various knowledge areas, including bibliographic, scientific, and technical information, and foreign and international organization information, that supports parliamentary activities.¹³⁰ Additionally, the library follows all the necessary procedures to acquire different kinds of documents in accordance with users' needs.¹³¹

In addition, the library acquires and disseminates information produced by nationwide and, where appropriate, local, regional, and international organs of social communication considered of

¹¹⁸ Id. art. 137(1)(b).

¹¹⁹ Id. art. 137(1)(c).

¹²⁰ Id. art. 137(1)(d).

¹²¹ Id. art. 136(4).

¹²² Id. art. 103(1)(a).

¹²³ Id. art. 103(1)(d).

¹²⁴ Id. art. 103(1)(e).

¹²⁵ Id. art. 103(2).

¹²⁶ Id. art. 156(1).

¹²⁷ Id. art. 156(4).

¹²⁸ *História, Parlamento, Assembleia da Republica*, supra note 15.

¹²⁹ Resolução da Assembleia da República No. 20/2004, art. 15(e).

¹³⁰ Id. art. 15(a).

¹³¹ Id. art. 15(f).

interest in conducting the activities of the Assembly of the Republic.¹³² In terms of information sharing, the library cooperates with both national and foreign institutions.¹³³ The library also preserves and makes available a printed collection of a complete set of the Official Gazette of the Assembly of the Republic and the Official Gazette of the Republic.¹³⁴

Under the legal deposit regime, established by Law No. 77 of July 1, 1988, all services and organizations of the central, regional, and local administrations, as well as public entities and higher grade cooperative organizations (*organizações cooperativas de grau superior*), are obligated to send to the library a copy of all official and unofficial publications not intended for internal circulation.¹³⁵

B. National Library of Portugal

The National Library of Portugal (*Biblioteca Nacional de Portugal*) also collects and preserves printed copies of the Official Gazette of the Assembly of the Republic.¹³⁶ According to Decree-Law No. 78/2012, the National Library is a state central administrative service and has administrative autonomy.¹³⁷ The National Library's mission is to collect, process, and conserve culturally and historically important documents (*património documental português*) that are either in the Portuguese language or about Portugal.¹³⁸ Its objectives include receiving, processing, conserving, and providing access to documents covered by the legal deposit regime or other documents.¹³⁹

III. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Floor Proceedings

As mentioned in Section I.A., DAC, in conjunction with the Editorial Division, registers committee and subcommittee meetings and identifies which work should be transcribed for publication in the Official Gazette of the Assembly of the Republic,¹⁴⁰ as well as publication of plenary and parliamentary committee meetings.¹⁴¹

¹³² Id. art. 15(g).

¹³³ Id. art. 15(i).

¹³⁴ Id. art. 15(j).

¹³⁵ Lei No. 77/88, de 1 de novembro de 2021, as amended by Retificação No. 17/2021, de 04 de Junho, art. 53, <https://perma.cc/FT69-KJ6Y>.

¹³⁶ Resolução da Assembleia da República No. 35/2007, de 20 de Agosto de 2007, art. 2(3), <https://dre.pt/dre/detalhe/resolucao-assembleia-republica/35-2007-637186>.

¹³⁷ Decreto-Lei No. 78/2012, de 27 de Março de 2012, art. 1, <https://perma.cc/9GCU-FSUW>.

¹³⁸ Id. art. 2(1).

¹³⁹ Id. art. 2(2)(a).

¹⁴⁰ Resolução da Assembleia da República No. 20/2004, art. 10(1)(n).

¹⁴¹ Id. art. 11(b).

The Official Gazette of the Assembly of the Republic also registers and documents deputies' absences from plenary or parliamentary committee meetings if they are absent while representing the Assembly of the Republic somewhere else.¹⁴² Absences from plenary meetings are published in the internet portal of the Assembly of the Republic along with the respective nature of the justification, if any.¹⁴³ Deliberations in the Assembly of the Republic, Permanent Committee, and other settings are also transcribed and signed by the president of the Assembly of the Republic.¹⁴⁴ When they do not need to take the forms provided for in article 166 of the Constitution,¹⁴⁵ the deliberations follow regular numbering and are published in the second series of the Gazette.¹⁴⁶

B. Hearing Minutes

All committee meetings are recorded, without prejudice to their reserved character, when the law, bylaws or regulations of the committee so prescribe.¹⁴⁷ The DAC drafts solicited meeting minutes, summaries, reports, and opinions.¹⁴⁸ Meeting minutes of parliamentary committees include the roll call of members, summary of topic discussions, deputies' positions on issues, and the results of votes.¹⁴⁹ Minutes are published in the second series of the Official Gazette of the Assembly of the Republic.¹⁵⁰

C. Reports of Internal Legislative Branches

Legal opinions are published in the Official Gazette of the Assembly of the Republic.¹⁵¹ The parliamentary committee approves the opinion and sends it to the president of the Assembly of the Republic within 30 days of the date of its admissibility.¹⁵² Technical notes accompany legal opinions as an annex to the parliamentary committee's prepared opinion.¹⁵³

¹⁴² Regimento da Assembleia da República No. 1/2020, art. 56(3).

¹⁴³ Id. art. 56(2).

¹⁴⁴ Id. art. 116(1).

¹⁴⁵ Constituição da República Portuguesa, VII Revisão Constitucional [2005], art. 166.

¹⁴⁶ Regimento da Assembleia da República No. 1/2020, art. 116(2).

¹⁴⁷ Id. art. 107(2).

¹⁴⁸ Resolução da Assembleia da República No. 20/2004, art. 10(1)(p).

¹⁴⁹ Regimento da Assembleia da República No. 1/2020, art. 107(1).

¹⁵⁰ Resolução da Assembleia da República No. 35/2007, art. 5(1)(B)(C).

¹⁵¹ Regimento da Assembleia da República No. 1/2020, art. 136(4).

¹⁵² Id. art. 136(1).

¹⁵³ Id. art. 131(4).

All documents that are being analyzed or have been analyzed by parliamentary committees and do not contain sensitive material should be available on the Assembly of the Republic's portal on the internet.¹⁵⁴ These documents can include studies,¹⁵⁵ information,¹⁵⁶ and hearings.¹⁵⁷

Project teams are created when the realization of certain projects, given their inter-service or multidisciplinary nature, cannot be effectively pursued through the formal organizational structure.¹⁵⁸ Project teams consisting of public service technicians or including individuals who do not belong to the civil service are created by order of the president of the Assembly of the Republic, after obtaining the opinion of the Council of Administration.¹⁵⁹ The order creating the teams must have, among other things, their objectives,¹⁶⁰ a budget,¹⁶¹ and the determination of participating staff, institutions, and organizations or services to research the project.¹⁶² A copy of their final projects should be submitted to the parliamentary library.¹⁶³

IV. Information Sharing Among Legislative Agencies

Resolution No. 20/2004 references the use of integrated management instruments to support the principles of rationalizing and simplifying work methods and management flexibility to promote efficiency and service productivity.¹⁶⁴ In addition, these tools should support inter-parliamentary, international, and inter-institutional cooperation.¹⁶⁵ Under integrated management, the different services of the Assembly of the Republic can participate to define policies, develop program planning, and participate in actions of inter-parliamentary training and cooperation.¹⁶⁶

DILP and DAC cooperate to make available and verify statistical and analytical information related to parliamentary committee activities.¹⁶⁷ The parliamentary library is also responsible for cooperating with other national and foreign institutes to share information.¹⁶⁸

¹⁵⁴ Id. art. 103(2).

¹⁵⁵ Id. art. 103(1)(a).

¹⁵⁶ Id. art. 103(1)(b).

¹⁵⁷ Id. art. 103(1)(d).

¹⁵⁸ Resolução da Assembleia da República No. 20/2004, art. 39(1).

¹⁵⁹ Id. art. 39(2).

¹⁶⁰ Id. art. 39(3)(a).

¹⁶¹ Id. art. 39(3)(b).

¹⁶² Id. art. 39(3)(d).

¹⁶³ Id. art. 39(6).

¹⁶⁴ Id. arts. 3(1)(b), 36(1).

¹⁶⁵ Id. art. 3(1)(e).

¹⁶⁶ Id. art. 36(2).

¹⁶⁷ Id. art. 10(1)(t).

¹⁶⁸ Id. art. 15(i).

V. Users' Access to Parliamentary Documents

The Constitution of Portugal states that citizens have the right to access administrative archives and registers, notwithstanding concerns of internal and external security, criminal investigation, and individuals' privacy.¹⁶⁹

Resolution of the Assembly of the Republic No. 64 of July 10, 2014, which approves the Declaration for Parliamentary Openness and Transparency, recognizes parliamentary information as a public good that citizens can use and republish, with exceptions defined by law,¹⁷⁰ and states that this information should be freely accessible.¹⁷¹ It further determines that the Assembly of the Republic should ensure that complete parliamentary information is available to the public,¹⁷² and that it should attempt to update parliamentary information in real time.¹⁷³

The Assembly of the Republic should also adopt policies that promote transparency in parliamentary procedures as well as design and implement measures to ensure the proactive dissemination of parliamentary information.¹⁷⁴ When the Assembly of the Republic cannot immediately publish information, it should establish partnerships with civil society to guarantee widespread public access to information.¹⁷⁵ Additionally, the public should be informed of the parliamentary agenda, such as session programming, scheduled voting, and committee meetings.¹⁷⁶

The Assembly of the Republic should also publish on its website the full record transcriptions of plenary meetings, as well as the meetings' audio or video.¹⁷⁷ In addition, the Assembly of the Republic should make reports produced by or submitted to it available if the reports do not have legal restrictions.¹⁷⁸ The Assembly of the Republic should strengthen access to parliamentary information, such as debates, and ensure this information is digitized and permanently available to citizens free of legal or financial restrictions.¹⁷⁹ The Assembly of the Republic guarantees the public's access to the parliamentary library and all the historical information organized by the AHP.¹⁸⁰ Information should be available through various formats, including radio, printed

¹⁶⁹ Constituição da República Portuguesa, art. 268(2).

¹⁷⁰ Resolução da Assembleia da República No. 64/2014, de 10 de Julho, No. 1, <https://perma.cc/SY89-HJSQ>.

¹⁷¹ Id. No. 33.

¹⁷² Id. No. 10.

¹⁷³ Id. No. 11.

¹⁷⁴ Id. No. 13.

¹⁷⁵ Id.

¹⁷⁶ Id. No. 17.

¹⁷⁷ Id. No. 21.

¹⁷⁸ Id. No. 22.

¹⁷⁹ Id. No. 26.

¹⁸⁰ Id.

materials, and the internet or mobile technologies.¹⁸¹ The Assembly of the Republic and its plenary sessions are accessible in person and open to all citizens, subject to verifiable limitations on space and security.¹⁸²

VI. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

All parliamentary information included in the Official Gazette of the Assembly of the Republic should be available in real time on the Assembly of the Republic's internet and intranet.¹⁸³

Resolution No. 20/2004 states that the parliamentary services should collaborate to develop an information system to strengthen communication between the Assembly of the Republic and citizens, particularly through a digital strategy.¹⁸⁴

Resolution No. 64/2014 states that the use of Assembly of the Republic internet websites facilitates access to parliamentary information, regardless of geographical barriers.¹⁸⁵ Parliamentary information related to debates since the Constitution of 1822 to the present day has been digitized and is permanently available to citizens to use without legal or financial restrictions.¹⁸⁶

The AHP possesses all documentation related to parliamentary activity from 1821 to the present day.¹⁸⁷ Parliament also provides live and recorded broadcasts of parliamentary meetings and work in real time and through digital archives.¹⁸⁸

Furthermore, Resolution No. 64/2014 states that, to facilitate access, parliamentary documents should be collected and published through open software that can be read and processed by computers to ease the use and analysis of documents by citizens, civil society, the private sector, and other institutions or administrations, as long as the use of the information complies with legal and community obligations for reusing public sector information.¹⁸⁹

Search mechanisms should also ensure fast access to parliamentary information searched by citizens through the creation of databases that permit both simple and complex searches; this information will be available permanently at www.parlamento.pt.¹⁹⁰

¹⁸¹ Id. No. 27.

¹⁸² Id. No. 28.

¹⁸³ Regimento da Assembleia da República No. 1/2020, arts. 112(2), art. 113.

¹⁸⁴ Resolução da Assembleia da República No. 20/2004, art. 3(3).

¹⁸⁵ Resolução da Assembleia da República No. 64/2014, No. 31.

¹⁸⁶ Id. No. 26.

¹⁸⁷ *Fundos e coleções*, Parlamento, <https://perma.cc/4VAR-RZCK>.

¹⁸⁸ Resolução da Assembleia da República No. 64/2014, No. 30.

¹⁸⁹ Id. No. 34.

¹⁹⁰ Id. No. 39.

Assembly of the Republic websites should be maintained, and the Assembly of the Republic is committed to continued innovation and updating to improve interaction with voters on the digital formats.¹⁹¹

In 2016, Dispatch No. 26/XIII of June 9, 2016, created the Digital Parliament Working Group (*Grupo de Trabalho para o Parlamento Digital*).¹⁹² Among other things, the working group's functions included proposing suggestions for the restructuring of information available on Assembly of the Republic websites.¹⁹³ It also evaluated the possibility of better dissemination of parliamentary activity through new forms of digital communication employing new technologies to strengthen bidirectional communication between the Assembly of the Republic and citizens.¹⁹⁴

The working group was tasked with evaluating the implementation of Resolution of the Assembly of the Republic No. 64 of July 10, 2014, which is the Declaration for Parliamentary Openness and Transparency (discussed in Section V above).¹⁹⁵

Moreover, the working group was tasked with preparing a final report providing recommendations to better the quality of parliamentary democracy using new technologies, with the goal of bringing together citizens and the Parliament.¹⁹⁶

In 2018, the working group published its final report that provides a summary of innovation guidelines for the domain of a digital parliament as well as creation of the conditions for a more digitized parliament.¹⁹⁷

Some of the recommendations included the redesign of the Assembly of the Republic website to provide, in a more transparent and accessible way, the following:

- information on deputies and parliamentary activity in general,¹⁹⁸
- automatic downloading of information available to reuse on websites and apps by other institutions, researchers, and the public,¹⁹⁹
- creation of a Pool of Suggestions (*Bolsa de Sugestões*) intended to collect, on an informal basis, suggestions for political action by deputies that allows citizens to give their comments to

¹⁹¹ Id. No. 38.

¹⁹² Despacho No. 26/XIII, de 9 de Junho de 2016, Grupo de Trabalho para o Parlamento Digital, No. 1, <https://perma.cc/YE8C-SVG5>.

¹⁹³ Id. No. 6(II).

¹⁹⁴ Id. No. 6(III).

¹⁹⁵ Id. No. 6(I).

¹⁹⁶ Id. No. 9.

¹⁹⁷ Assembleia da República, Grupo de Trabalho Parlamento Digital, Relatório Final (Março 2018), Balanço dos Trabalhos, 2, <https://perma.cc/V5ZM-USYY>.

¹⁹⁸ Id. No. 1.

¹⁹⁹ Id. No. 2.

members in order to enhance their ability to participate in parliamentary debates or political oversight,²⁰⁰ and

- the reinforcement of the Assembly of the Republic's presence on social media, which is in line with the best practices existing in other parliaments.²⁰¹

The report states that, by the end of 2018, the Assembly of the Republic will have developed the necessary procedures to digitize its internal administrative document process completely by acquiring software and implementing a process of total digitization.²⁰² The report also states that implementing digitization of the legislative process and migrating and updating the technology for parliamentary activity should conclude by March 2019.²⁰³

In 2019, DGLAB published a report providing guidance to organizations to develop their plans for the digital preservation of documents.²⁰⁴

The plan details how organizations should initially develop a classification plan (*plano de classificação*) to allow the optimal application of a Digital Preservation Plan (*plano de preservação digital*, PPD).²⁰⁵ The classification plan should reflect the organization's activities and outline how to facilitate the retrieval of information relating to a function or activity, as well as define levels of protection and access of information to different groups.²⁰⁶ The plan also recommends a selection table (*tabela de seleção*) as a step for organizations to develop a PPD to determine the timelines for retaining, eliminating, or transferring information.²⁰⁷ The document also provides guidance on how to structure a PPD document with sections that, among other things, identify systems, evaluate information, and state a preservation strategy.²⁰⁸

²⁰⁰ Id. No. 3.2.

²⁰¹ Id. No. 5.

²⁰² Id. No. 9.1.

²⁰³ Id. No. 8.

²⁰⁴ Direção-Geral do Livro, dos Arquivos e das Bibliotecas, *Recomendações para a Produção de Planos de Preservação Digital*, (2ª Versão, 2019), No. 1.1, <https://perma.cc/A67L-7CSK>.

²⁰⁵ Id. No. 2.1.1.

²⁰⁶ Id.

²⁰⁷ Id. No. 2.1.2.

²⁰⁸ Id. No. 3.2.

Sweden

Elin Hofverberg
Foreign Law Specialist

SUMMARY The legislative body in Sweden is the Swedish Parliament (*Riksdag*). Documents produced as part of the legislative work, including documents by the parliamentary chamber, parliamentary committees, and the government, are archived by the Riksdag Administration. The National Archives stores older documents, produced by the two-chamber parliament (1867-1970). In addition, the National Library and the Parliamentary Library store and archive copies of legislative documents. Recent documents, starting with those registered on January 1, 2017, or later, are available and searchable directly on the parliamentary website. Older documents have been digitized and may be searched on the parliamentary website starting with documents from January 1, 1867. These documents may not be the complete series, however. Physical copies of all parliamentary documents dating back to 1521 are available in the National Library print collection. The National Library has also made available digitally certain documents that are related to parliamentary-like proceedings and activities, starting in 1521.

Most documents are accessible, free of charge, online. In-person access to certain older documents requires a library card from the National Library or the Parliamentary Library. The library cards are free of charge and available to all residents of Sweden.

I. Overview

The unicameral Swedish Parliament (*Riksdag*) is the legislative body in Sweden, directly elected by the people.¹ Members of Parliament elect the prime minister (head of government) who is elected unless a majority (175) of the members of parliament actively vote against him or her.²

The Swedish Parliament produces several different types of documents, including the following:

- reports and expert statements,
- petitions and statements,
- interpellations (formal questioning),
- chamber minutes,
- motions,
- propositions and letters,

¹ 1 kap. 1, 4 §§ Regeringsformen [RF] (Instrument of Government, Constitution) (SFS 1974:152), <https://perma.cc/C3BU-9CY9>.

² 6 kap. 4 RF.

- written questions,
- answers to written questions, and
- the Swedish Code of Statutes (*Svensk författningssamling*).³

Until 2014, documents produced by the Swedish Parliament were published in the parliamentary gazette, *Riksdag & Department*.⁴ The publication was discontinued in 2014, and these documents are now made available electronically on the parliamentary website.⁵

A. Legal Framework

The right to access public documents, including parliamentary documents, is guaranteed in the Swedish Constitution.⁶ The Swedish Constitution provides in 2 ch. 1 § of the Freedom of the Press Act that “[i]n order to promote free exchange of opinion, a free and comprehensive information, and free artistic creation, everyone shall have the right to access public documents.”⁷

The work of the Swedish Parliament is regulated in the Swedish Constitution and the *Riksdag Act*.⁸ As specified in the *Riksdag Act*, the *Riksdag Administration* (*Riksdagsförvaltningen*) regulates how parliamentary documents are archived and cared for.⁹ As specified in 14 ch. 2 § 5p. of the *Riksdag Act*, the *Riksdag Administration* may “decide on instructions and general guidelines on the registration of and weeding out of public documents and the management of archives and documents.” The *Riksdag Administration* has issued instructions on how documents produced by the Parliament must be archived.¹⁰ Parliament as well as parliamentary agencies must have a designated person who is responsible for submitting documents to the *Riksdag Administration* for archiving.¹¹ These persons, who include the speaker of the *Riksdag*, are responsible for

- document management, archiving and thinning of public documents kept within the archivist’s area of responsibility,
- notifying the registry of changes affecting the application of classification structures and document management plans,

³ *Dokumenttyper i Riksdagen*, Sveriges Riksdag, <https://perma.cc/KKH8-XL8Y> (translation by author).

⁴ Sveriges Riksdag, *Tidningen Riksdag & Departement*, Konstitutionsutskottets betänkande 2013/14:KU33 (May 7, 2014), <https://perma.cc/G3L5-U39Y>.

⁵ Konstitutionsutskottets betänkande 2013/14:KU33, <https://perma.cc/N684-FKUZ>.

⁶ 2 kap. 1 § RF; 2 kap. 1 § Tryckfrihetsförordningen [TF] (Constitution, Freedom of the Press Act) (SFS 1949:105), <https://perma.cc/2DWE-85J7>.

⁷ 14 kap. 2 § RO; Lag med instruktion för Riksdagsförvaltningen (SFS 2011:745), <https://perma.cc/2EJG-8HFL>.

⁸ 4 kap. RF; Riksdagsordningen [RO] (*Riksdag Act*) (SFS 2014:801), <https://perma.cc/BH4D-QZVT> (original), <https://perma.cc/MH2W-WU8X> (unofficial English translation).

⁹ *Riksdagsförvaltningen*, Sveriges Riksdag, <https://perma.cc/EKY2-YQYU>.

¹⁰ Riksdagsstyrelsens föreskrift om registrering och arkiv för riksdagen och dess organ (RFS 2014:3), <https://perma.cc/6FGP-BJL5>.

¹¹ Id. 12 §.

- ensuring that archive management is carried out in accordance with current regulations, and
- appointing archivists who are responsible for archiving and the practical archive management within their area of responsibility.¹²

The instruction also specifies how and when documents produced by Parliament or one of its agencies must be delivered to the Riksdag Registry (*Diariet*), which is part of the Riksdag Administration.¹³ These instructions includes timing requirements that differ depending on document type as well as organizational requirements, as per specified instructions by the Riksdag Registry.¹⁴ The Riksdag Registry may also work together with the National Archive to archive older material.¹⁵ All older documents from the two-chamber parliament are stored with the National Archives (*Riksarkivet*).¹⁶

In addition to those public documents that must be archived by the Riksdag Administration, the registry may also accept documents that pertain to a current or former member of Parliament's work, as well as materials from staff, associations, and interest organizations that are associated with Parliament.¹⁷

Moreover, the Riksdag Administration is responsible for the maintenance of the parliamentary website, as well as the registration of legislative documents.¹⁸

All legislation adopted by Parliament must be shared, free of charge, with municipalities, regional councils, and municipal libraries.¹⁹

B. Coordination

We were unable to find any information about direct coordination among parliamentary offices.

C. The Role of Parliamentary Committees, Offices (Including Members' Offices) and Agencies

The Swedish Parliament currently has 15 standing parliamentary committees, of which three are constitutionally mandated.²⁰ The role of the committees is to prepare legislation in their

¹² Id. 13 §.

¹³ Id. 20-21 §§.

¹⁴ Id. 20-21 §§.

¹⁵ Id. 24 §.

¹⁶ Riksarkivet, *Tvåkammarriksdagen*, <https://perma.cc/BR97-BSKH>.

¹⁷ 22 § Riksdagsstyrelsens föreskrift om registrering och arkiv för riksdagen och dess organ.

¹⁸ *Organisation*, Sveriges Riksdag, <https://perma.cc/ULP5-VQ74>.

¹⁹ 7 § Författningssamlingsförordningen (SFS 1976:725), <https://perma.cc/4E49-9NPK>.

²⁰ 7 kap. 2 § RO.

respective areas of expertise.²¹ They have no explicit role in archiving official documents other than complying with the archiving requirements and ensuring that all public documents are registered and archived with the official registry.²²

Not all documents received by the parliamentary offices are public documents, however. For example, letters received by individual members of the Parliament do not qualify as public documents and are not processed or saved by the official parliamentary registry.²³

II. The Role of the National and Parliamentary Libraries in the Parliamentary Document Process

The National Library of Sweden is the *Kungliga biblioteket*. Its purpose is to “promote the quality of Swedish research and a democratic development of society by providing source material and an efficient research infrastructure.”²⁴ The National Library refers to itself as “society’s memory” on its website.²⁵

The Parliament Library (*Riksdagsbiblioteket*) is part of the Riksdag Administration and describes itself as a “special library in social sciences and law. The Riksdag’s own source of knowledge, part of democracy and open to all.”²⁶ It holds all parliamentary documents (*riksdagstryck*) from 1867 onward.²⁷

The National Library and the Parliamentary Library are not the official repository of current parliamentary documents. Under Swedish law, both libraries must receive copies of all written and audiovisual products from all “Swedish Government agencies.”²⁸ However, this does not include parliamentary documents. A government proposal to include all parliamentary documents was withdrawn following comments from the Law Council in 2011.²⁹ However, the National Library collects copies of some documents, such as parliamentary letters (*riksdagsskrivelser*), whereas the Parliamentary Library holds copies of all current *riksdagstryck*.³⁰ Older parliamentary documents (*riksdags protokoll*) are available digitally only from the National Library.³¹

²¹ 4 kap. 5 § RF.

²² *Allmänna handlingar*, Sveriges Riksdag, <https://perma.cc/VSY3-S6WX>.

²³ Id.

²⁴ 1 § Förordning med instruktion för Kungl. Biblioteket (SFS 2008:1421), <https://perma.cc/JB3M-KKKA>.

²⁵ *Sveriges Nationalbibliotek Samhällets Minne*, Kungliga biblioteket, <https://perma.cc/3QGT-EJR5>.

²⁶ *Besök Biblioteket*, Sveriges Riksdag, <https://perma.cc/LM3R-RL39>.

²⁷ *Riksdagstryck, lagar och förarbeten*, Riksdagsbiblioteket, <https://perma.cc/LVA2-2J79>.

²⁸ 2 § Förordning om statliga myndigheters skyldighet att leverera skrifter till Kungl. biblioteket och Riksdagsbiblioteket (SFS 1988:377), <https://perma.cc/FH8C-M364>.

²⁹ Prop. 2011/12:121 Leveransplikt för elektroniskt material, 62, <https://perma.cc/MW6J-GPQ6>.

³⁰ *Riksdagstryck, lagar och förarbeten*, Riksdagsbiblioteket.

³¹ *Digitaliserat Riksdagstryck 1521-1970*, Kungliga Biblioteket, <https://perma.cc/86GQ-JSVC>; *Ständsriksdagen 1521-1866*, Kungliga Biblioteket, <https://perma.cc/8W6C-6B8R>.

III. Special Procedures for Handling Particular Types of Parliamentary Documents

A. Parliamentary Documents

As mentioned in Section I, there are several different types of documents produced by the Swedish Parliament.³² The following documents are available on the parliamentary website, covering the time period indicated:

- propositions and letters 1867–present,
- motions 1867–present,
- petitions and accounts 1867–present,
- committee reports and opinions 1867–present,
- protocols 1867–present,
- voting records 2002/03–present,
- parliamentary letters 1867–1970, 2004/05–present,
- written questions 1998–present,
- interpellations 1999–present, and
- KU charges 2002–present.³³

These documents must also be archived with the Riksdag Administration.³⁴

B. Legislative Agencies

While the Swedish Parliament is the only body that may pass legislation, a number of government agencies may pass regulations (*förordningar*). All such regulations must be registered in the official gazette, the Swedish Code of Statutes (*Svensk författningssamling*),³⁵ and shared, free of charge, with municipalities, regional councils, and municipal libraries.³⁶ However, the parliamentary agencies are not subject to the general duty to share all electronic material with the National Library.³⁷

The rules for document management and archiving apply to the following parliamentary agencies and boards:

³² *Dokumenttyper i Riksdagen*, Sveriges Riksdag, <https://perma.cc/KKH8-XL8Y>.

³³ Id. (Translation by author.)

³⁴ 20-21 §§ Riksdagsstyrelsens föreskrift om registrering och arkiv för riksdagen och dess organ.

³⁵ *Svensk författningssamling*, <https://perma.cc/U5WX-UEJE>; Ds. 1998:4 Myndigheternas föreskrifter, <https://perma.cc/T9YF-Z93G>.

³⁶ 7 § Författningssamlingsförordningen.

³⁷ Prop. 2011/12:121 Leveransplikt för elektroniskt material, 62, <https://perma.cc/MW6J-GPQ6>; 2 § Förordning om pliktexemplar av elektroniskt material (SFS 2012:866), <https://perma.cc/U3S6-7P5W>.

- Parliamentary Ombudsmen (JO),
- National Audit Office,
- Swedish Central Bank (*Riksbank*),
- Board for the Remuneration of the Parliamentary Ombudsmen and the Auditors General,
- Board for Financial Support to Political Parties,
- Riksdag Disciplinary Board,
- Riksdag Remunerations Board,
- Riksdag Appeals Board,
- Ministerial Remunerations Board,
- Election Review Board,
- Advisory Council on Foreign Affairs,
- War Delegation, and
- Board for the Examination of Transitional Restrictions for Ministers and State Secretaries.³⁸

IV. Information Sharing Among Legislative Agencies

We were unable to find any data about information sharing among legislative agencies.

V. Users' Access to Parliamentary Documents

Parliamentary documents are accessible through the National Library, the Parliamentary Library, or directly on the Swedish Parliament website.³⁹ All documents that have been registered with the *Diariet* of the Riksdag Administration starting from January 1, 2017, are accessible in electronic format either by searching online (under *Diariet*) or through a request procedure.⁴⁰ Older documents can be accessed digitally using a special link on the Parliament website.⁴¹ That page includes documents produced between January 1, 1867, and December 31, 1970.⁴² Certain documents, including handwritten older legislative materials, can only be accessed in print and in person by accessing the National Library's special collections.⁴³

³⁸ *Riksdagens Myndigheter och Nämnder*, Sveriges Riksdag, <https://perma.cc/4K5H-N4ES>.

³⁹ *Dokument & Lagar*, Sveriges Riksdag, <https://perma.cc/N59H-39C9>.

⁴⁰ *Diariet*, Sveriges Riksdag, <https://perma.cc/JVZ5-CK7W>.

⁴¹ The link goes to <https://www.riksdagen.se/sv/dokument-lagar/?datum=1867-01-01&tom=1970-12-31&q=&st=2&doktyp=bet,frsrdg,prot,mot,prop,rfs,rskr,reg> (*Dokument & Lagar*, Sveriges Riksdag, showing results for between Jan. 1, 1867, and Dec. 31, 1970, <https://perma.cc/5FT4-CRBE>), available under *Genvägar* (short cuts) at <https://www.riksdagen.se/sv/dokument-lagar/>.

⁴² *Dokument & Lagar*, Sveriges Riksdag, showing results for between Jan. 1, 1867, and Dec. 31, 1970, *supra* note 41.

⁴³ *Handskrifter*, Kungliga Biblioteket, <https://perma.cc/V5JC-D68A>.

To access print-only materials at the Parliamentary Library, individuals need a library card, which can be obtained free of charge.⁴⁴ Similarly, to access the print parliamentary holdings at the National Library, one must first acquire a library card, free of charge.⁴⁵

VI. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

Most parliamentary documents published by the unicameral parliament (starting in 1971) are accessible digitally on the parliamentary website by searching or browsing by, among other things, type of document or year of publication.⁴⁶ In addition, documents from the two-chamber parliament (1867-1970) are directly available electronically on the Swedish Parliament website,⁴⁷ and the National Library provides a digital index of parliamentary protocols from this period.⁴⁸

The National Library has digitized older parliamentary documents covering the 1521 to 1866 period,⁴⁹ i.e., the period that predates the documents available on the parliament website. The parliamentary library links directly to this page from its website.⁵⁰ The digitized material includes early parliament meetings and meetings that were similar to parliamentary meetings.⁵¹

⁴⁴ *Request and Borrow*, Riksdag Library, <https://perma.cc/F7PF-FU9Q>.

⁴⁵ *Beställ och Låna*, Kungliga Biblioteket, <https://perma.cc/KJS2-HGDG>; *Ansök om att bli Låntagare på Kungliga biblioteket*, Kungliga biblioteket, <https://perma.cc/N645-H9N8>.

⁴⁶ *Dokument & Lagar*, Sveriges Riksdag, supra note 39.

⁴⁷ *Dokument & Lagar*, Sveriges Riksdag, showing results for between Jan. 1, 1867, and Dec. 31, 1970, supra note 41.

⁴⁸ *Digitaliserat Riksdagstryck för Tvåkammarriksdagen 1867-1970 (kb.se)*, Kungliga Biblioteket, <https://perma.cc/L9JG-MZ9M>.

⁴⁹ *Digitaliserat Riksdagstryck 1521-1970*, Kungliga Biblioteket, <https://perma.cc/86GQ-JSVC>; *Ståndsriksdagen 1521-1866*, Kungliga Biblioteket, <https://perma.cc/8W6C-6B8R>.

⁵⁰ *Riksdagstryck, Lagar och Förarbeten*, Riksdagsbiblioteket, <https://perma.cc/UDQ8-QAAQ>.

⁵¹ *Ståndsriksdagens Dokument 1521-1866*, Kungliga Biblioteket, <https://perma.cc/YXR3-4QPW>; *Ståndsriksdagen 1521-1866*, Kungliga Biblioteket, <https://perma.cc/8W6C-6B8R>.

United Kingdom

Clare Feikert-Ahalt
Senior Foreign Law Specialist

SUMMARY A variety of laws and conventions govern the lifecycle of parliamentary documents in the United Kingdom (UK). There is a wide range of parliamentary documents that have different procedures that attach to them. The key bodies involved in the production, publishing and preservation of these documents include the Vote Office, the Parliamentary Archives and the British Library.

The Controller of Her Majesty's Stationery Office, who is also the Queen's Printer, is an official who operates from within the National Archives and is responsible for a wide range of duties, including setting standards and the overseeing the publication of legislation, statutory notices, and parliamentary papers.

The Parliamentary Archives is the custodian of publications of Parliament. It works to preserve the digital and paper records of Parliament. In addition, the British Library receives publications through the Legal Deposit Libraries Act 2003, which requires publishers to deposit materials in the British Library. Parliament is not excused from this duty and must deposit print copies and, where an agreement is in place, electronic copies of its papers. Moreover, the National Archives is both the official publisher and the official archive for the UK. It is responsible for ensuring the records of Parliament are safeguarded through their lifecycle and remain accessible, regardless of format, for future generations. These agencies have been actively engaged in ensuring that digital records are not only preserved, but also archived in a form that is accessible to future generations.

I. Overview

The United Kingdom of Great Britain and Northern Ireland (UK) is the collective name of four countries—England, Wales, Scotland, and Northern Ireland.¹ The four separate countries were united under a single Parliament in London through a series of Acts of Union.² The UK has undergone a period of devolution with the creation of a Scottish Parliament, a National Assembly in Wales, and an Assembly in Northern Ireland. The UK has a bicameral parliament consisting of the House of Lords (the upper house composed of both hereditary and life peers³) and the House of Commons (the elected lower house).

¹ This report will focus on the collection and preservation of parliamentary document process from the Parliament at Westminster.

² Stat. Wallie 1284, 12 Edw. 1 (repealed); Union with Scotland Act 1706, 6 Ann c. 11, as amended; Union with Ireland Act 1800, 38 & 40 Geo. 3 c. 67; Government of Ireland Act 1920, 10 & 11 Geo. 5 c. 67 (repealed), <https://perma.cc/F2S6-ZX5S>.

³ See House of Lords Act 1999, c. 34, <https://perma.cc/485K-VQLR>. This Act provided for the gradual abolishment of hereditary peers.

A. Types of Parliamentary Documents

There are numerous forms of parliamentary documents in the UK. These include working papers of Parliament that encompass bills and Hansard, the written record of Parliament; papers and reports that are produced by Parliament and its committees such as select committee reports and standing orders (the rules that govern the conduct of business in both chambers); and papers presented to Parliament from outside bodies, such as annual reports of government departments, reports from inquiries, and reports from the National Audit Office.

Erskine May's *Parliamentary Practice*, a leading treatise on the workings of Parliament, describes a class of documents as parliamentary papers and divides these papers into four categories:

- business papers, which record debates and decisions and set out future business;
- bills and associated documents;
- papers laid before Parliament by external bodies, such as government departments, often in accordance with statute or at the request of one or the other House; and
- papers reported to Parliament by committees or others within Parliament to whom one or both Houses have delegated particular responsibilities.⁴

The National Archives states that the term “parliamentary papers” refers to documents that are laid before (that is, formally presented to) Parliament.⁵ The online provider of government documents, the website gov.uk, which is administered under the auspices of the National Archives, refers to three types of “official documents”: Command Papers, House of Commons Papers, and un-numbered Act Papers.⁶

There are a number of Acts of Parliament that require papers to be laid before either the House of Commons, House of Lords, or both. These are referred to as Act Papers, and they differ from Command Papers, which are laid by command of the government. A paper cannot be laid as both an Act Paper and a Command Paper, and it is the responsibility of the government organization laying the paper to ensure that it is done by the correct authority.⁷

After a paper has been laid before the chamber, it appears in the Appendix to the Votes and Proceedings, which is published overnight at the end of each sitting day. The Votes and Proceedings is the formal legal record of what happens in the House of Commons.⁸ The Votes and Proceedings is later compiled into the Journals of the House of Commons, which are the “permanent official record of the proceedings of the House.”⁹ The Journals of the House of Lords

⁴ Erskine May, *Parliamentary Practice* ¶ 7.1, <https://perma.cc/9P82-FGE9>.

⁵ The National Archives, *Parliamentary Papers Guidance* 5 (last updated Sept. 2015), <https://perma.cc/G6DJ-57ZY>.

⁶ *Id.* at 23.

⁷ House of Commons Journal Office, *Guide to Laying Papers* ¶ 9 (Aug. 2017), <https://perma.cc/U8WP-CCKD>.

⁸ *Id.* ¶ 8.

⁹ Erskine May, *supra* note 4, ¶ 7.15.

are compiled from the Minutes of Proceedings that occur in that chamber.¹⁰ It is considered discourteous to publish papers before a copy has been laid before the House, although the same version of any Command or House of Commons paper must be published on gov.uk on the same day it is laid before Parliament.¹¹

There are a few organizations, such as the National Audit Office, the Electoral Commission, the House of Commons, and the House of Lords, that produce House of Commons papers and un-numbered Act and un-numbered Command Papers. These organizations are not permitted to publish these papers on gov.uk, “because in the context of gov.uk they are not considered to be government organisations.”¹²

Deposited papers do not appear to be included in the categories of documents above. Deposited papers are parliamentary documents that are put in either the House of Commons Library or the House of Lords Library, typically in response to a request for information from a Member of Parliament (MP) or peer. They are separate from parliamentary papers that are laid before Parliament.¹³ Deposited papers tend to be more technical or informational in nature, and can include data tables, correspondence, maps and research findings. The House of Commons and House of Lords libraries holds deposited papers in a joint series and number them chronologically throughout the year.¹⁴ These documents have been available in digital form to the public since 2007.¹⁵

B. Legal framework

A wide variety of legislation and conventions dictate how parliamentary documents are handled.

1. *Laying Documents Before Parliament*

What constitutes laying a document before Parliament was clarified in the Laying of Documents Before Parliament (Interpretation) Act 1948.¹⁶ This law provides that documents are properly laid if done so during the existence of a Parliament and the procedures established in a standing order

¹⁰ Id. ¶ 7.16.

¹¹ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 23.

¹² Id. at 25. Excepted organizations are the National Audit Office; Electoral Commission; Local Government Boundary Commission England; Independent Parliamentary Standards Authority; House of Commons and House of Lords; and medical professional bodies that are overseen by the Privy Council Office.

¹³ *About Deposited Papers*, UK Parliament, <https://perma.cc/7CFN-FD8K>.

¹⁴ Id.

¹⁵ Deposited papers from 2007 are available in digital form to online users and papers deposited between the years 1987-2006 have been digitized and are also available online from the UK Parliament website. Papers prior to that date are available in hard copy and can be requested to be viewed in the Parliamentary Archives. *Parliamentary Archives*, UK Parliament, <https://perma.cc/RYJ6-CK5C>.

¹⁶ Laying of Documents Before Parliament (Interpretation) Act 1948, 11 & 12 Geo. 6, c. 59, <https://perma.cc/C97L-JQSS>.

or sessional order are followed, or if it is done at the direction of a chamber, or if it is done in a manner that follows the accepted practice for doing so.¹⁷

In the House of Commons, Standing Orders 158 to 159, and in the House of Lords, Standing Order 69, provide that delivering a copy of a Command Paper or statutory instrument to the Votes and Proceedings Office on any day during the existence of Parliament constitutes laying the document.¹⁸ Laying the document before Parliament is typically done by the parliamentary clerk of the government department responsible for producing the paper, who formally presents the document and lays it upon the Table of the House.¹⁹ The purpose of this is to make the information in the papers available to the House and its Members, who may go to see the document as soon as it is laid.²⁰ This ensures the “general principle that the House should have before it the information, including documents, necessary to enable it to fulfil its responsibility to scrutinise and hold to account the conduct and administration of government”²¹ can be met.

In addition to parliamentary papers, there are some Acts that require statutory instruments, which are secondary legislation such as regulations, to be laid before Parliament. When this obligation must be fulfilled, the Statutory Instruments Act 1946 requires a copy to be laid before each House.²²

2. Legal Deposit

As a general matter of the law of legal deposit, every work published in the UK must be deposited with the British Library within a month of publication, and upon demand, copies must also be provided to the other legal deposit libraries in the UK.²³ Since 2013, this requirement has included non-print materials, such as websites and electronic publications.²⁴ Parliamentary documents are not exempt from this legal obligation and thus are deposited with the British Library.

¹⁷ Id. art. 1(I).

¹⁸ House of Commons, *Standing Orders*, 2019-20, HC 314, <https://perma.cc/B3D5-49W7>; *Standing Orders of the House of Lords*, 2020-21, HL 232, <https://perma.cc/Q6YP-3SR9>.

¹⁹ Erskine May, *supra* note 4, ¶ 7.28. See also The National Archives, *Parliamentary Papers Guidance*, *supra* note 5, at 23.

²⁰ House of Commons Journal Office, *Guide to Laying Papers*, *supra* note 7, ¶ 7. See also 490 Parl. Deb. HC (6th ser.) (2009) col. 307, <https://perma.cc/CL5W-AR3H>.

²¹ Erskine May, *supra* note 4, ¶ 21.26, <https://perma.cc/38WQ-6X32>.

²² Statutory Instruments Act 1946, 9 & 10 Geo. 6, c. 36, <https://perma.cc/7FR5-97XG>.

²³ The legal deposit libraries are The British Library; The National Library of Scotland, Edinburgh; The National Library of Wales, Aberystwyth; the Bodleian Library, Oxford; the University Library, Cambridge; and the Library of Trinity College, Dublin. The Library of Queen’s University, Belfast, is not a Legal Deposit Library under the terms of the Legal Deposit Libraries Act but it is treated as one for official publications in Northern Ireland.

²⁴ Legal Deposit Libraries Act 2003, c. 28, <https://perma.cc/Q3YF-LBGU>.

3. *Public Records Act*

The Public Records Office Act was enacted in 1838 to provide for the safekeeping of public records.²⁵ It originally only covered legal documents, and placed these documents in a non-ministerial department under the Master of the Rolls as the keeper of records.²⁶ The Public Records Act 1958 was enacted and extended the remit of public records to:

administrative and departmental records belonging to Her Majesty, whether in the United Kingdom or elsewhere, in right of Her Majesty's Government in the United Kingdom and, in particular, –

(a) records of, or held in, any department of Her Majesty's Government in the United Kingdom, or

(b) records of any office, commission or other body or establishment whatsoever under Her Majesty's Government in the United Kingdom, shall be public records.²⁷

Parliamentary records do not appear to fall under the definition of public records contained in this Act, which places the duty on government departments and offices to manage their records. To comply with this duty, each department appoints a record officer who is responsible for all public records produced by the department. The record officers work with the information management department of the National Archives to select the records that should be permanently preserved, ensure the records are prepared to archival standards, and prepare finding aids. The information management department also “advises other government departments on good record keeping, and promotes the effective and efficient management of records across government.”²⁸

Scotland and Northern Ireland have their own national record offices. In Scotland, the National Archives of Scotland holds records of courts and government departments that are wholly or mostly concerned with Scottish affairs.²⁹ The Public Record Office of Northern Ireland contains the records of the courts and government departments for Northern Ireland.³⁰

4. *Standing Orders*

Standing Orders of the House require a number of papers and bills to be printed and, in some circumstances, deposited in the Vote Office and Private Bill Office.³¹

²⁵ Public Record Office Act 1838, 1 & 2 Vict. c. 94.

²⁶ *History of the Public Records Acts*, The National Archives, <https://perma.cc/XL7H-SWYF>.

²⁷ Public Records Act 1958, c. 51, sched. 2, <https://perma.cc/4S2J-9GZN>.

²⁸ *The Public Records System*, The National Archives, <https://perma.cc/SSX9-D28Y>.

²⁹ Public Records (Scotland) Act 1937, 1 Edw. 8 & 1 Geo. 6, c. 43, <https://perma.cc/KNT6-5LD5>; Public Records (Scotland) Act 2011, asp. 12, <https://perma.cc/KVQ2-MRVT>.

³⁰ Public Records Act (Northern Ireland) 1923, c. 20, <https://perma.cc/M59D-KP2D>.

³¹ See, for example, House of Commons, *Standing Orders: Public Business 2019, 2019-20*, HC 314, Order 57, <https://perma.cc/R52P-CH4C>; House of Commons, *Standing Orders of the House of Commons: Private Business 2017, 2017-18*, Order 38, <https://perma.cc/4FRU-YMMJ>; House of Lords, *Standing Orders of the House of Lords, Public Business, 2020-21*, HL 232, Order 49, <https://perma.cc/K467-P46S>.

5. *Copyright, Designs and Patents Act 1988*

The Copyright, Designs & Patents Act 1988 provides for both Parliamentary and Crown copyright, which exists in the majority of content and websites produced by Parliament and the government.³² Parliamentary copyright is managed by the National Archives, and exists in work made by or under the direction of the House of Commons or House of Lords, including documents, sound recording, film, and live broadcasts of the proceedings of both Houses. Parliamentary copyright exists in bills, but once they receive Royal Assent and are enacted into law, they are then protected by Crown copyright.

However, items subject to Parliamentary copyright are typically governed by the Open Government License, which permits the distribution, copying, publishing and transmittal of this material by third parties, either commercially or non-commercially.³³ In cases where Parliamentary or Crown copyright does not exist, or the Open Government License is used, the National Archives encourages organizations that have their own copyright to reference the Open Government License in the copyright statement. This provides that information is available for use and re-use subject only to limited conditions.³⁴

The Controller of Her Majesty's Stationery Office, who is also the Queen's Printer, is an official who operates from within The National Archives. The Controller is responsible under a Letters Patent for managing copyright on the Crown's behalf. Its responsibilities include setting the standards and overseeing the publication of certain government documents,³⁵ such as legislation, statutory notices, and parliamentary papers such as Command and House of Commons papers.

6. *Data Protection Act 1998 and Freedom of Information Act 2000*

The Data Protection Act 1998³⁶ and the Freedom of Information Act 2000³⁷ are important pieces of legislation regarding parliamentary documents and records. The Keeper of Public Records (the National Archives) is required to enable the public to inspect and obtain copies of public records that must be disclosed under the Freedom of Information Act.³⁸ Parliament and its departments must also comply with obligations created by the legislation and related codes of practice.³⁹

³² Copyright, Designs & Patents Act 1988, c. 48, § 163, <https://perma.cc/L2YD-N9QX>.

³³ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 22.

³⁴ Id. See also *Open Government License for Public Sector Information*, The National Archives, <https://perma.cc/43BL-SRRS>.

³⁵ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 3.

³⁶ Data Protection Act 2018, c. 12, <https://perma.cc/U8MF-SCT4>.

³⁷ Freedom of Information Act 2000, c. 36, <https://perma.cc/PB5N-KPGS>.

³⁸ Public Records Act 1958, c. 51 § 5.

³⁹ *Code of Practice on the Management of Records Issued under Section 46 of the Freedom of Information Act 2000*, <https://perma.cc/F9X8-CBQ9>.

Compliance with these obligations “is underpinned by effective information and records management.”⁴⁰

C. Coordination

The Government department responsible for creating the parliamentary paper is also responsible for ensuring that, where necessary, it is laid before Parliament and, in all cases, correctly published on gov.uk.⁴¹ As noted above, the paper must be laid in the Journal Office before it is published online.⁴² The majority of parliamentary papers are published under a contract that is managed by the National Archives.⁴³

The National Archives is responsible “for ensuring that services for the production of these documents are available to government organisations. The services are currently provided through the cross-government Print Vendor Partner Contract, managed by the Crown Commercial Service.”⁴⁴ The National Archives has produced extensive guidance as to how papers should be produced and numbered.⁴⁵

In addition to the National Archives, there are a number of government organizations that provide assistance to those producing a parliamentary paper:

- Government Communication Service, which is part of the Cabinet Office and provides information on branding⁴⁶
- Government Digital Service, which is part of the Cabinet Office and assists with making PDFs ready for web use⁴⁷
- Crown Commercial Service, which is an executive agency sponsored by the Cabinet Office and provides assistance on how to use the print vendor partnership contract⁴⁸

⁴⁰ Houses of Parliament, *Parliamentary Information & Records Management Policy* (version 3.0, 2014), <https://perma.cc/S8FG-AS94>.

⁴¹ House of Commons Journal Office, *Guide to Laying Papers*, supra note 7, ¶ 29.

⁴² Id. See also The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 23; The National Archives, *Laying and Publishing a Paper*, <https://perma.cc/53X3-KF8E>.

⁴³ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 11.

⁴⁴ Id. at 5. Government organizations extend to departments, agencies and public bodies; there are currently 581 of these organizations across the UK government. *Departments, Agencies and Public Bodies*, gov.uk, <https://perma.cc/ZPA5-286H>.

⁴⁵ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 22.

⁴⁶ *Branding Guidelines*, Government Communication Service, <https://perma.cc/GT85-9DC2>.

⁴⁷ *Government Digital Service: Our Strategy for Parliamentary Information & Records Management Policy 2024*, Government Digital Service Blog (May 20, 2021), <https://perma.cc/GK2T-9NYQ>.

⁴⁸ *Crown Commercial Service*, gov.uk, <https://perma.cc/AQD7-D9SX>. For information about the print vendor partnership see The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 11.

- Disability Unit, which is part of the Cabinet Office and aids in ensuring publications are accessible to all⁴⁹
- Journal Office, which provides information on the requirements and numbering for House of Commons Papers and un-numbered Act Papers as well as advice on the procedures to lay papers before Parliament
- Vote Office and Printed Paper Office, which are responsible for distributing print copies of papers to MPs and peers, respectively⁵⁰

D. The Role of Parliamentary Committees, Offices, and Agencies

Within the House of Lords, the Clerk of the Parliaments is the most senior official⁵¹ and bears “overall responsibility for ensuring the preservation of and continued access to the [authentic] records of Parliament.”⁵² As noted above, parliamentary records do not fall under the definition of public records contained in the Public Records Act, but Parliament follows the best practices provided by the National Archives when managing its archives.⁵³

The Vote Office plays a significant role in the production and distribution of parliamentary papers. It is responsible for publishing, printing and distributing amendment papers both in hard copy and online.⁵⁴

Within Parliament, there are a number of positions that require coordination to ensure that parliamentary papers and records are correctly produced and preserved. As noted above, the government department that creates the parliamentary paper is also responsible for laying it before Parliament where necessary and coordinating its publication on gov.uk, working with the National Archives to ensure standards are met.⁵⁵

With regard to preservation of parliamentary documents, all parliamentary staff must ensure that information is stored in shared systems so that it can be accessed by other users. Heads of teams must ensure that users follow information management policies and procedures. Record officers coordinate with Parliament’s Information and Records Management Service, which is responsible

⁴⁹ Cabinet Office & Disability Unit, *Guidance: Accessible Communication Formats* (last updated Mar. 15, 2021), <https://perma.cc/4EX5-N99X>.

⁵⁰ The National Archives, *Publishing: A Guide for Government Organisations* 13 (2014), <https://perma.cc/3YBA-6BZS>.

⁵¹ *The Clerk of the Parliaments: Role and Functions*, UK Parliament, <https://perma.cc/46A8-ZPEQ>.

⁵² UK Parliament, Parliamentary Archives, *Collections Information Policy* ¶ 3.2 (Oct. 2020), <https://perma.cc/Q8FM-DXHQ>.

⁵³ Public Records Act 1958, sched. 1, ¶ 2. See also Parliamentary Archives, *supra* note 52, ¶ 3.3.

⁵⁴ Erskine May, *supra* note 4, ¶ 7.4. See also *Publications and Records*, UK Parliament, <https://perma.cc/T963-2ZJ5>.

⁵⁵ House of Commons Journal Office, *Guide to Laying Papers*, *supra* note 7, ¶ 29.

for managing and implementing information management policies and provide guidance to staff and heads of teams to ensure that policies are met.⁵⁶

Parliament has published an Information Management Policy that sets out “a baseline standard of good practice and compliance for application across the Houses’ wide variety of procedural and technical environments.”⁵⁷ It requires users to create and keep information enabling delivery of the Houses’ services and providing complete and accurate evidence of decisions taken. The information must be stored in a manner that makes it identifiable, accessible and retrievable at all times in its lifecycle. The guidance further provides that digital information is preferred and that hard copies of information will only be stored when “required for evidential, historical or legal purposes, or it is not practical, efficient or economical to digitise the originals.”⁵⁸

II. The Role of the National or Parliamentary Library in the Parliamentary Document Process

A. British Library

The British Library, the national library of the United Kingdom, is an executive non-departmental public body.⁵⁹ Its mission is to make “intellectual heritage accessible to everyone, for research, inspiration and enjoyment.”⁶⁰ The British Library is a legal deposit library and every publication in the UK must be deposited with it within one calendar month of being published. Copies must also be provided on demand to the other legal deposit libraries in the UK.⁶¹

In 2013, the Legal Deposit Libraries (Non-Print Works) Regulations 2013 entered into force and makes works published in a medium other than print, such as websites and electronic publications, subject to legal deposit requirements. In cases where materials are published both in print and online, the default legal deposit remains with the print version, unless an agreement has been made between the British Library and the publisher.⁶² From the start of the 2016-17 parliamentary session, an agreement was put in place for the British Library to collect and preserve digital copies in PDF format of all Command and House of Commons papers published on gov.uk, rather than the print copies.⁶³

The legal obligation to deposit a copy of all published materials applies to all publishers, and there are limited exceptions for the government and government organizations that publish their

⁵⁶ UK Parliament, *Information Management Policy* 3-4 (Nov. 2020), <https://perma.cc/PS4T-34BY>.

⁵⁷ *Id.* at 4.

⁵⁸ *Id.* at 6.

⁵⁹ British Library Act 1972, c. 54, <https://perma.cc/54TP-M74Y>.

⁶⁰ *Governance*, British Library, <https://perma.cc/C4WF-JKBY>.

⁶¹ Legal Deposit Libraries Act 2003, c. 28 § 14, <https://perma.cc/Q3YF-LBGU>.

⁶² Legal Deposit Libraries (Non-Print Works) Regulations 2013, SI 2013/777 ¶ 14, <https://perma.cc/L7BY-YR8Q> and *Home*, Agency for the Legal Deposit Libraries, <https://perma.cc/FQM4-DH3Y>.

⁶³ *Publishing Processes and Practices Standards for Web and Print Publishing*, The National Archives, <https://perma.cc/HTF7-NYUV>.

own materials. The National Archives has noted that under this legal framework, “[t]he British Library is entitled to receive all externally available publications produced by government departments in paper or electronic format.”⁶⁴

The legal deposit obligations includes un-numbered House of Commons, House of Lords, Act, and Command papers.⁶⁵ The one major exception is for content published before the regulations were made. The British Library does not collect government publications that are intended for internal audiences, such as internal circulars or internal guidance.⁶⁶ These publications fall under the collections policy of the National Archives for “grey materials,” discussed below.

B. House of Commons and House of Lords Libraries

The House of Commons and House of Lords both have their own libraries that maintain a collection of books, journals, and databases for the use of MPs and peers. The purpose of these libraries is to provide research and information to MPs, peers, and their staff, and they provide resources to support these research needs.⁶⁷ The libraries do not appear to have a mandate to collect parliamentary materials in print. The National Archives has stated that “the Library of the UK Parliament has a particular requirement to be able to trace all government publications,”⁶⁸ but this appears to refer to the Parliamentary Archives.

C. Parliamentary Archives

Parliament first started to collect and preserve its records in 1497.⁶⁹ In modern times, this responsibility falls to the Parliamentary Archives, which works to “capture the digital and paper documents which form the official record of the UK Parliament.”⁷⁰ Its mission is

to safeguard the records of Parliament throughout their lifecycle—that is, from their creation or receipt to their destruction or archiving—and to maintain their accessibility thereafter, no matter what their format.⁷¹

⁶⁴ National Archives, *Operation Selection Policy 36: Publications/Grey Literature* ¶¶ 4.1.6 & 6.1.4 (2016), <https://perma.cc/2A5M-AFES>. These include annual and departmental reports, externally available guidance and standards, research reports, consultation papers, journals, external circulars, codes of practice, and external training manuals.

⁶⁵ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 26.

⁶⁶ The National Archives, *Operation Selection Policy 36: Publications/Grey Literature*, supra note 64, ¶ 4.1.8.

⁶⁷ *About the Commons Library*, House of Commons Library, <https://perma.cc/8KWP-H9E6>; *About Us*, House of Lords Library, <https://perma.cc/6WPW-RTDJ>.

⁶⁸ The National Archives, *Publishing: A Guide for Government Organisations*, supra note 50, at 7.

⁶⁹ UK Parliament, Parliamentary Archives, *Collections Information Policy*, supra note 52, ¶ 3.1.

⁷⁰ *About Us*, UK Parliament, Parliamentary Archives, <https://perma.cc/5849-QZ9T>.

⁷¹ Parliamentary Archives, *Digital Preservation Strategy for Parliament* ¶ 11, <https://perma.cc/KBL5-3Z9R>.

The Parliamentary Archives also serves as “the custodian of the record copies of digital original publications on behalf of the House of Lords and House of Commons Libraries.”⁷² Documents it preserves include:

the key records which provide evidence of the deliberations, decisions and actions of the House of Commons and the House of Lords in carrying out their legislative and scrutiny functions, as well as those relating to their, and [the Parliamentary Digital Service’s], management and administrative functions, and to the physical environment in which Parliament works.⁷³

The Parliamentary Archives notes that it “is a repository for records of Parliamentary provenance and relevance. It is not a reference collection relating to all aspects of Parliamentary and political history,” and it does not collect official, administrative or organizational records from MPs or peers’ offices, the government, the devolved assemblies or Scottish Parliament, party parliamentary groups, political parties, or political pressure groups.⁷⁴

The Parliamentary Archives receives its acquisitions directly from the departments, offices, and teams of both the House of Commons and the House of Lords, as well as from the Parliamentary Digital Service.⁷⁵ It transfers physical and digital records to the Information and Records Management Service. For digital records, the Information Records and Management Service works together with the Parliamentary Digital Service to ensure a seamless flow of digital records and metadata into its archives.⁷⁶

D. National Archives

The National Archives is a non-ministerial government department and is both the official publisher and the official archive for the government of the UK.⁷⁷ The Controller of Her Majesty’s Stationery Office works from within the National Archives and is responsible under a Letters Patent from the monarch for managing Crown Copyright. The Controller has been responsible for printing and publishing Acts of Parliament since 1889.⁷⁸ The Controller is also responsible under a Letters Patent for the role of Queen’s Printer, and thus “is responsible for setting the standards and overseeing the publication of certain government documents.”⁷⁹

⁷² UK Parliament, Parliamentary Archives, *Collections Development Policy* ¶ 6.2 (Oct. 2020), <https://perma.cc/Q8SA-PKP5>.

⁷³ Id. ¶ 3.2. The selection criteria for the Parliamentary Archives is listed in ¶ 9 of this policy.

⁷⁴ Id. ¶ 4.2.

⁷⁵ Id. ¶ 3.2.

⁷⁶ UK Parliament, Parliamentary Archives, *Collections Information Policy*, *supra* note 52, ¶¶ 5.1 – 5.3.

⁷⁷ *Explore*, The National Archives, <https://perma.cc/5TQU-ACAX>. Scotland and Northern Ireland have separate archives, known as the National Records of Scotland and the Public Record Office of Northern Ireland, respectively. *Home*, National Records for Scotland, <https://perma.cc/62GF-3HUS>; *PRONI Public Record Office of Northern Ireland*, NI Direct Government Services, <https://perma.cc/ZA3F-4CSN>.

⁷⁸ *About Us*, Legislation.gov.uk, <https://perma.cc/N8TA-VKKW>.

⁷⁹ The National Archives, *Publishing: A Guide for Government Organisations*, *supra* note 50, at 3.

Publishing legislation is the responsibility of the Keeper of Public Records and the Queen's Printer for Scotland, and official copies of all UK legislation are lodged with the Parliamentary Archives.⁸⁰ The legislative information service is managed on the governments' behalf by the National Archives,⁸¹ which publishes legislation both in hard copy and online on the platform [legislation.gov.uk](https://www.legislation.gov.uk). In addition to providing a copy of legislation as originally enacted, the National Archives provides a revised version of most primary legislation, and some secondary legislation, on its platform.⁸² The revised version incorporates amendments and annotations about the effects on other legislation and the amending legislation.⁸³

In addition to managing the legislative information service on behalf of the government, the National Archives also acts to preserve certain government publications. While it typically does not collect and preserve parliamentary papers unless they form part of other unique papers or have been significantly annotated and form part of a policy process,⁸⁴ it does collect certain government publications that are not formally published, and thus not subject to the legal deposit requirements, or documents that are not otherwise preserved. These types of publications are frequently referred to as "grey literature."⁸⁵ The National Archives has published extensive guidance on what type of grey literature should be preserved, with a focus on whether the documents are preserved elsewhere and the archival value of these works. For example, it provides that bulletins and newsletters from government departments should be selected for preservation at the National Archives if they "communicate information on policy or legislation or significant issues may be of archival value providing this information is not covered by records already at The National Archives or records likely to be transferred in the future."⁸⁶ It notes that internal circulars "are unlikely to be of archival value and should not be selected for permanent preservation."⁸⁷

III. Special Procedures for Handling Particular Types of Parliamentary Documents

A record of the proceedings in Parliament that occur in Westminster Hall and in General Committee⁸⁸ is contained in a series known as the Official Report, commonly called Hansard. The

⁸⁰ *About Us*, [Legislation.gov.uk](https://www.legislation.gov.uk), supra note 78.

⁸¹ *Frequently Asked Questions*, [Legislation.gov.uk](https://www.legislation.gov.uk), <https://perma.cc/NV3V-KSUS>.

⁸² The National Archives, *A Guide to Revised Legislation on Legislation.gov.uk* (Oct. 2013), <https://perma.cc/4QG5-QJND>.

⁸³ *Understanding Legislation*, [Legislation.gov.uk](https://www.legislation.gov.uk), <https://perma.cc/KM4K-4L5Q>.

⁸⁴ National Archives, *Records Management Retention Scheduling* (2012) ¶ 1.4, <https://perma.cc/6LCN-L28T>. See also The National Archives, *Records Collection Policy* ¶ 3.4 (last reviewed Oct. 2019), <https://perma.cc/R5DF-WJH8>.

⁸⁵ National Archives, *Operation Selection Policy 36: Publications/Grey Literature*, supra note 64, ¶ 2.1.

⁸⁶ *Id.* ¶ 6.6.3.

⁸⁷ *Id.* ¶ 6.7.1.

⁸⁸ House of Commons Information Office, *The Official Report* (Factsheet G17, 2010), <https://perma.cc/F869-XXGL>.

Official Report is available both in printed form and online from the year 1802 to date.⁸⁹ These records contain a “substantially verbatim” report of what is said in Parliament, with words being edited only “to remove repetitions and obvious mistakes, albeit without taking away from the meaning of what is said.”⁹⁰

The Hansard website provides content from the House of Commons and House of Lords Hansards; the Parliamentary Digital Service is involved in producing it. Individual MPs have a personal profile on Hansard that provides links to debates they have spoken in and their voting record.⁹¹ A site named Historic Hansard covers parliamentary debates for the period 1802-2005, providing content from the bound volumes processed in an online format.⁹² The historical content currently has more limited metadata than the more current content, but future enhancements are envisioned.⁹³

IV. Information Sharing Among Legislative Agencies

The Parliament’s Information Management Policy provides, “[t]he Houses promote a working culture of openness and collaboration. Parliamentary information that is not sensitive will be accessible to all staff and be restricted only when there is a business need to do so.”⁹⁴ To help foster openness, the policy requires that technology planning should take “access permissions and information sharing in systems into account.”⁹⁵ It further says that information should be protected against accidental loss or destruction, and unauthorized disclosure. Measures should ensure that users have the appropriate security clearance, and information should be shared through links in order “to mitigate the risks of working from out-of-date copies and information being over-retained in breach of policy.”⁹⁶

With respect to information sharing to develop government websites, by the early 2000s the government had developed a significant online presence, with each department having its own website. In 2010, the Government Digital Service was established to “focus on fixing publishing, digitising high-volume transactional services, and building ‘wholesale’ technology platforms.”⁹⁷ The common gov.uk platform was established and more than 2,000 websites were placed under it. The Government Digital Service’s position enables it to evaluate the work of digital teams

⁸⁹ *Hansard (Parliamentary Debates)*, UK Parliament, <https://perma.cc/TPY9-W2WJ>.

⁹⁰ *About Hansard Online*, UK Parliament, <https://perma.cc/465U-CVAT>.

⁹¹ *Id.*

⁹² *House of Commons Hansard Archives*, UK Parliament, <https://perma.cc/76GL-266D>.

⁹³ *About Hansard Online*, UK Parliament, *supra* note 90.

⁹⁴ UK Parliament, *Information Management Policy*, *supra* note 56, at 6.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ *Government Digital Service: Our Strategy for 2021-2024*, Government Digital Service (May 20, 2021), <https://perma.cc/GK2T-9NYQ>.

across government to identify common needs for products, platforms and services and to build electronic services centrally.⁹⁸

V. Users' Access to Parliamentary Documents

On July 22, 2014, the Government Digital Service announced it would begin to use open standard formats by default for all government documents, in order to provide users with a choice about the software they use to read government documents, enable agencies to share work more easily, and make it easier and cheaper to do business with the government.⁹⁹

All parliamentary documents published on gov.uk must meet the Government Digital Service guidelines and accessibility standards to ensure that all users, including the disabled, are able to access them.¹⁰⁰ The vast majority of government organizations publish documents online in PDF, and to ensure that the PDF version of parliamentary papers comply with relevant requirements, the National Archives works with the Crown Commercial Services to ensure that papers published through any contractors meet these standards.¹⁰¹ The government no longer publishes printed copies of official documents for sale, but there a number of private printers that offer them. No supplier has been endorsed by the government.¹⁰²

The Parliamentary Archives provides a public search room that is open to the public to view records that are not subject to restrictions on disclosure.¹⁰³ It also has a website and is working on a catalog to provide links to digital records.¹⁰⁴

The Freedom of Information Act provides individuals with the right to be told whether a public authority holds information and the right to be provided with the information,¹⁰⁵ subject to a number of exemptions. Published parliamentary papers are exempt from the disclosure requirements of the Freedom of Information Act because they are accessible to applicants by other means.¹⁰⁶

⁹⁸ Id.

⁹⁹ *Making Things Open, Making Things Better*, Government Digital Service (July 22, 2014), <https://perma.cc/8L4M-3Q4C>.

¹⁰⁰ Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018, SI 2018/852, <https://perma.cc/B3QK-6JTC>. See also *Guidance: Understanding Accessibility Requirements for Public Sector Bodies*, gov.uk, <https://perma.cc/VQ3H-8B2D>.

¹⁰¹ The National Archives, *Parliamentary Papers Guidance*, supra note 5, at 23. See also *Print Management Services*, Crown Commercial Service, <https://perma.cc/3ARK-CS8P>.

¹⁰² *Guidance: How to Buy Print Copies of Official Documents*, gov.uk, <https://perma.cc/LZT7-96DN>.

¹⁰³ UK Parliament, Parliamentary Archives, *Collections Access Policy* (Nov. 2020) ¶ 6.2, <https://perma.cc/32QX-ABPC>.

¹⁰⁴ UK Parliament, Parliamentary Archives, *Collections Development Policy*, supra note 71, ¶¶ 10.1 – 10.2.

¹⁰⁵ Freedom of Information Act 2000, c. 36, <https://perma.cc/PB5N-KPGS>.

¹⁰⁶ Id. § 21.

VI. Projects for Preservation of and Access to Digital Records of Parliamentary Documents

A. Digital Preservation at the British Library

As noted above, the Legal Deposit Libraries (Non-Print Works) Regulations 2013 requires non-print work such as websites and electronic publications to be subject to legal deposit.¹⁰⁷ This creates an archive of non-print work. The UK uses web crawling software to collect websites for the UK Web Archive,¹⁰⁸ utilizing a seed list of domain addresses that are programmed into the software. This software sends requests to target websites, which respond automatically and deliver copies of the pages or files the software has requested. Websites and materials harvested by the software are preserved in the legal deposit libraries' web archive.¹⁰⁹ Web archiving of the Scottish Parliament and of the Welsh Assembly are undertaken by the National Library of Scotland and the National Library of Wales.¹¹⁰ The UK Web Archive is separate from the UK Government Web Archive (UKGWA), discussed below.

B. Digital Preservation at the National Archives

The National Archives maintains the UKGWA, and states that it is "one of the largest and most heavily used web archives in the world, containing over three billion URLs and frequently receiving more than ten million page views each month."¹¹¹ Part of the duties of the National Archive is to preserve the all web content owned by the central government, in all its forms, where current technology permits.¹¹² The National Archives has stated that it intends "to capture datasets published on government websites into the UKGWA where the publication format and data contained within it is amenable."¹¹³ In 2008, the National Archives expanded the scope of the UKGWA and created persistent links that allow users to access material that has been removed from its original location.¹¹⁴ The UKGWA is provided under contract to the National Archives by a non-profit organization known as the Internet Memory Foundation.¹¹⁵

From 2016, public bodies have been obligated to transfer born-digital records, meaning those that were created originally in digital form, rather than analog materials that have been subsequently

¹⁰⁷ Legal Deposit Libraries Act 2003, c. 28, <https://perma.cc/Q3YF-LBGU>.

¹⁰⁸ *UK Web Archive*, British Library, <https://perma.cc/7RQC-WE57>.

¹⁰⁹ *Electronic Legal-deposit: Websites and Web Pages*, Agency for the Legal Deposit Libraries, <https://perma.cc/WDJ6-47Y2>.

¹¹⁰ The National Archives, *Operational Selection Policy 27: UK Central Government Web Estate* (April 2014) ¶ 3.3, <https://perma.cc/4SJL-GVU2>.

¹¹¹ *Id.* ¶ 2.1.

¹¹² *Id.* ¶ 4.1.

¹¹³ *Id.* ¶ 3.5.

¹¹⁴ *Id.* ¶ 2.3.

¹¹⁵ *Id.*

digitized, to the National Archives.¹¹⁶ The National Archives conducted a review of born-digital records and found that, due to their high volume and lack of structure, they pose challenges to the appraisal, selection, and review process, as well as to the ability of departments to respond to Freedom of Information requests.¹¹⁷ To tackle this, the National Archives has been investigating the use of technology-assisted review to transfer born-digital records. It has currently found that “technology-assisted review using eDiscovery software can support government departments during appraisal, selection and sensitivity review as part of a born-digital records transfer to The National Archives.”¹¹⁸ It will continue to work with the Cabinet Office and Government Digital Service to test solutions.

To help preserve all versions of gov.uk websites, the National Archives advises those responsible for managing them that superseded documents should not be removed, but instead the original gov.uk page should be archived to “ensure the document remains available but . . . make it clear that the content no longer reflects current policy.”¹¹⁹ The National Archives states that website owners should take steps to ensure that web archiving is considered in the design of any site and that the owner notifies the National Archives of any new website. The person responsible for managing the website must ensure the UGWA has successfully captured the site and that the content is complete and accessible prior to closing it.¹²⁰ The National Archives notes that “it is essential that departments verify capture [of publications on the website] by checking with The National Archives’ web archiving team.”¹²¹

The National Archives has stated that while commercially published materials are automatically sent to the British Library to fulfil the legal deposit requirements, in certain instances government departments publish documents but sometimes fail to deposit these documents with the British Library, with some documents being published solely online and removed after a few months.¹²² To help to ensure preservation of such material, the UKGWA may select a department’s website for permanent preservation.¹²³

¹¹⁶ *Reviewing Digital Records Management in Government*, The National Archives, <https://perma.cc/2DD2-37EJ>.

¹¹⁷ *Our Research*, The National Archives, <https://perma.cc/RS2L-6T3P>.

¹¹⁸ The National Archives, *The Application of Technology Assisted Review to Born-digital Records Transfer, Inquiries and Beyond* (Feb. 2016), <https://perma.cc/427C-2J83>.

¹¹⁹ The National Archives, *Parliamentary Papers Guidance*, *supra* note 5, at 27.

¹²⁰ The National Archives, *Operational Selection Policy 27: UK Central Government Web Estate*, *supra* note 110, ¶ 4.3.

¹²¹ The National Archives, *Operational Selection Policy 36: Publications/Grey Literature*, *supra* note 64, ¶ 4.3.2.

¹²² *Id.* ¶ 4.1.9.

¹²³ The National Archives, *Operational Selection Policy 27: UK Central Government Web Estate*, *supra* note 110, ¶ 4.3.

C. Digital Preservation at the Parliamentary Archives

The Parliamentary Archives has expressed concern that

[t]he longevity of all Parliament's digital resources is under threat. Without access to the trusted digital information it needs to preserve (up to and including in perpetuity) neither House will be able to support the work of its members or its administration, nor the requirements of the public for access to Parliamentary information wherever and whenever they want it in the future.¹²⁴

As a result, the Parliamentary Archives has noted the urgency of preserving digital resources, given that "a digital resource which is not selected for active preservation treatment at an early stage in its existence will very likely be lost or unusable in a few years' time."¹²⁵ The Parliamentary Archives has urged active management of digital resources, including planning for preservation before they are created:

the nature of technology requires a lifecycle management approach to be taken to the maintenance of digital resources. A continual programme of active management is needed from the design and creation stage of a system onwards, if preservation of that system's digital resources is to be successful. This in turn leads to the need for much more collaboration between institutions, and changes to traditional IT and IM boundaries within an organization. . . . In addition because digital preservation is a new and emerging business area (unlike analogue preservation), the market for managed services is limited, software is immature, standards are still being developed, cost models are in their infancy, theoretical and practical research is still being undertaken and specialist skills are in short supply.¹²⁶

To counter these concerns, the Parliamentary Archives has published both a Digital Preservation Policy and a Digital Preservation Strategy that aim to ensure that digital resources will be both preserved and accessible to future users, including strategies to mitigate the risk that any technology used will become obsolete.¹²⁷ Digital resources means both digital records and digital assets. A digital record is defined as "any information that is recorded in a form that only a computer can process and that satisfies the definition of a record as stated in the Parliamentary Records Management Policy (April 2006)."¹²⁸ A digital resource is defined as "the material produced as a result of digitisation, or digital photography; as well as more complex, structured accumulations such as online learning resources, web pages, virtual reality tours and digital audio/visual files."¹²⁹ Digital video recordings of parliamentary debates appear to fall within this definition.

¹²⁴ Parliamentary Archives, *Digital Preservation Policy for Parliament* ¶ 1 (1st ed. Mar. 2009), <https://perma.cc/76E9-9DJT>.

¹²⁵ Parliamentary Archives, *Digital Preservation Strategy for Parliament*, supra note 77, ¶ 7.

¹²⁶ Id. ¶¶ 7, 8.

¹²⁷ Parliamentary Archives, *Digital Preservation Policy for Parliament*, supra note 124, ¶ 1.

¹²⁸ Parliamentary Archives, *Digital Preservation Strategy for Parliament*, supra note 77, ¶ 5. See also Houses of Parliament, *Parliamentary Information & Records Management Policy*, supra note 40.

¹²⁹ Parliamentary Archives, *Digital Preservation Strategy for Parliament*, supra note 77, ¶ 5

The policy aims to preserve digital resources by “provid[ing] for the preservation of both content information objects and their associated metadata, the maintenance of a persistent bond between the two, and the creation of new metadata to document the preservation processes undertaken.”¹³⁰ The strategy is intended to maintain accessibility and readability of digital resources over time, taking particular care to ensure that the resources are not machine dependent and do not require a specific hardware or software to access them; that the technology does not become obsolete; that the integrity of the resources are maintained to ensure “its continued integrity, authenticity and history”;¹³¹ and that any media used to store the data is not fragile and is stored in appropriate conditions.¹³²

The Parliamentary Archives has also established a UK Parliament Web Archive that aims to “capture, preserve, and make accessible UK Parliament information published on the web [and] includes UK Parliament websites and social media dating from 2009 to the present.”¹³³ Access to the Parliament Web Archive is open to anyone with an internet connection.¹³⁴

¹³⁰ Parliamentary Archives, *Digital Preservation Policy for Parliament*, supra note 124, ¶ 2.

¹³¹ Parliamentary Archives, *Digital Preservation Strategy for Parliament*, supra note 77, ¶ 7.

¹³² Id.

¹³³ *Welcome to the UK Parliament Web Archive*, Parliament.uk, <https://perma.cc/BXU3-UBQN>.

¹³⁴ *About*, Parliament.uk, <https://perma.cc/8LGT-269J>.