



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 8.394 de 30 de dezembro de 1991.

Dispõe sobre a preservação, organização e proteção dos acervos documentais privados dos presidentes da República 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 8,394 OF DECEMBER 30th , 1991.**

[\(Regulation\)](#)

Provides for the preservation, organization, and protection of the private **records** holdings of the Presidents of Brazil and makes other arrangements.

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

CHAPTER I

GENERAL PROVISIONS

Art. 1. The private records holdings of Presidents of Brazil and access to their consultation and research are now protected and organized in accordance with this Law.

Sole paragraph. The participation of individuals or legal entities governed by private law, holders of presidential holdings, in the benefits and obligations arising from this Law, shall be voluntary and conducted by prior formal agreement.

Art. 2. The records that constitute the private presidential holdings are, at their origin, owned by the President of Brazil, including for the purposes of inheritance, donation, or sale.

Art. 3. The private records holdings of the Presidents of Brazil are part of Brazilian cultural heritage and declared of public interest for the purposes of applying paragraph 1 of article 216 of the Federal Constitution, and are subject to the following restrictions:

- I - in the event of a sale, the Union shall have the right of preference; and
- II - they may not be alienated abroad without the Express manifestation of the Union.

CHAPTER II

PRIVATE RECORDS HOLDINGS SYSTEM OF THE PRESIDENTS OF BRAZIL

Art. 4. The private records holdings of the Presidents of Brazil is organized in the form of a system that comprises the set of measures to be carried out by public and private entities, coordinated among themselves, for the preservation, conservation, and access to the private records holdings of the Presidents of Brazil, by their express consent or of their successors.

Sole paragraph. The system shall work in an integrated manner with the national archives systems, libraries, and museums.

Art. 5. The National Archives, the Brazilian Institute of Cultural Heritage (IBPC), the Museum of the Republic, the National Library, the Secretariat of Historical Records of the President of Brazil and, by agreement, other public entities and individuals or legal entities governed by private law that hold or deal

with presidential records shall participate of the private records holdings system of the Presidents of Brazil.

Art. 6. The private records holdings system of the Presidents of Brazil, through its participants, shall aim to:

I - preserve the presidential memory as a whole in an integrated set, comprising the private archives, bibliographic, and museological holdings;

II - coordinate the actions of public records bodies regarding to the preservation, conservation, organization, and access to private presidential holdings, and articulate them with private entities that hold or deal with such collections;

III - maintain a single information reference to provide to the citizens, in a uniform and systematic manner, with the ability to locate, access, and use the records wherever they are stored, be it with public entities, private institutions, or third parties, either in the capital, the region of origin of the President, or other parts of the Country.

IV - propose methodology, techniques, and technologies to identify, reference, preserve, conserve, organize, and disseminate private presidential records; and

V - conceptualize and reconcile the information regarding the records of the presidential private holdings to the archival, bibliographic, and museological records of public character.

Sole paragraph. Access to confidential records is subject to legal provisions regulating State security.

Art. 7. The private records holdings system of the Presidents of Brazil shall be coordinated by the Presidents of Brazil Memory Commission, which shall act on a permanent basis with the Personal Office of the President of Brazil.

Paragraph 1. The commission shall be composed of the holders of the National Archives, the Brazilian Institute of Cultural Heritage (IBPC in Portuguese), the Museum of the Republic, the National Library, the Department of Records of the History of the President of Brazil, and the Department of Records of the Secretary-General of the Presidency of Brazil, as founding members, by the holders of the other entities integrating the system, and the personalities of the notorious knowledge and experience in the archival science, library science, and records in general, appointed by a Decree of the President of Brazil.

Paragraph 2. In addition to the members appointed by the President of Brazil, the holders of entities or holders of holdings formally admitted to the system shall participate in the meetings of the commission, with the right to a voice but not to a vote.

Paragraph 3. The Executive-Secretary of the commission shall be the holder of the Secretariat of Historical Records of the Personal Office of the President of Brazil.

Paragraph 4. The commission may delegate powers to subcommittees, which shall act with the Executive-Secretary.

Paragraph 5. The organization and functioning of the commission shall be governed by its internal regulations.

Paragraph 6. Participation in the Presidents of Brazil Memory Commission shall be considered of a relevant and unpaid nature.

Paragraph 7. The General-Secretariat and Military Office of the Presidency of Brazil shall provide administrative support to the commission.

Paragraph 8. The expenses relating to transportation and accommodation of the members of the commission shall be effected in the form of the provisions of article 17 of this Law.

Art. 8. The Presidents of Brazil Memory Commission shall:

I - establish a protection policy for the private presidential holdings;

II - advise the President of Brazil on matters related to his/her records;

III - give an opinion on the projects raised by maintainers of holdings for the purpose of granting technical, human, or financial support;

IV - give an opinion on the conclusion of agreements between maintainers of holdings and public entities, and supervise their execution;

V - support, with technical and financial resources, the preservation, conservation, organization, and dissemination of the holdings;

VI - define the basic standards of conservation, organization, and access necessary to ensure the preservation of records and their information;

VII - ensure the maintenance of the general inventory and registration of presidential private holdings and their conservation, organization, and access conditions;

VIII - encourage owners of private holdings to expand the dissemination of such holdings and access to them;

IX - manifest in cases of alienation of private Presidential assets, in accordance with article 3 of this Law;

X - encourage research and consultation of holdings, and recommend measures for their warranty; and

XI - stimulate private initiatives to collaborate with the maintainers of holdings, for their preservation, dissemination, and public access.

Art. 9. The bodies participating in the system of records holdings of the Presidents of Brazil shall act in an articulated form, especially with:

I - the Brazilian Institute of Cultural Heritage, supporting the specific projects or programs of interest to the system, providing the technical, financial, and administrative means to record institutions or holders of private presidential holdings;

II - the National Archives, technically guiding the archival holdings, the organization of a reference centre for presidential holdings that gathers and makes available to interested parties information on archival, bibliographic, and museological records, of a public or private nature, of the Presidents of Brazil, and maintaining a presidential archives sector capable of receiving donations of this nature;

III - the Museum of the Republic and other sectors of the Brazilian Institute of Cultural Heritage, technically guiding the museological holdings;

IV - the National Library, technically guiding the bibliographic holdings;

V - the Secretariat of Historical Records of the President of Brazil, organizing, during each presidential term, the private holdings of the President, adapting it to the provisions of this Law; and

VI - the House of Rui Barbosa Foundation, the Joaquim Nabuco Foundation, the records services of the Ministry of the Navy, the Ministry of Aviation, and the Ministry of the Army, in the Historical Archives of the Ministry of Foreign Affairs, to the other records public institutions, and through an agreement, to the individuals or legal entities governed by private law linked to records, such as the Center for Research and Records of the Contemporary History of the Getulio Vargas Foundation, the Historical and Geographical Institute of Brazil, and the Association of Brazilian Archivists, the supplementary activities.

### CHAPTER III

#### ORGANIZATION OF THE PRIVATE RECORDS HOLDINGS OF THE PRESIDENT IN OFFICE

Art. 10. The records holdings of the citizen elected President of Brazil shall be considered Presidential from his/her inauguration. However, access to it shall only be made with the express authorization of its holder.

Art. 11. The Secretariat of Historical Records is created as an integral body of the Personal Office of the President of Brazil to organize the private records holdings of the President in office, and shall:

I - coordinate and manage the formation of the private holdings of the President of Brazil, regarding the collection, preservation, conservation, and organization of records and complementary information;

II - chronologically record the activities of the President of Brazil and the facts arising from the exercise of the presidential mandate; and

III - conduct historical and records research regarding the holding, the President, and his/her time.

Art. 12. The Secretariat of Historical Records shall be headed by a Secretary, who shall coordinate the affairs, actions, and measures related to the private records holdings of the President of Brazil.

Sole paragraph. The technical and administrative support activities of the Secretariat of Historical Records shall be performed by technicians requested, in accordance with the legislation regarding the

Presidency of Brazil, the National Archives, the Brazilian Institute of Cultural Heritage, the National Library, and other federal records bodies.

Art. 13. At the end of the presidential term, the records processed by the Secretariat of Historical Records of the President of Brazil shall be delivered to the holder.

Sole paragraph. Private records not collected by the President of Brazil at the end of the term of office shall be assigned to the Presidents of Brazil Memory Commission.

## CHAPTER IV

### MAINTAINERS OF THE PRIVATE RECORDS HOLDINGS OF THE PRESIDENT OF BRAZIL

Art. 14. Public or private entities, or individuals who maintain private presidential records holdings may request guidance or assistance from public bodies for their organization, maintenance, and preservation and seek technical and financial support from the public authorities for projects for educational, scientific, or cultural purposes.

Art. 15. The support referred to in the previous article shall be conditional upon:

I - the holders of the collections adhering to the policy of private presidential records holdings formulated by the Private Records of the Presidents of Brazil Commission and comply with its technical guidance, aimed at serving the community;

II - the projects having an educational, scientific, or cultural purpose;

III - the collections being accessible to public consultation and research, with the exception of the restrictions provided for by law.

Paragraph 1. Consultation or research for study or work purposes of a technical or academic nature, upon reasoned request is ensured.

Paragraph 2. The researcher shall be strictly subject to the rules of access and recommendations for use established by the owner or manager.

Paragraph 3. The classification of records secrecy imposed by the holder, when exercising the office, shall be strictly complied with.

Paragraph 4. The records may be subject to additional restrictions of access by the maintainer, only for a period of up to thirty years from the date of their publication or, in the case of a disclosure embarrassing to honor or intimacy, for a period of up to one hundred years from the date of birth of the person mentioned.

## CHAPTER V

### FINAL PROVISIONS

Art. 16. If a private entity that maintains a private presidential holdings becomes extinct under article 22 of the Civil Code, the records that comprise it shall be transferred to the custody of the Union.

Art. 17. The expenses arising from this law shall be borne by the budget appropriations of the Presidency of Brazil and the bodies and entities participating in the private holding, collection-of the Presidents of Brazil system.

Art. 18. The Executive Branch shall regulate the provisions of this Law within ninety days.

Art. 19. This Law comes into force on the date of its publication.

Art. 20. The provisions to the contrary are repealed.

Brasilia, December 30<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 12.31.1991**