



**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**

**Lei nº 8.159 de 08 de janeiro de 1991.**

Dispõe sobre a política nacional de arquivos públicos e privados 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.

**LAW Nº 8,159 OF JANUARY 8<sup>th</sup>, 1991.**

[Regulation](#)

[See Decree nº 4,553 of 12.27.02](#)

Provides for the Records and Archives Management System of the Federal Government. [\(Syllabus with wording established by Decree nº 10,148 of 12/2/2019\).](#)

**The PRESIDENT OF BRAZIL** makes public that the National Congress decrees and I sanction the following Law:

CHAPTER I

GENERAL PROVISIONS

Art. 1. The Public Authority is responsible for the records management and special protection of archival records, as an instrument of support to administration, culture, scientific development, and as evidence and information.

Art. 2. For the purposes of this Law, archives are considered the sets of records produced and received by public bodies, public institutions, and private entities, as a result of the exercise of specific activities, and by individuals, whatever the support of the information or the nature of the records.

Art. 3. Records management is the set of procedures and technical operations regarding their production, processing, use, evaluation, and archiving in the current and inactive phase, aiming at its disposal or transfer for permanent storage.

Art. 4. All have the right to receive from public bodies information of their private or of collective or general interest, contained in archival records, which shall be provided within the term of the law, under penalty of liability, except those whose secrecy is essential to the security of society and the State, and the inviolability of privacy, private life, honor, and image.

Art. 5. The Government shall open the consultation to the public records in the form of this Law.

Art. 6. The right to compensation for material or moral damage arising from the violation of secrecy is protected, without prejudice to criminal, civil, and administrative actions.

CHAPTER II

PUBLIC ARCHIVES

Art. 7. Public archives are the sets of records produced and received by public bodies of Federal, State, Federal District, and Municipal scope as a result of their administrative, legislative, and judicial functions, in the exercise of their activities. [Regulation](#)

Paragraph 1. The sets of records produced and received by public institutions and private entities in charge of the management of public services in the exercise of their activities are also public.

Paragraph 2. The cessation of activities of public institutions and of public nature implies the transfer of their documentation to the public archival institution or its transfer to the successor institution.

Art. 8. Public records are identified as current, inactive and permanent.

Paragraph 1. Current records are those in progress or that, even without movement, constitute the object of frequent consultations.

Paragraph 2. Inactive records are those that, not being in common use in producing bodies, for reasons of administrative interest, await their disposal or collection for permanent custody.

Paragraph 3. Permanent records are those sets of records of historical, evidential, and informative value that must be definitively preserved.

Art. 9. Records produced by public institutions and of public nature shall be eliminated by authorization of the public archival institution, in its specific sphere of jurisdiction.

Art. 10. Records of permanent value are inalienable and indefeasible.

### CHAPTER III

#### PRIVATE ARCHIVES

Art. 11. Private archives are the sets of records produced or received by individuals or legal entities as a result of their activities. [Regulation](#)

Art. 12. Private archives may be identified by the Public Authority as of public and social interest, provided they are considered as sets of sources relevant to the history and national scientific development. [Regulation](#)

Art. 13. Private archives identified as of public and social interest may not be disposed of with dispersion or loss of the documentary unit, nor transferred abroad. [Regulation](#)

Sole paragraph. Public Authority shall exercise preference in the acquisition of alienated archives.

Art. 14. Access to records of private archives identified as of public and social interest may be franchised upon authorization of its owner or possessor. [Regulation](#)

Art. 15. Private archives identified as of public and social interest may be deposited as revocable or donated to public archival institutions. [Regulation](#)

Art. 16. Civil records of archives of religious entities produced prior to the validity of the Civil Code are identified as of public and social interest. [Regulation](#)

## CHAPTER IV

### ORGANIZATION AND ADMINISTRATION OF PUBLIC ARCHIVAL INSTITUTIONS

Art. 17. The administration of public documentation or of a public nature is the responsibility of Federal, State, Federal District, and Municipal archival institutions.

Paragraph 1. The Federal Archives are the National Archives of the Executive Branch, and the archives of the Legislative and the Judiciary Branches. The archives of the Ministry of the Navy, the Ministry of Foreign Affairs, the Ministry of the Army, and the Ministry of Aeronautics are also considered of the Executive Branch.

Paragraph 2. The archives of the Executive Branch, the archives of the Legislative Branch, and the archives of the Judiciary Branch are State Archives.

Paragraph 3. The archives of the Executive Branch, the archives of the Legislative Branch, and the archives of the Judiciary are archives of the Federal District.

Paragraph 4. The archives of the Executive Branch and the archives of the Legislative Branch are Municipal Archives.

Paragraphs 5. The public archives of the territories are organized according to their political-legal structure.

Art. 18. The National Archives shall manage and receive the records produced and received by the Federal Executive, preserve and provide access to the records under its custody, and monitor and implement the National Archives policy.

Sole paragraph. The National Archives may create regional units for the full exercise of its functions.

Art. 19. The archives of the Federal Legislative Branch shall manage and receive records produced and received by the Federal Legislative Branch in the exercise of its functions, and preserve and provide access to records under its custody.

Art. 20. The archives of the Federal Judiciary Branch shall manage and receive records produced and received by the Federal Judiciary Branch in the exercise of its functions, processed in court and originating from notaries and secretariats, and preserve and provide access to records under its custody.

Art. 21. State, Federal District, and Municipal legislation shall define the criteria for organizing and linking State and Municipal archives, and manage and access to records, in accordance with the provisions of the Federal Constitution and this Law.

## CHAPTER V

### ACCESS TO AND CONFIDENTIALITY OF PUBLIC RECORDS

~~Art. 22. The right of full access to public records is ensured.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Art. 23. A Decree shall fix the categories of secrecy that must be obeyed by public bodies in the classification of records produced by them.~~ [Regulation](#) [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Paragraph 1. Records whose disclosure jeopardizes the security of society and the State, and those necessary to protect the inviolability of privacy, private life, honor, and image are originally confidential.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Paragraph 2. Access to confidential records regarding the security of society and the State shall be restricted for a maximum period of 30 (thirty) years, from the date of its production. This period may be extended once for the same period.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Paragraph 3. Access to confidential records regarding the honor and image of individuals shall be restricted for a maximum period of 100 (one hundred) years from its date of production.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Art. 24. The Judiciary Branch may, in any instance, determine the reserved display of any confidential document, whenever indispensable to the defense of personal right or clarification of the party's personal situation.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

~~Sole paragraph. No rule of an administrative organization shall be interpreted in such a way as to, in any way, restrict the provisions of this article.~~ [\(Repealed by Law nº 12,527 of 2011\)](#)

### FINAL PROVISIONS

Art. 25. Whoever defaces or destroys records of standing value or considered as of public and social interest shall be subject to criminal, civil, and administrative liability, in the form of legislation in force.

Art. 26. The National Council on Archives (CONARQ in Portuguese), a body linked to the National Archives, is established, and shall define the National Archives policy, as the central body of a National Archives of Council (SINAR in Portuguese).

Paragraph 1. The National Council on Archives shall be presided by the Director-General of the National Archives and composed of representatives of public and private archival and academic institutions.

Paragraph 2. The structure and functioning of the council created in this article shall be established in regulation.

Art. 27. This Law comes into force on the date of its publication.

Art. 28. The provisions to the contrary are repealed.

Brasilia, January 8<sup>th</sup>, 1991, 170<sup>th</sup> of the Independence and 103<sup>rd</sup> of the Republic.

FERNANDO COLLOR  
*Jarbas Passarinho*

This text does not replace the one published in the Federal Gazette (DOU in Portuguese) of 1.9.1991 and rectified on 1.28.1991

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