



**Archives in Portuguese Public Policies: a steady place**

Journal:	<i>Records Management Journal</i>
Manuscript ID	RMJ-06-2022-0014.R1
Manuscript Type:	Research Article
Keywords:	Archives, Public Policy, Archives Policy, Archival Legislation, Portugal

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## Archives in Portuguese Public Policies: a steady place

### Abstract

*Design/methodology/approach:* The investigation was based on a qualitative methodological framework that follows the document analysis method, consisting of four phases: research, first reading, critical reading and data collection, analysis and interpretation.

*Purpose:* To examine the archives' role in Portuguese public policies from 1976 to 2021, based on an analysis of decision-making and support mechanisms, as well as other legal and normative instruments (*diplomas*) associated with relevant policies and legal actions in government programs, major planning options, sectoral programs, and legislation.

*Findings:* Survey results identified the presence of the archives on government agendas, and supported tracing an evolution in the development and application of measures in this area. Additionally, it was possible to relate these measures to socioeconomic and political contexts, and to previously identified reference studies. The conclusion is that the place of archives in Portuguese public policies between 1976 and 2021 was still based in historical and heritage dimensions, excluding the aspect of information management, which was not even included within the concept of archives.

*Originality/value:*

This is an original case study of the state of Portuguese archive policies, compared against reference works such as Couture (1998) and more recent national developments as considered in the works of Silva (2019).

**Keywords:** Archives; Public Policy; Archives Policy; Archival Legislation; Portugal

### Introduction

Archives policies became a more relevant field of study with the increasing importance of problems such as administrative reform and adoption of e-government.

Administrative reform processes are primarily concerned with enhancing the efficiency and effectiveness of public services so in these times of change, standardization and administrative simplification are critical for every organization (Silva, 2008). Additionally, archive structures address crucial societal issues, namely democratic transparency and the protection of state and citizen rights (Vázquez-Murillo, 2008). As a result of the importance of archives to these areas, Couture (1993) considers that like other sectors of society such as education and the environment, archives should also be the target of public policy development.

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3 The term "archives" may embody a multitude of concepts, including not only the physical storage  
4 place of records, but also the records themselves and the way they are organized, the information  
5 produced by an institution, and the building in which this information is stored (Silva, 2016, 2019).  
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8 These definitions align with others, such as by Antónia Herédia Herrera and Carol Couture, who  
9 consider the archives as the sum of organic-functional and institutional dimensions (Silva, 2015).  
10 Silva *et al.* (1999) recognize this perspective as the dominant one, but argue that the definitions  
11 presented overlook the scientific archival dimension favouring the instrumental and technical,  
12 since they place archives as an organic set of records or the institutions and services responsible  
13 for it (Silva *et al.*, 1999). Alternatively, Silva *et al.* also claim that the archive is not a mere sum,  
14 but an integral unit (Silva *et al.*, 1999). These authors defend a systemic view in which the archive  
15 is considered "a (semi) closed system of social information materialized in any type of support,  
16 configured by two essential factors - the organic nature (structure) and the functional nature  
17 (business/use) – with which a third party (memory) is associated and overlaps with the previous  
18 ones" (Silva *et al.*, 1999, p. 204).  
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24 In contrast, Ludwig von Bertalanffy developed the General Systems Theory, in which a system is  
25 defined as a set of elements in interaction (1968), which is in line with that presented by Silva.  
26 However, for Bertalanffy there are only two types of systems: closed and open. The former are  
27 systems that are isolated from the surrounding environment, whereas the latter are defined by their  
28 continuous interactions and exchanges with the external environment (Bertalanffy, 1968).  
29 Additionally, Santos (2015, p.3) views the archive as a "social amplitude organism", with  
30 "adaptability and ease of inputs and outputs" (*ibid*).  
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34 As previously stated, "archive" is a polysemic concept that presents different interpretations of  
35 interest for the present study: a physical place, a set of documents, and an organic service. Based  
36 on these meanings, it is used here in reference to its contextual and historical value as a permanent  
37 information system (long-term access), as well as to its dimension of information production.  
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40 Several definitions of public policy have been proposed by sociology, philosophy, and political  
41 studies. Although a generally accepted definition of the term is lacking, there is consensus that it  
42 consists of a set of actions taken by a national government in order to solve a previously identified  
43 problem (Barreiro *et al.*, 2013; Couture, 1998; Jardim, 2006; Muller & Surel, 2002; Vázquez-  
44 Murillo, 2008). These authors also argue that public policies are made up of a set of fundamental  
45 elements: goals, legislation, resources, and services.  
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49 The purpose of this study is to ascertain the role of archives in the development of public policies  
50 in Portugal from 1976 to 2021. The starting point was chosen to align with the end of the  
51 Provisional Governments that followed the Revolution of April 25th, 1974, and the subsequent  
52 implementation of the 1976 Constitution.  
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55 Two primary objectives guide this analysis:  
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- determine the role of archives in Portugal's political decision-making processes during the defined period;
  - recognize whether the inclusion of archives in these processes constitutes the development of an archives policy.

Additionally, three more specific objectives were defined:

- a. correlate changes in the political and socioeconomic environment with possible shifts in the development of public policies concerning archives;
- b. identify the legislation within the scope of archives and analyse its structure in relation to what is seen in the literature;
- c. identify and analyse the application of programs destined for the archives.

The investigation followed a qualitative approach, based on the document analysis method, in which over one hundred documents were examined: 21 Government Programs (GPs), 27 Major Planning Options (*Grandes Opções do Plano* – GOPs), and 61 legal acts and other reports related to the implementation of two major programs – the Municipal Archives Network Support Program (*Programa de Apoio à Rede de Arquivos Municipais* - PARAM) and Simplex, as discussed later in this paper.

### Materials and Methods

Document analysis is defined as an approach that enables the examination and interpretation of texts, regardless of their format, with the goal of extracting data and endowing it with meaning (Bowen, 2009). While this method is typically incorporated into triangulation processes, it is also accepted as a stand-alone method in historical or hermeneutic inquiries, when documents may be the sole essential source (Bowen, 2009).

This method's application includes three critical phases: an initial superficial analysis, followed by a critical reading, and finally by the interpretation of the gathered data (Bowen, 2009). In the case of this study, four phases were followed:

*Primary Research* - during this phase, we identified pertinent documents based on previously established categories, using two search platforms:

- government programs in the historical archive of the government web portal (Governo da República Portuguesa, 2022)
- legislative instruments and major planning options in the *Diário da República Eletrónico* (Imprensa Nacional Casa da Moeda, 2022).

The latter search was conducted in two stages: first, the abbreviation "arquiv\*" was used to facilitate the recovery of terms belonging to the lexical family of "arquivo," (archives) such as "arquivista," "arquivística," "arquivagem," or "arquivamento," as well as their plurals. We applied

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3 filters to the results in order to enhance them in accordance with the investigation's objectives.  
4 These filters were not only chronological (1976–2019), but also content- and entity-specific.  
5 Second, using the expression "grandes opções do plano" (major planning options) in conjunction  
6 with a temporal filter we obtained additional documents: ninety-two results were identified as  
7 being relevant to the analysis, in addition to the GOPs published during the study period.  
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11 *First reading* - The initial reading of the selected documentation enabled us to understand its  
12 structures, which facilitated the comprehensive reading of all documents while also serving as a  
13 filter, as it resulted in the exclusion of documents deemed irrelevant to the study's post-2019  
14 continuation. This phase designated 61 relevant documents, in addition to government programs  
15 and the GOP material.  
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19 *Critical reading and data collection* - To ensure efficient systematization, we established data  
20 collection categories which corresponded to the areas of society covered by government programs  
21 and the GOP: public administration, education, culture, and the information society.  
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24 *Analysis and interpretation* - The final phase of the investigation comprised analysing the collected  
25 data in relation to the elements discussed in the literature review.  
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### 27 **Theoretical Context**

28 As previously stated, the need for archive policies became significant primarily with the advent of  
29 information and communication technologies (Couture, 1998). The International Council on  
30 Archives and United Nations Educational, Scientific and Cultural Organization (UNESCO)  
31 published a compilation of archival laws in the 1970s, revealing gaps in regulations worldwide  
32 (Couture, 1998; Ketelaar, 1985). When these data were updated in 1982, no significant differences  
33 were discovered: most countries remained without an archival law and relied on general  
34 administrative regulations (Couture, 1998).  
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39 Following these findings, Carol Couture conducted a similar study between 1989 and 1991 to  
40 ascertain how archival legislation influenced archive policy (Couture, 1998). They analysed the  
41 archival history and legislative texts of several countries from the following perspectives:  
42 jurisdiction and organization; definition of the archive concept; regulation of private archives;  
43 management of administrative, intermediate, and historical archives; buildings; classification and  
44 description standards; communication; consultancy services; and human resources (Pelletier,  
45 1994). Even though Couture pays particular attention to the legislative dimension, arguing that a  
46 strong legislative foundation empowers institutions with the legal authority to set goals and claim  
47 resources, they also emphasized that legislation alone does not constitute a policy and should be  
48 accompanied by programs and resources (Couture, 1998).  
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53 Couture (1998) also identified several internal national factors that can affect a legislative plan's  
54 implementation, including governmental structure organization, administrative practices, archival  
55 traditions, the needs and expectations of professionals and users, as well as the country's economic  
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3 context, stage of development, and investment in planning archival systems. One factor that is  
4 considered common to any archive policy is the archivist's role (Couture, 1998). Archivists have  
5 the capacity to raise state awareness about the importance of the archives and, therefore an archives  
6 policy's existence (Couture, 1998). Public policy development requires a thorough knowledge of  
7 the sector's reality and needs, hence the importance of archivists as well as archives' users  
8 (Couture, 1998).  
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12 Couture also identifies the structural content of archival laws, emphasizing the determination of  
13 their scope: the documents, organizations, and people they affect in both public and private  
14 archives. The definition of "archive" is critical to any archival law, as it establishes what each  
15 country considers to be an archive and defines the archivist's field of action and, thus, the archivist's  
16 role. Regardless of format (physical or electronic) or content, the definition presented should be as  
17 inclusive as possible to create a global archival system that encompasses the entire archival reality.  
18 This is critical because an archive law should apply to all records, regardless of their age, and to  
19 all possible media support, avoiding the exclusion of electronic records. Nonetheless, a precise  
20 definition of public archives is considered necessary for archival law to avoid ambiguity and  
21 establish the responsibilities of these institutions. This definition must consider the administrative  
22 structure as well as the statutes that regulate public bodies, while also establishing the inalienable  
23 nature of public archives as the State's exclusive property. Couture concludes that to include  
24 records management it is critical to establish an entity that is responsible for appraisal and disposal  
25 processes, which in most cases examined, falls to the National Archives (Couture, 1998).  
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32 Much of the literature on this subject stems from José Maria Jardim's analyses of the Brazilian  
33 context. Jardim and Fonseca suggest that the construction of an archival policy is linked to the  
34 existence of a national archive system. Moreover, they argue that Brazilian archives' poor  
35 organization results from a lack of coordination between institutions, the archives themselves,  
36 professionals, and the academic dimension (Jardim and Fonseca, 2008). In the Brazilian context,  
37 it is also important to mention Ana Célia Rodrigues' projects, in which her work converges on two  
38 main ideas: the importance of municipal archives to information access and consequently, for  
39 greater transparency within the public administration; and the need to develop public policies  
40 aimed at archives and records management (Garcia and Rodrigues, 2019; Rodrigues, 2019;  
41 Rodrigues and Vilela, 2019).  
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46 In the case of Portugal, a few studies have begun to examine the archival context's evolution.  
47 According to Silva (2008), existing standards, regulations, and laws are insufficient unless they  
48 are supplemented by other management tools such as codes of ethics and procedure manuals. In  
49 their 2019 study, the author examines major planning options, general state budgets, and a set of  
50 fundamental laws governing archives and municipal archives (Silva, 2019). This study considers  
51 that "political measures and guidelines for municipal archives" are still "insufficient" (*ibid*, p. 42),  
52 justifying this scenario with several factors. On the one hand, the national context has not been  
53 conducive to the development of policies in this area, and it is possible to identify conceptual  
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3 difficulties with the term "archive" and, consequently, with its competencies, even within  
4 municipal policies. On the other hand, archive professionals and scientists must broaden their  
5 scope of action to encompass not only the traditional archive in its historical context, but also the  
6 "continuous management of information, from information planning to long-term preservation".  
7 However, it is not only within the professional class that archives are viewed in their most  
8 traditional form. The public sector also operates under the same conceptualization of archive. The  
9 author contends that these difficulties present the concept of archive in a limited way, resulting in  
10 an ineffective management of information that precludes an integrated and systemic view of it  
11 (Silva, 2019).  
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## 16 **Initial Results**

### 17 *1976 – 1985: Post-Revolutionary Period*

18 After the April 25th Revolution, the first Portuguese Constitutional Government, led by Prime  
19 Minister Mário Soares, was formed in 1976, although its mandate lasted only eighteen months.  
20 Regardless of the social and economic context, it was possible to identify archival references in  
21 the government program. The first reference appears under the theme of culture, referring to the  
22 organization's primary objective of preserving cultural heritage. As a result, archives are discussed  
23 in terms of the security of their physical storage structures, with particular emphasis on the  
24 precarious state of the National Archive's facilities. Additionally, the program refers to the  
25 establishment of the Portuguese Book Institute to be responsible for Portuguese archives.  
26 However, the proposal for the establishment of a managing body for the national archival policy  
27 did not become a reality until 1980, at which point Decree-Law n.º 59/80, of 3 April, assigns the  
28 superintendence of archives to the Portuguese Institute of Cultural Heritage (Decree Law 59/80 of  
29 3 April). No other documents related to the archives' theme were published during this  
30 government's time in office.  
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37 The political, social, and economic instability that followed had a significant impact on how  
38 governments acted and defined their priorities. Between 1978 and 1981, Portugal had six different  
39 governments, three of which were formed on the President of the Republic's initiative.  
40 Economically, government programs were constrained by foreign aid and the imperative to contain  
41 inflation, the deficit, and unemployment, all of which contributed to severe social instability.  
42 Concerning the archives, the references from this time period are related to two major areas: culture  
43 and public administration.  
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47 It is possible to identify the following general proposals related to culture: investment in  
48 professional training, regulation of services, buildings security and diagnosis of the state of  
49 Portuguese archives.  
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### 52 **Table I**

53 *GOP and GP references to archives from 1978 to 1981 under "Culture"*  
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3 The following references in relation to public administration were identified: gaps in information  
4 management techniques, excessive red-tape, resistance to computerization, and a lack of human  
5 resources training.  
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8 **Table II**

9 *GOP and GP references to archives from 1978 to 1981 under "Public Administration"*  
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11 During the VI government, the State Department of Culture underwent a restructuring and later  
12 the Portuguese Institute of Cultural Heritage assumed responsibilities for and roles related to  
13 archives (Regulatory Decree No. 34/80, of August 2nd).  
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16 The VIII Constitutional Government took office in 1981 and lasted until 1983. As in prior years,  
17 the uncertain economic environment compelled a less expansionist program, and therefore we  
18 found only one mention of archives (in the context of building security); nevertheless at the  
19 legislative level four relevant legal instruments were identified. Three of them are related to the  
20 elimination of the Librarian-Archivist Course at Coimbra University and the subsequent  
21 establishment of the Specialization Course in Documental Sciences at the same institution  
22 (Decree-Law 87/82, of July 13th), as well as at the University of Lisbon (Ordinances 448/83 and  
23 449/83, of April 19th). The fourth sets out the legal framework for district archives and public  
24 libraries (Decree-Law 149/83, of July 5th), endowing district archives with local coordination  
25 authority.  
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30 The IX Constitutional Government began its mandate on June 9, 1983 and concluded on November  
31 6, 1985. Under the leadership of Mário Soares, the country achieved two significant milestones  
32 during this period: the second International Monetary Fund (IMF) intervention in 1983; and  
33 membership in the European Economic Community (EEC) on June 12th, 1985, ratified on January  
34 1st, 1986.  
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38 These years were marked by significant economic and social challenges including high crime rates,  
39 government corruption, and a severe financial crisis. Under these conditions the government's  
40 program presents only a few archive-related proposals. In relation to culture, the Government  
41 emphasized the importance of resolving the National Archives' need for new facilities and  
42 announced the establishment of a National Sound Archive (a project that has yet to be completed  
43 but is ongoing). Based on the urgency of reinstalling the National Archives/*Torre do Tombo*, the  
44 Resolution of the Council of Ministers 42/84, of August 27th, declared a national interest in its  
45 construction.  
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49 Within the domain of public administration, the government acknowledged an excess of proposals  
50 with little implementation, justifying this situation within the country's economic context  
51 (Government of Portugal, 1983, p. 24). Consequently, innovative measures regarding  
52 Administration transparency were restricted to recognizing the citizens' right to be informed of the  
53 state of government processes whenever they require services.  
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3 Two GOPs were published during this period, but archives were not mentioned until 1985,  
4 specifically in the *Administration Investment and Expenditure Program* (PIDAC), which provided  
5 for the establishment of new public archives and libraries.  
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8 In terms of legislative production, Law 13/85, of July 6th, the "Portuguese Cultural Heritage Law",  
9 which incorporated the concept of "documents" into the definition of cultural heritage.  
10 Additionally, this legislature changed the managing body of archives policy, renaming it the *Torre*  
11 *do Tombo* National Archive (D. L. No. 424/85, October 22nd).  
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14 *1985-1995: Framework Law on Archival Heritage and Law on Access to Administrative Records*  
15 Next came Anibal Cavaco Silva's X Constitutional Government, which was the first of three  
16 governments led by Cavaco (1985-1987, 1987-1991, and 1991-1995). The GOP and Government  
17 Programs both refer to archives as a way to streamline procedures and eliminate formalities within  
18 public administration. Regarding culture, the emphasis is on expanding resources and developing  
19 a framework law for archives; the latter enacted in 1993, during Cavaco's final government. The  
20 Decree Law 16/93 of January 23rd established a general regime for archives and archival heritage,  
21 and its publication was heavily influenced by the heritage protection ideals that arose in the  
22 aftermath of Portugal's accession to the EEC Decree Law 16/93, of August 23<sup>rd</sup> (which excluded  
23 audio-visual files, a condition modified the following year by Law 14/94, of May 11<sup>th</sup>).  
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### 31 **Table III**

32 *Decree Law No. 16/93, of August 23<sup>rd</sup>, main elements*  
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34 Additionally, and in conformity with the principles of bringing citizens closer to the  
35 administration, on August 26th, Law 65/93 was published to regulate access to administrative  
36 records, which read: "...the Public Administration ensures citizens' access to administrative  
37 records in accordance with the principles of publicity, transparency, equality, justice, and  
38 impartiality" (Art. 1st). Furthermore, the law distinguished between administrative and nominative  
39 records (case files), as well as personal data, since the first two have distinct access procedures.  
40 Administrative records are open to all, whereas the right to access nominative records is reserved  
41 for the individual to whom the data relates.  
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### 48 **Table IV**

49 *Relevant laws published during the X, XI and XII Governments (1985-1995)*  
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53 *1995 - 2005: PARAM, Information Society and Open Government*

54 António Guterres served as Prime Minister of the XIII (1995–1999) and XIV (1999–2002)  
55 Governments. This period was one of the most constructive in terms of archive policies, not only  
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3 in terms of references within Government Programs and GOPs, but also in terms of legislation.  
4 Guterres' government inserted into the political debate issues related to Open Government and the  
5 Information Society, the construction of an archives policy - and consequently of a National  
6 Archives Network.  
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10 **Table V**

11 *GOP and GP references to archives from 1996 to 2001*

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13 The latter occurred at the same time as the Municipal Archives Network Support Program was  
14 launched (PARAM). PARAM was in effect for nine years (1998–2007), with the primary  
15 objectives of classifying archives as administrative resources; and safeguarding and promoting  
16 access to national archival heritage. The latter was a program priority, as was the establishment of  
17 a National Archives Network.  
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21 This was also a prolific legislative period with the publication of 13 archive-related laws over a  
22 six-year period. In 1996, the XIII Government established the National Archives Institute/*Torre*  
23 *do Tombo* as the responsible entity for archives (Decree Law 42/96, May 7th).  
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26 In 2002, following Prime Minister António Guterres' resignation, a new Government was formed  
27 that remained in office until 2005. This Government's primary objective was to stabilize public  
28 finances so as to reduce government spending. Despite this, it is still possible to identify relevant  
29 references to archives in the GP and GOP. As in previous regulations, these are included within  
30 the subjects of public administration, information society, and culture. The first set of measures  
31 focused on streamlining procedures, increasing transparency, automating administration systems,  
32 introducing e-government, and enabling interoperability.  
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36 Six major axes were established in terms of culture: modernization and adaptation of archives to  
37 the information society; support for the modernization and organization of public administration  
38 archives; safeguarding, preserving, and enhancing archival heritage; dissemination and promotion  
39 of archival heritage; and renovation of the District Archives and PARAM.  
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42 As a result of the socioeconomic climate, Prime Minister Durão Barroso resigned one year before  
43 the legislature's regular end. The succeeding government did not complete the legislative period,  
44 and its mandate was limited to 2004–2005. Proposals from this year included a program to  
45 facilitate administrative acts and another for expanding PARAM to facilitate the connection of  
46 municipal archives.  
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49 *2005 - 2011: Simplex and National Archives Network*

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51 The XVII Constitutional Government resulted from an absolute parliament majority. Within the  
52 scope of public administration, this government reiterated the proposal to create a program to  
53 combine all simplification measures with electronic access to institutional information.  
54 Concerning culture, the Government Program anticipated the completion of the Archives Network.  
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3 Additionally, the GP document recognizes the critical role of archives in the operation of public  
4 and private entities, as well as the necessity of refocusing efforts in this area.  
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7 This legislature published four GOPs. Archival references relate to the completion of district and  
8 municipal archives, the installation of the national sound archive, and the Simplex program's  
9 simplification and restructuring measures. Simplex was founded in 2006 with the goal of  
10 establishing the relationship between electronic modernization and policies simplification. The  
11 program was published in five basic editions and three subprograms, of which the Local Simplex  
12 (2008/2009, 2009/2010, 2010/2011) is noteworthy.  
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16 The program's primary objectives were consistent across editions: to strengthen the Public  
17 Administration's capacity to respond to citizens' and businesses' needs; to increase citizens'  
18 confidence in the Public Administration; to simplify licensing processes and red tape for  
19 businesses; to promote the efficiency of the Administration's services and bodies; and to contribute  
20 to increasing business competitiveness by lowering the costs associated with economic activity.  
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26 **Table VI**

27 *Simplex editions and number of measures by status*  
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29 The municipal Simplex had a significant impact on citizens' relationships with local governments;  
30 consequently, it is important to highlight the following measures:  
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- 33 • Online access to a licenses catalogue of information about licenses, prior authorizations, and  
34 other similar administrative conditions that affect citizens' economic and other activities in  
35 their interactions with local governments;
  - 36 • Automation of pre-existing licensing processes;
  - 37 • Online access to forms, regulations, and other municipally relevant documents.  
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41 In the legislative sphere, it's worth noting the replacement of the National Archives Institute/*Torre*  
42 *do Tombo* by the Directorate-General of Archives, as decreed by Decree Law 215/2006, of October  
43 27th.  
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46 Regarding access to administrative documents, two relevant legal instruments were published:  
47 Law 46/2007 of August 4th, which repealed Law 65/93 of August 26th and set out new regulations  
48 on administrative records access; and Decree Law 88/2009 of April 9th, which established the  
49 legal regime for electronic documents and the State's electronic certification system.  
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52 Sócrates' successor government had a minority government, which combined with the fragile  
53 economic environment, resulted in the executive's resignation in 2011. Consequently, the measures  
54 presented followed the previous Government Program and no new measures were proposed apart  
55 from the implementation of Simplex.  
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3 *2011-2019: Economic crisis and subsequent recovery*

4 In 2011, the XIX Government was inaugurated, led by Pedro Passos Coelho. This executive took  
5 office in the midst of a severe economic and social crisis, which had been exacerbated by a new  
6 bailout by the IMF. Measures concerning archives were linked to dispersed measures of  
7 simplification - not only of procedures but of structures - as was the Secretary of State for Culture.  
8 Three GOPs were published in this legislature. They did not, however, introduce any new archives-  
9 relevant measures.  
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13 Despite the absence of references to archives in this Government Program and the GOPs,  
14 legislative production was increasingly oriented toward support of e-government and  
15 interoperability.  
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18 **Table VII**

19 *Laws regarding e-government and interoperability published by the XIX Government*  
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21 Within the traditional archive's scope, this Government replaced the Directorate-General of  
22 Archives with the Directorate-General for Books, Archives, and Libraries (DGLAB) as the  
23 national archives policy's coordinating body.  
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26 **Table VIII**

27 *Archives policy management bodies between 1976 and 2019*  
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30 Despite re-election in 2015, the Passos Coelho Government remained in power for only 27 days  
31 due to the non-approval of its program. It was followed by the XXI Constitutional Government  
32 under the leadership of Prime Minister António Costa, which managed to remain in office until  
33 the regular end of the 2019 legislative session (through the establishment of bilateral agreements  
34 with left-wing parties).  
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37 Archives are mentioned in this Government Program and GOPs in connection with the public  
38 administration and culture sectors. Within the sphere of public administration, references include  
39 the relaunch of the Simplex Program and its associated simplification measures. The proposed  
40 measures are consistent with the principle of single step delivery, previously advocated by Decree-  
41 Law no. 73/2014, of May 13<sup>th</sup>. The references to archives within culture are incorporated into the  
42 preservation of National Heritage, with the goal of establishing new archival repositories such as  
43 the National Sound Archive, whose introduction in the GOPs dates from 1983; and further  
44 articulating existing ones such as the National Archive of Moving Images, in order to improve  
45 access to the national collective memory.  
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50 **Discussion and Conclusions**

51 To construct this analysis, we defined a set of general objectives to:

- 52  
53 • determine the role of archives in Portugal's political decision-making processes during the  
54 defined period;  
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3 • recognize whether the inclusion of archives in these processes constitutes the development of  
4 an archives policy;  
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7 and a set of more specific objectives:  
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- 9 • correlate changes in the political and socioeconomic context with possible changes in the role  
10 of archives in the development of public policy;  
11 • identify legislation that pertains to archives and analyse its structure in relation to what is  
12 anticipated in the literature;  
13 • identify and analyse the application of programs dedicated to archives.  
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17 Couture emphasizes the importance of including records management functions in the legal  
18 framework governing archives. This responsibility is primarily carried out by the National  
19 Archives in the countries studied (Couture, 1998). In the Portuguese case, the body charged with  
20 coordinating the country's archives policy underwent several changes during the period under  
21 consideration. Pereira (2016) believes that these administrative changes have implications for the  
22 management of the backlog in the custody of the Central State Administration services and  
23 consequently for the information integration process based on the 2012 State Archives Diagnosis.  
24 Additionally, the constant political changes had a significant impact on the success of developed  
25 programs, as they were quickly deactivated rather than evaluated and improved.  
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30 It is possible to detect the presence of archives throughout the analysed documents, but the majority  
31 of proposals were never implemented. Rather, there are several references to the need to refocus  
32 the archives policy, demonstrating its lack of direction and planning.  
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35 The main goal of the study aims to understand the place of archives in Portuguese public policies,  
36 and thus, the archive *is* place —both as a physical structure and as a collection of historical  
37 documents. Archives take on an objectively historical and heritage-like dimension in the  
38 Portuguese political and decision-making context, intrinsically linked to the safeguarding and  
39 protection of national heritage. The term "archive" is not commonly used outside of a cultural  
40 context or in relation to records management. There is a clear distinction between document and  
41 information management and 'archiving' from this point of view. However, this study takes a more  
42 systemic and integrated view of the concept of "archive," encompassing both patrimonial and  
43 information management dimensions.  
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48 The strictly patrimonialist concept is reflected in the Framework Law, Decree Law 16/93 of  
49 August 23rd, which defines archives as either a collection of documents or a physical structure.  
50 This concept is embodied in the introduction of the legal instrument itself, which highlights the  
51 country's integration into the EEC and the resulting need to safeguard heritage as motivating  
52 factors in the development of an archives policy.  
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3 This fragmented understanding of "archive" makes it impossible to develop a centralized and  
4 comprehensive policy, as it excludes an increasingly important segment of the sector: e-  
5 Government and administrative modernization. Exclusion of these areas from an archives policy  
6 may also result in a perceived reduction of its importance. Additionally, this may jeopardize the  
7 professional class's value by lowering their visibility; and raise concerns about organizational  
8 transparency, upholding of citizens' rights, and the internal organization of the structures  
9 themselves (Pereira, 2016).  
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13 While the archival legislative framework is productive and generally follows what is predicted in  
14 the literature, certain issues remain outside its current scope, such as regulation of human resource  
15 recruitment and archives and records' qualification, standardized systems for information  
16 organization and description, and conceptual rigor. Simultaneously, it is critical to define clear  
17 objectives for the path that the Portuguese archives policy will take in order to develop a solid,  
18 coherent, and articulated set of measures to address the sector's varied facets.  
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22 Based on this analysis, we recommend:  
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24 *Valorisation of the professional class*

25 The intervention of archival professionals in the development of policies for the sector is essential,  
26 since they truly know the reality of the systems' strengths and weaknesses (Couture, 1998; Jardim  
27 & Fonseca, 2008) through:  
28  
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- 30 • Regulation of professional associations and their integration into the process of preparing and  
31 implementing relevant measures and programs;
- 32 • Professionalization of archives through monetary investment in qualification and enhancement  
33 of the Librarian, Archivist, and Documentalist career path/s.  
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36 *Elaboration of diagnoses that characterize the real situation of archive structures by:*

- 37 • Identifying system needs and entropies;
- 38 • Evaluating previously applied measures.  
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41 *Improve legislation:*

- 42 • Adapt the archival concept to the new strengths of the sector (e-government, quality  
43 assessment, administrative modernization);
- 44 • Update the existing archival Law and related legal texts by bring them in line with sector  
45 evolution and providing rigor and conceptual coherence through amplification of the concept  
46 of 'archive' to deliver a more comprehensive approach.  
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49 *Promotion of research in the area:*

50 Extend this study to national government (and public administration) budgets, in order to identify  
51 the monetary investment that has been made in Portuguese archives and related programs launched  
52 in the same timeframe (1976 to 2021).  
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- 54 • Analyse the programs' application in the field and the perceptions of sector professionals and  
55 professional associations.  
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3 An archives policy must be more comprehensively integrated with a national information policy,  
4 enabling archives to play a critical role in the country's modernization and development strategy.  
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## 7 References

- 8 Barreiro, F., Berros, M., Romano, C. and Menéndez, W. (2013), *Políticas Públicas. Guía*  
9 *Didáctica*, Diseño Editorial, Montevideo.
- 10 Bertalanffy, L. von. (1968), *General System Theory: Foundations, Development, Applications*,  
11 George Braziller, New York.
- 12 Bowen, G.A. (2009), “Document Analysis as a Qualitative Research Method”, *Qualitative*  
13 *Research Journal*, Vol. 9 No. 2, pp. 27–40.
- 14 Couture, C. (1998), “Rôle et champ d’application de la législation archivistique”, *Ciberlegenda*,  
15 No. 1, available at: <https://periodicos.uff.br/ciberlegenda/article/view/36736>.
- 16 Governo da República Portuguesa (2022), “República Portuguesa”, available at:  
17 <https://www.portugal.gov.pt/pt/gc23/governo/governos-antiores>, (accessed 22 August  
18 2022)
- 19  
20  
21 Imprensa Nacional Casa da Moeda (2022), “Diário da República Eletrónico”, available at  
22 <https://dre.pt/dre/home>, (accessed 22 August 2022)
- 23 Jardim, J.M. (2006), “Políticas públicas arquivísticas: princípios, atores e processos”, *Arquivo &*  
24 *Administração*, Vol. 5 No. 2, pp. 5–16.
- 25 Jardim, J.M. and Fonseca, O. (2008), “Políticas públicas de informação: a (não) construção da  
26 política nacional de arquivos públicos e privados (1994-2006)”, presented at the IX  
27 Encontro Nacional de Pesquisa e Pós-graduação em Ciência da Informação, São Paulo,  
28 available at: <http://hdl.handle.net/20.500.11959/brapci/180386>.
- 29  
30 Ketelaar, E. (1985), *Archival and Records Management Legislations and Regulations: A RAMP*  
31 *Study with Guidelines.*, UNESCO, Paris.
- 32 Muller, P. and Surel, Y. (2002), *A Análise Das Políticas Públicas*, translated by Bavaresco, A.  
33 and Ferraro, A.R., Vol. 3, Editora da Universidade Católica de Pelotas, Pelotas.
- 34 Pelletier, J.-G. (1994), “COUTURE, Carol et LAJEUNESSE, Marcel. Législations et politiques  
35 archivistiques dans le monde. Québec, Documentor, 1993. 417 p.”, *Documentation et*  
36 *bibliothèques*, Vol. 40 No. 2, p. 108.
- 37  
38 Pereira, M.H. (2015), “O Arquivo Nacional suspendeu as funções de Arquivo do Estado:  
39 Reflexões de uma historiadora acerca da política de arquivos”, *Ler História*, No. 68,  
40 available at: <https://doi.org/10.4000/lerhistoria.1787>.
- 41 Rodrigues, A.C. (2019), “Gestão de documentos, arquivos e acesso à informação: Identificação  
42 dos requisitos da transparência administrativa nos municípios do Grande Rio”, *Arquivos*  
43 *Fluminenses No Contexto Ibero-Americano*, L. E. T. Leite, Rio de Janeiro.
- 44 Rodrigues, A.C. and Garcia, N. (2019), “Os arquivos nos municípios da Região Metropolitana  
45 do Rio de Janeiro: Estudo de identificação das políticas públicas arquivísticas para o acesso  
46 à informação”, *Arquivos Fluminenses No Contexto Iberoamericano*, L. E. T. Leite, Rio de  
47 Janeiro, pp. 243–255.
- 48  
49 Rodrigues, A.C. and Vilela, A.B. (2019), “Arquivos e transparência administrativa no município  
50 de Niterói”, *Arquivos Fluminenses No Contexto Ibero-Americano*, L. E. T. Leite, Rio de  
51 Janeiro.
- 52  
53 Santos, S. (2015), *O Sistema de Informação Arquivística: Casa Do Museu Regional Da Huíla*,  
54 Masters, Universidade de Lisboa, Faculdade de Letras, Lisboa, available at:  
55 <http://hdl.handle.net/10451/18313>.  
56  
57  
58  
59  
60

- 1  
2  
3 Silva, A.M. da. (2015), “Arquivo, biblioteca, museu, sistema de informação: Em busca da  
4 clarificação possível...”, *Cadernos BAD*, No. 1, pp. 103–124.  
5  
6 Silva, A.M. da, Ribeiro, F., Ramos, J. and Real, M.L. (1999), *Arquivística: Teoria e Prática de*  
7 *Uma Ciência Da Informação*, Edições Afrontamento, Porto.  
8 Silva, C.G. (2008), “O papel da arquivística na gestão da qualidade das organizações”, presented  
9 at the 2.o Seminário Nacional de Arquivos, Bibliotecas, Centros de Documentação e  
10 Museus, Maputo.  
11 Silva, C.G. (2019), “O lugar dos arquivos municipais nas políticas públicas governamentais em  
12 Portugal (1976-2018)”, *Arquivos Fluminenses No Contexto Ibero-Americano*, L. E. T.  
13 Leite, Rio de Janeiro.  
14 Silva, C.G. (n.d.). “O conceito de ‘arquivo’ revisitado: com e sem adjetivação”, *Investigação Em*  
15 *Ciência Da Informação*, Colibri, Lisboa, pp. 53–61.  
16 Vázquez-Murillo, M. (2008), *Administración de Documentos y Archivos: Planteos Para El Siglo*  
17 *XXI*, 3rd ed., Vol. 1, Alfagrama, Buenos Aires.  
18  
19  
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21  
22  
23  
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25  
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# Archives in Portuguese Public Policies: a steady place

## Tables

**Table I**

<b>Government</b>	<b>References</b>
II (1978)	- Professional training investment ( <i>GP</i> )
III (1978)	- Provided services regulation ( <i>GP</i> ) - Proposal of a basic law for libraries, archives and documentation services ( <i>GP</i> )
IV (1978-79)	- Professional training investment ( <i>GP</i> )
V (1979)	* <i>Law publication only</i>
VI (1980)	* <i>Law publication only</i>
VII (1981)	- Construction of the new <i>Torre do Tombo</i> building ( <i>GP</i> ) - Diagnosis of Portuguese archives: precarious scenario in terms of organisation, logistics and security ( <i>GOP</i> )

*GOP and GP references to archives from 1978 to 1981 under “Culture”*

**Table II**

<b>Government</b>	<b>References</b>
II (1978)	- Gaps in information management techniques, excessive red-tape, and resistance to computerization ( <i>GP</i> ) - Need to establish measures to bring citizens closer to the administration ( <i>GP</i> ) - Development of new techniques for information and processes management and procedures streamlining ( <i>GOP</i> )
III (1978)	- Gaps in information management and human resources training ( <i>GP</i> ) - Streamlining of procedures and structures ( <i>GP</i> )
IV (1978-79)	* <i>No references</i>
V (1979)	* <i>Law publication only</i>
VI (1980)	- Human resources training and red-tape reduction ( <i>GP</i> )
VII (1981)	- Urgency for administrative reform ( <i>GP</i> )

*GOP and GP references to archives from 1978 to 1981 under “Public Administration”*

Table III

Elements	Content
Art. 4 <sup>th</sup>	Definition of 'Archive': - Archive as a set of documents (complemented by indications at the level of support, the producer, the form of conservation and organisation and its administrative objectives); - Archive as the infrastructure responsible for keeping the documentation.
Art. 5 <sup>th</sup>	Definitions of the concepts of Fonds, Collection and Document
Art. 6 <sup>th</sup>	Definition of 'Protected Archival Heritage'
Art. 7 <sup>th</sup>	National Archives Management
Art. 8 <sup>th</sup>	Management Bodies - The National Archive is the major responsible for the development and coordination of an archives policy.
Art. 9 <sup>th</sup> – 10 <sup>th</sup>	Types of archives - Archives can be classified according to their origin, theme, documentation support, ownership, or territorial scope.
Art. 13 <sup>th</sup> -16 <sup>th</sup>	Archives management and document management systems
Art. 17 <sup>th</sup>	Communication of Archival Heritage
Art. 18 <sup>th</sup> -19 <sup>th</sup>	Private Fonds and Collections management

*Decree Law No. 16/93, of August 23<sup>rd</sup>, main elements*

Table IV

Year	Law	Content
1985	D. L. 497/85, of July 6 <sup>th</sup>	Creates the Secretariat for Administrative Modernization
1985	D. L. 203/86, of July 23 <sup>rd</sup>  Order no. 503/86, of September 9 <sup>th</sup>	Defines the powers of the Secretariat for Administrative Modernization Authorizes microfilming of documentation from existing archives in local authorities
1988	D. L. no. 152/88, of April 29 <sup>th</sup> D. L. no. 447/88, of December 10 <sup>th</sup>	Creates the Portuguese Archives Institute Regulates documentation pre-archiving
1991	D. L. no. 247/91, of July 10 <sup>th</sup>	Approves the status of specific careers in the areas of library, documentation, and archives
1992	D. L. no.106-A/92, of June 1 <sup>st</sup> D. L. no.106-G/92, of June 1 <sup>st</sup> D. L. no.106-D/92, of June 1 <sup>st</sup> D. L. no. 121/92, of July 2 <sup>nd</sup>	Extinguishes services in Culture, including PAI, <i>Cinemateca Portuguesa</i> and Portuguese Cultural Heritage Institute Approves the Organic Law of National Archives / <i>Torre do Tombo</i>  Creates the <i>Cinemateca Portuguesa</i> and assigns competences to it in relation to the National Archive of Moving Images Establishes records management principles related to human, financial and property resources of the administration services.

Year	Law	Content
	D. L. no. 18/92, of August 6 <sup>th</sup>	Authorizes the government to legislate on the general regime of archives and archival heritage
1993	D. L. no. 16/93, of January 23 <sup>rd</sup> Law no. 65/93, of August 26 <sup>th</sup>	Establishes the general regime of archives and archival heritage Regulates access to administrative records
1994	Law no. 14/94, of May 11 <sup>th</sup>	Amends, by ratification, Decree-Law 16/93, of January 23 <sup>rd</sup>
1995	Law no. 8/95, of March 29 <sup>th</sup>	Defines the organic regulation of the Commission for Access to Administrative Records and clarifies aspects related to access to administrative records

*Relevant laws published during the X, XI and XII Governments (1985-1995)*

**Table V**

Year	Public Administration	Culture	Information Society
1996	Bureaucracy reduction Extension of conditions for access to administrative records Growing use of Information Technologies	Launch of a national archive policy	
1997	Simplification of notary records Revision of obsolete rules and procedures Dynamization of an inter-ministerial network aimed at de-bureaucratization	Revision of the Cultural Heritage Law Implementation of a joint database between the District Archives and the National Archives Interventions in various District Archives	Digitization of administrative and historical information to ensure its universal access
1998	Elimination of repeated information requests		Universal electronic payment Access to information electronically
1999		Revision of the Cultural Heritage Law Launch of PARAM Development of an archival description system	
2000	Simplification of licensing acts	Consolidation of PARAM Construction of new District Archives and the Photographic Archive of Lisbon Drafting of a new Cultural Heritage Law	Implementation of the single act principle Primacy of electronic media over paper Encouraging the use of electronic transfer between ministries
2001	Simplification and bureaucracy	Regulation of archives funding	

Year	Public Administration	Culture	Information Society
	reduction of licensing acts	Continuation of PARAM Continuation of the Archival Information Systems and Electronic Records program Microfilming / Scanning of contemporary records	

*GOP and GP references to archives from 1996 to 2001*

**Table VI**

Edition	Proposed Measures	Completed Measures	Partially Completed Measures	Cancelled Measures	Measures not completed
2006	333	280	15	2	36
2007	235	183	18	5	29
2008	189	137	29	0	23
2009	200	155	12	3	30
2010	129	-	-	-	-
2008/09	67	57	-	-	-
2009/10	291	234	-	-	-
2010/11	727	545	-	-	-

*Simplex editions and number of measures by status*

**Table VII**

Year	Law	Content
2011	Law no. 36/2011, of June 21 <sup>st</sup>	Establishes the adoption of open standards in the State's computer systems
2012	Resolution of the Council of Ministers no. 12/2012, of February 7 <sup>th</sup> Resolution of the Council of Ministers no. 91/2012, of November 8 <sup>th</sup>	Approves the global strategic plan for rationalization and cost reduction with ICT in Public Administration Approves, pursuant to Law No. 36/2011, the National Digital Interoperability Regulation
2014	Decree-Law No. 74/2014, of May 13 <sup>th</sup>	Establishes the digital provision of public services as a rule of service in the Public Administration
2015	Resolution of the Council of Ministers no. 42/2015, of June 19 <sup>th</sup>	Determines the preferential adoption of the Public Administration Interoperability Platform (iAP) in the exchange of information between services and bodies of the Public Administration

*Laws regarding e-government and interoperability published by the XIX Government*

Table VIII

<b>Management Entity</b>	<b>Law Act</b>
Portuguese Institute for Cultural Heritage	Regulatory Decree 34/80, of August 2 <sup>nd</sup>
<i>Torre do Tombo</i> National Archive	Decree-Law 424/85, of October 22 <sup>nd</sup>
Portuguese Archives Institute	Decree-Law 152/88, of April 29 <sup>th</sup>
National Archives / <i>Torre do Tombo</i>	Decree-Law 106-A92, of June 1 <sup>st</sup>
National Archives Institute / <i>Torre do Tombo</i>	Decree-Law 42/96, of May 7 <sup>th</sup>
Directorate-General for Archives	Decree-Law no. 215/2006, of October 27 <sup>th</sup>
Directorate-General for Books, Archives and Libraries	Decree-Law No. 103/2012, of May 16 <sup>th</sup>

*Archives policy management bodies between 1976 and 2019*