



**MINISTÉRIO DA JUSTIÇA  
E SEGURANÇA PÚBLICA**  
Assessoria Especial Internacional

# **TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL**

**Decreto nº 10.148 de 02 de dezembro de 2019.**

Institui a Comissão de Coordenação do Sistema de Gestão de Documentos e Arquivos da administração pública federal, dispõe sobre a Comissão Permanente de Avaliação de Documentos, as Subcomissões de Coordenação do Sistema de Gestão de Documentos e Arquivos da Administração Pública Federal e o Conselho Nacional de Arquivos, e dá outras providências.

**VERSÃO EM INGLÊS**



## Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução<sup>1</sup>, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



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<sup>1</sup>Traduções não juramentadas ou oficiais.

**DECREE nº 10,148 OF DECEMBER 2<sup>nd</sup>, 2019.**

Establishes the Coordination Commission of the Records and Archives Management System of the Federal Government, provides on the Standing Commission on Document Evaluation, the Subcommissions for the Coordination of the Records and Archives Management System of the Federal Government and the National Council on Archives, and makes other arrangements.

**The PRESIDENT OF BRAZIL**, in the use of the powers conferred by article 84, **head provision**, items IV and VI, subitem "a", of the Constitution, and considering the provisions of Law nº 8,159 of January 8<sup>th</sup>, 1991,

**DECREES:**

CHAPTER I

COORDINATION COMMISSION OF THE RECORDS AND ARCHIVES MANAGEMENT SYSTEM

Art. 1. The Coordination Commission of the Records and Archives Management System of the Federal Government - Coordination Commission of SIGA is established within the scope of the National Archives, and shall:

I - propose guidelines and standards for the management and preservation of records and archives within the Federal Government;

II - guide the SIGA members on the modifications necessary to improve the records and archives management mechanisms;

III - monitor the implementation of the standards and their results to modernize and improve SIGA;

IV - provide information on sectorial and sectional bodies to the central body of SIGA; and

V - advise the central body of SIGA in the execution of its competences.

Sole paragraph. The National Archives, as the central body of SIGA, shall submit the proposals referred to in item I of **head provision**, approved by the SIGA Coordination Commission, to the approval of the Minister of State for Justice and Public Security.

Art. 2. The SIGA Coordination Commission is composed of:

I - the Director-General of the National Archives, who shall preside over it;

II - representatives:

a) from the National Archives;

b) from the central body of the General Services System; and

c) from the central body of the Information Technology Resources Management System; and

III - the Presidents of the SIGA Coordination Subcommissions of the Federal Government bodies.

Paragraph 1. Each member of the SIGA Coordination Commission shall have an alternate, who shall replace him/her in his/her absences and impediments.

Paragraph 2. The member of the SIGA Coordination Commission referred to in subitem "a" of item II of the **head provision** and his/her alternate shall be appointed by the Director-General of the National Archives and appointed by the Minister of State for Justice and Public Security.

Paragraph 3. The members of the SIGA Coordination Commission referred to in subitems "b" and "c" of item II of the **head provision** and their alternates shall be appointed by the Minister of State for Economy and appointed by the Minister of State for Justice and Public Security.

Paragraph 4. The members of the SIGA Coordination Commission referred to in item III of the **head provision** and their alternates shall be appointed by the heads of the bodies they represent and designated by the Minister of State for Justice and Public Security.

Paragraph 5. The President of SIGA Coordination Commission may invite representatives of other public or private bodies and entities and experts on the subject under discussion to participate in the meetings, without the right to vote.

Art. 3. The SIGA Coordination Commission shall meet on an ordinary semi-annual basis and on an extraordinary basis whenever convened by its President or at the request of two-thirds of the members.

Paragraph 1. The meeting quorum of the SIGA Coordination Commission is one-third of the members and the approval quorum is by a simple majority.

Paragraph 2. In addition to the ordinary vote, the President of the SIGA Coordination Commission shall have the casting vote in case of a tie.

Art. 4. The Executive Secretariat of the SIGA Coordination Commission shall be exercised by the National Archives.

Art. 5. The disclosure of ongoing discussions in the SIGA Coordination Commission without prior consent of the Minister of State for Justice and Public Security is prohibited.

Art. 6. The Records and Archives Management System of the Federal Government Coordination Subcommissions - SIGA Coordination Subcommissions shall be established within the scope of the sectorial bodies of SIGA, to:

I - propose the necessary modifications to improve the records and archives management mechanisms to the SIGA Coordination Commission;

II - evaluate the application of the standards and their results at the sectorial and sectional level and propose the necessary adjustments to modernize and improve the SIGA; and

III - implement, coordinate, and control the activities of records and archives management in the sectorial and sectional areas.

Paragraph 1. Each SIGA Coordination Subcommission shall be composed of a representative:

I - from the respective sectorial body, which shall preside over it; and

II - from each of the sectional bodies.

Paragraph 2. The members of the SIGA Coordination Subcommission shall be appointed by the heads of the bodies or entities they represent.

Paragraph 3. The SIGA Coordination Subcommissions shall meet on an ordinary semi-annual basis and on an extraordinary basis whenever convened by its President or at the request of two-thirds of the members.

Paragraph 4. The meeting quorum of the SIGA Coordination Subcommissions is one-third of the members and the approval quorum is by a simple majority.

Art. 7. The members of the SIGA Coordination Commission and SIGA Coordination Subcommissions that are in the Federal District shall meet in person and the members that are in other federative entities shall participate in the meeting through video-conference.

Art. 8. Participation in the SIGA Coordination Commission and in the SIGA Coordination Subcommissions shall be considered as providing a relevant, unpaid public service.

## CHAPTER II

### STANDING COMMISSION FOR RECORDS EVALUATION

Art. 9. Standing commissions for records evaluation shall be established within the bodies and entities of the Federal Government, as technical bodies with the aim of guiding and conducting the process of analysis, evaluation, and selection of the records produced and accumulated in their scope of action to ensure their final destination, in accordance with the legislation in force and SIGA standards, with the following competencies:

I - prepare the records classification codes and the tables of records retention schedule and destinations, which are technical management tools related to the core-activities of their bodies and entities and submit them to the approval of the National Archives;

II - apply and guide the application of the records classification code and the table of records retention schedule and destinations of the support-activities of the Federal Government and their core-activities approved by the National Archives;

III - guide the administrative units of its body or entity, analyze, evaluate, and select the set of records produced and accumulated by the Federal Government, to identify the records for permanent custody and the elimination of documents devoid of value;

IV - analyze the sets of records to define their final destination, after declassification regarding the degree of secrecy; and

V - having observed the provisions of items I and II, submit the lists of elimination of records for approval by the holder of the body or entity.

Sole paragraph. Standing Commissions for Records Evaluation shall be established by an act of the holders of the bodies or entities.

Art. 10. The authorization for the destruction of records referred to in [article 9 of Law nº 8,159 of January 8<sup>th</sup>, 1991](#), shall occur with the approval of the tables of retention schedule and records disposal of the body or entity by the National Archives, conditioned on the compliance with the provisions of items I, II, and V of the **head provision** of article 9.

Sole paragraph. The deletion of public records shall be conducted in a form that the destruction of records cannot be reversed.

Art. 11. The Standing Commissions for Records Evaluation shall be composed of the following servers of the body or entity:

I - archivist server or server responsible for archival services, who shall preside over it; and

II - servers of the organizational units to whom the sets of documents to be evaluated and destined for permanent custody or destruction are referred.

Paragraph 1. Each member of the Standing Commissions for Records Evaluation shall have an alternate, who shall replace him/her in his/her absences and impediments.

Paragraph 2. The members of the Standing Commissions for Records Evaluation shall be appointed by the holder of the body or entity from among its servers.

Paragraph 3. The Executive-Secretariat of the Standing Commissions for Records Evaluation shall be exercised by one of the servers referred to in item II of the **head provision**.

Paragraph 4. The President of the Standing Commissions for Records Evaluation may invite representatives of other public or private bodies and entities and experts on the subject under discussion to participate in the meetings, without the right to vote.

Art. 12. The Standing Commissions for Records Evaluation shall meet on an ordinary, at least semi-annually, and on extraordinary, whenever convened by its President or at the request of one-third of the members.

Paragraph 1. The meeting quorum of the Standing Commissions for Records Evaluation is the absolute majority of the members and the approval quorum is by a simple majority.

Paragraph 2. In addition to the ordinary vote, the President of the Standing Commissions for Records Evaluation shall have the casting vote in case of a tie.

Art. 13. Participation in the Standing Commissions for Records Evaluation shall be considered as a relevant, unpaid public service provision.

Art. 14. The members of the Standing Commissions for Records Evaluation who are in the same federative entity as the meeting shall participate in person and the members who are in other federative entities shall participate in the meeting through video-conference.

### CHAPTER III

#### AMENDMENTS TO DECREES nº 4,915 of DECEMBER 12<sup>th</sup>, 2003, and nº 4,073 JANUARY 3<sup>rd</sup>, 2002

Art. 15. The syllabus of [Decree nº 4,915 of December 12<sup>th</sup>, 2003](#), comes into force with the following amendments:

"[Provides](#) for the Records and Archives Management System of Federal Government." (NR)

Art. 16. [Decree nº 4,915 of 2003](#) comes into force with the following amendments:

"[Art. 1.](#) The activities of records management within the bodies and entities of the Federal Government are organized in the form of a system denominated Records and Archives Management System (SIGA in Portuguese).

[Paragraph 1.](#) For the purposes this Decree, archives are the records groups produced and received by the Federal Government as a result of the exercise of specific activities, whatever the support of the information or nature of the records.

....." (NR)

"Art. 2. ....

[I-](#) ensuring to the citizen and bodies and entities of the Federal Government the access to the files and the information contained in them, in an agile and secure form, protecting the aspects of secrecy and legal restrictions;

II - integrate and coordinate the activities of records and archives management developed by the sectorial and sectional bodies that integrate it;

III - disclose standards regarding the management and preservation of records and archives;

.....

[VII-](#) articulate with other systems that act directly or indirectly in the management of federal public information; and

VIII - strengthen the archival services in the bodies and entities of the Federal Government, for the rationalization and efficiency of their activities.” (NR)

"Art. 3. ....

.....

II - as sectorial bodies, the units responsible for coordinating the activities of records and archives management in the bodies and entities of the Federal Government; and

III - as sectional bodies, the units responsible for coordinating the activities of records and archives management in the entities linked to the bodies of the Federal Government.” (NR)

"Art. 4. ....

I - plan, coordinate, and supervise SIGA matters, in conjunction with the SIGA Coordination Commission;

II - define, elaborate, and disseminate the guidelines and general norms regarding records and archives management to be implemented in the bodies and entities of the Federal Government, with the support of the SIGA Coordination Commission;

III - edit standards to regulate the standardization of technical procedures regarding document management activities, regardless of the information medium or the nature of the documents;

IV - guide the implementation, coordination, and control of activities and work routines related to records management in sectorial bodies;

V - disseminate technical standards and information for the improvement of SIGA with sectorial and sectional bodies;

VI - promote technical cooperation with institutions and related systems, national and international; and

VII - promote the training and improvement of servers that work in the records and archives management.” (NR)

"Art. 5. ....

I - implement and coordinate the activities of records and archives management, within its scope and the sectional bodies of SIGA;

II - coordinate the work routines, within its scope of action and the sectional bodies of SIGA, to standardize the technical procedures regarding records and archives management;

.....



VII - provide training and improvement to servers operating in archival services and ensure their updating.” (NR)

Art. 17. [Decree nº 4,073 of January 3<sup>rd</sup>, 2002](#), comes into force with the following amendments:

"[Art. 1.](#) The National Council on Archives (CONARQ in Portuguese), a collegiate body established within the National Archives, created by [article 26 of Law nº 8,159 of January 8<sup>th</sup>, 1991](#), aims to define the national policy of public and private archives.” (NR)

"Art. 2. ....

.....

[III](#) - propose normative acts to the Minister of State of Justice and Public Security necessary to improve and implement the National Policy for Public and Private Archives;

.....

[V](#)- stimulate programs for the management and preservation of public records of the federal, state, district, and municipal level, produced or received by Public Authorities;

.....

[X](#)- propose to the Minister of State of Justice and Public Security the declaration of public and social interest of private archives;

.....

[XIV](#) - maintain, through the National Archives, exchange with other collegiates and institutions, whose purposes are related or complementary to their own, to provide and receive elements of information and judgment, combine efforts, and chain actions;

XV - articulate with other bodies of national policy maker Public Authority in the areas of Education, Culture, Science, Technology, Information, and Informatics;

XVI - propose the conclusion, through the National Archives, of agreements, partnerships, and terms of technical cooperation with public and private bodies and entities in matters of mutual interest; and

XVII - edit technical guidelines to implement the National Archives policy, through a resolution.” (NR)

"[Art. 2-A.](#) For the implementation of the national policy of public and private archives, within the scope of the Federal Government, the National Archives shall:

I - conclude agreements, partnerships, and terms of cooperation with public and private bodies and entities in matters of mutual interest;

II - propose normative acts to the Minister of State of Justice and Public Security regarding the improvement and implementation of the National Policy for Public and Private Archives;

III - provide subsidies for archiving public documents in electronic, optical, or equivalent means, observing the legislation; and

IV - establish guidelines for the preservation and access to public documents, regardless of their form or nature.” (NR)

"Art. 3. ....

.....

III - one representative of the Federal Judiciary Branch;

.....

V - one representative of the state and district public archives;

VI - one representative of the municipal public archives;

VII - one representative of archivist associations; and

VIII - four representatives of educational and research institutions, organizations or institutions operating in the area of information and communication technology, archive science, history, or information science.

Paragraph 1. Each member of the CONARQ shall have an alternate, who shall replace him/her in his/her absences and impediments.

Paragraph 2. The members of CONARQ and their alternates shall be appointed:

I - in the case of item II of the **head provision**:

a) one by the Minister of State for Economy; and

b) one by the Chief Minister of State of the General-Secretariat of the Presidency of Brazil;

II - in the case of item III of the **head provision**, by the President of the Federal Supreme Court;

III - in the case of item IV of the **head provision**:

a) one by the President of the Chamber of Deputies; and

b) one by the President of the Federal Senate; and

IV - in the cases of items V to VIII of the **head provision**, through public selection conducted in accordance with the provisions of an act of the Minister of State for Justice and Public Security.

Paragraph 3. The members of CONARQ and their alternates shall be appointed by the Minister of State for Justice and Public Security.

Paragraph 4. The members of CONARQ referred to in items VII and VIII of the **head provision** and their alternates shall have a term of two years.

.....” (NR)

"Art. 5. ....

Paragraph 1. The CONARQ shall operate with the National Archives.

Paragraph 2. The CONARQ meetings shall preferably be held by video-conferencing.” (NR)

"Art. 6. The CONARQ meeting quorum is an absolute majority of the members and the approval quorum is a simple majority.

Sole paragraph. In addition to the ordinary vote, the President of CONARQ shall have the casting vote in case of a tie.” (NR)

"Art. 7. The CONARQ may establish technical advisory chambers to assist the Council to prepare studies and normative proposals and propose solutions to issues of the national policy of public and private archives and the functioning of the National Archives of Council.

Paragraph 1. The technical advisory chambers shall be composed in the form of an act of the CONARQ and its members may be advisers of the CONARQ or invited experts.

Paragraph 2. The members of the technical advisory chambers shall be appointed by the President of CONARQ, **ad referendum** of the Council.

Paragraph 3. The technical chambers of CONARQ shall:

- I - not have more than five members;
- II - be of a temporary nature and not more than one year; and
- III - be limited to five operating simultaneously.

Paragraph 4. The members of the technical chambers that are in the Federal District or Rio de Janeiro, depending on the location of the meeting, shall participate in person and the members that are in other Federative bodies shall participate in the meeting by video-conference.” (NR)

"Art. 7-A. The Commission for Private Holdings Evaluation, within the framework of CONARQ, of a permanent character, shall:

- I - receive proposals for declarations of public and social interest of private holdings and instruct the evaluation process;

II - invite experts to analyze the private holdings, when necessary;

III - issue a conclusive opinion on the public and social Interest of the private holdings for consideration by the CONARQ plenary; and

IV - subsidize the monitoring of the holdings declared as of public and social interest by the Federal Executive Branch.

Paragraph 1. The Commission for Private Holdings Evaluation shall have three to five members and their alternates, in accordance with the provisions of an act of CONARQ.

Paragraph 2. The members of the Commission for Private Holdings Evaluation and their alternates, including its president:

I - may be CONARQ advisors or invited experts; and

II - shall be appointed by the President of CONARQ, **ad referendum** of the Council.

Paragraph 3. The Commission for Private Holdings Evaluation shall meet on an ordinary basis whenever there is a request for analysis of private holdings and by convocation of its President and on an extraordinary basis by convocation of its President or request of its members.

Paragraph 4. The meeting quorum of the Commission for Private Holdings Evaluation is the absolute majority of the members and the approval quorum is by a simple majority.

Paragraph 5. In addition to the ordinary vote, the President of the Commission for Private Holdings Evaluation shall have the casting vote in case of a tie.

Paragraph 6. The Executive-Secretariat of the Commission for Private Holdings Evaluation shall be exercised by the National Archives.

Paragraph 7. The members of the Commission for Private Holdings Evaluation that are in the Federal District shall meet in person at the National Archives and the members that are in other federative entities shall participate in the meeting through videoconference.

Paragraph 8. Participation in the Commission for Private Holdings Evaluation shall be considered as a relevant, unpaid public service provision." (NR)

"[Art. 9-A.](#) The President of CONARQ shall forward an annual report of the activities of CONARQ to the Minister of Justice and Public Security." (NR)

"Art. 13 .....

.....

[XII](#) - enable the participation of experts from public and private bodies and entities in the technical chambers and in the Commission for Private Holdings Evaluation; and

.....” (NR)

"[Art. 20.](#) After appointing the executor, liquidators, or administrators of holdings for defunct bodies and entities, the Ministry of Economy shall request the Minister of State for Justice and Public Security the technical assistance of the National Archives for the necessary guidance for the preservation and disposal of the accumulated records heritage, in accordance with the provisions of [paragraph 2 of article 7 of Law nº 8,159, of 1991.](#)" (NR)

"[Art. 21.](#) The Minister of State for Justice and Public Security, upon a proposal from the National Archives, shall issue instructions on the procedures to be observed by the bodies and entities of the Federal Government, for the execution of the measures contained in this Section." (NR)

"[Art. 22.](#) Private archives of individuals or legal entities containing documents relevant to national history, culture, and development may be declared of public and social interest by an act of the Minister of State for Justice and Public Security.

.....” (NR)

"[Art. 23.](#) The Commission for Private Holdings Evaluation, on its own initiative or by provocation, shall forward a request concerning the declaration of public and social interest of private archives, accompanied by an opinion, for deliberation by the National Council on Archives.

Paragraph 1. The opinion shall be instructed with technical evaluation of the Commission for Private Holdings Evaluation referred to in article 7-A.

Paragraph 2. It is possible to appeal to the decision of CONARQ to the Minister of State for Justice and Public Security, in the manner provided for in [Law nº 9,784 of January 29<sup>th</sup>, 1999.](#)" (NR)

"[Art. 30.](#) The Minister of State for Justice and Public Security may edit standards complementary to the execution of the provisions of this Decree." (NR)

## CHAPTER IV

### FINAL PROVISIONS

Art. 18. The current members of CONARQ appointed on the basis of [items VII and VIII of the head provision of article 3 of Decree nº 4,073 of 2002](#), with the wording prior to the amendments promoted by this Decree, shall retain their mandates, exceptionally, until March 31<sup>st</sup>, 2020.

Art. 19. The following are repealed:

I - [article 6](#), [article 7](#), [article 8](#), and [article 11 of Decree nº 4,915 of 2003](#);

II - the following provisions of [Decree nº 4,073 of 2002](#):

a) [items IX and X of the head provision of article 3](#);

b) [sole paragraph of article 7](#);

c) [articles 8](#) and [18](#);

d) [paragraph 3 of article 23](#); and

e) [article 31](#);

III - [sole paragraph of article 15 of Decree nº 1,799 of January 30<sup>th</sup>, 1996](#); and

IV - [item V of the \*\*head provision\*\* of article 51 of Annex I to Decree nº 9,662 of January 1st, 2019](#).

Art. 20. This decree comes into force on the date of its publication.

Brasilia, December 2<sup>nd</sup>, 2019; 198<sup>th</sup> of the Independence and 131<sup>st</sup> of the Republic.

JAIR MESSIAS BOLSONARO

*Sérgio Moro*

This text does not replace the one published in the Federal Gazette (DOU in Portuguese) of 12.3.2019

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