

Private Archives in Turkey

Türkiye’de Özel Arşivler

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Abstract

Private archives are usually described as the archives which do not belong legally to the public. These archives are generally regarded as less important because they do not belong to public and are not accepted as legal evidence. However, researchers need to apply to the private archives when they intend to explain an event or subject in details. When the amount of the documents saved in the private archives and their complementary features for public archives are taken into consideration, it becomes apparent that they must be supervised by an official authority. At present, no “national archive law” exists for public and private archives in Turkey. The legislation that has been enacted so far is also quite inadequate in terms of inspection and accessibility to private archives. In this study, foreign archival practices in foreign countries were given with examples, the potential of special archives in Turkey is put forward and the work needed to be done are enumerated.

Keywords: *Private archives, private archives in Turkey, records, archival legislations, materials of private archives*

Öz

Özel arşivler genellikle, yasal olarak kamuya ait olmayan arşivler olarak tanımlanmaktadır. Bu arşivler kamuya ait olmamaları ve yasal kanıt niteliği taşımadığı genel kabulüyle daha az önemli olarak algılanmaktadır. Ancak araştırmacılar bir olay ve konunun detaylı olarak incelenmesi amacıyla özel arşivlere başvurmaktadır. Özel arşivlerdeki doküman miktarı ve bunların bütünlüyci özelliği dikkate alındığında bunların resmi bir otorite tarafından denetlenmesi gerekmektedir. Türkiye’de kamu ve özel arşivler için ulusal bir arşiv yasası bulunmamaktadır. Arşivlere ilişkin yürürlükteki mevzuat özel arşivlerin denetlenmesi ve erişimi açısından oldukça yetersizdir. Bu çalışmada yabancı ülkelerde özel arşiv uygulamalarından örnekler verilerek Türkiye’deki özel arşivlerin potansiyeli ve yapılması gereken çalışmalara değinilmiştir.

Keywords: *Özel arşivler, Türkiye’de özel arşivler, resmi belge, arşiv mevzuatı, özel arşiv materyali*

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Introduction

In order to understand the term *private archive*, the extent and the content of the “archive” term should primarily be explained. Because private archive term is mostly considered as various materials which are put together and saved in the direction of one’s own sphere of interests and concerns, and dealt in a narrow framework. Archive can be defined as an institution which is responsible for the preservation, selection, presenting to service and management of archival documents as a whole within particular standards and the place where these documents are preserved. In this definition, two important functions striking and determining the character of archive in the direction of its forming purpose are the document selection and its presentation to use. Therefore, every material is not an archival material and only preserving and storing materials is not organized. In this context, the preserved material should have a “documentation” character, in other words, it should include information, should give clues or should have legal evidence about an event. We see that while archives were previously created with the aim of meeting the needs of retroactive information of administrative acts, expanding in the course of time, their purpose and sphere of impact have been transformed into an information center which meets the information needs of people from all walks of life. This transformation gives archives and archivists quite important responsibilities of protecting and presenting the documents they own to the service. This is because, today, archives are regarded as memories of individuals, institutions and nations, and they are one of the most important means assisting to the protection of national interests on international platforms in necessary situations. Archives which undertake such an important mission are not just the documents which are produced and preserved by state’s official institutions as the outcome of official procedures. Official documents in the state archive are considerably important since they are the first degree evidences and processes can be executed on them. However, just relying on these documents or making any judgments during any research may not sometimes be adequate. Because, some private documents that cannot be found among the state records are indispensable resources for the researchers who “look for the truth”. These private documents are generally kept in the archives of semi-public, private institutions, associations, families and individuals who had served in the higher positions of the government or had become well-known in a society with their social and cultural activities. Therefore, the existence of some archive documents in those private archives, which can have either positive or negative effects on state or public, starts the discussion of private archives’ status. To be able to determine the disputable status of private archives, both analyzing the definition of “private archive” which takes place within the archive laws in our country and examining of some approaches on abroad about the issue will be helpful. In most of the archive laws private archive term exists, however it is not possible to find out an internationally accepted basic explanation. Because, this term displays differences according to the social and political structures of the countries. With the succession of an effective status of private institutions or capitals

on state's production and administration, the definition of private archives has gained importance and many countries has been forced to made new arrangements on their archive laws. Because, the numbers and the contents of private archives have reached to a considerable level. While making these arrangements, the archivists are obliged to harmonize important rights and freedoms with each other such as the secrecy of private life, the right to get information and preservation of public rights.

In 3473 numbered Law¹ which regulates the archival services in Turkey, there is not any "descriptive" article about private archives. On the other hand, in the Regulation of State's Archive Service's² 3rd Article and f Item: it is defined as "within the scope of in this Article's (a) item, private archives refer to archives which compose of similar documents belonging to natural or juristic persons, not belonging to public institutions or establishments". According to this definition, private archives are group of documents which have evidential and official features and related to states and nations life, however; in one way they are removed from public institutions and establishment's control and they are under the observance of private persons and establishments. These groups of documents are comprised of the significant parts of national archives.

In respect of their sources, official archives contain official views and information. However, the information they contain may not always reflect the truth or could reflect it partially. For example, there are many research studies written according to official resources about Great Leader Mustafa Kemal Atatürk's life. However, any research written without consulting his private archive about Atatürk's life cannot reflect the truth completely and false deductions, as well. It is possible to multiply this example in terms of both juristic persons and also individuals. Therefore, as it is clear in this example, private archives are in a complementary status for public archives and they are extremely important resources for the researchers and scientists who want to have research on any topic with all its aspects. Making use of private archives' documents providing different approaches to the persons, events and organizations, allowing the detailing of related issue and sometimes being the complementary parts of official archives is not a usually preferred method used by the researchers. The main reasons of this are disarrangement of private archives, difficulties in finding where they are preserved and in determining their originalities. Furthermore, for the usage of the documents in private archives in research, the permission of their owners is needed. Sometimes owners of the private archives can transfer their archives to others in turns of money or some agreements. Therefore, the usage of private archives when

1 Law on the acceptance of the changes in Decree Law about The Destruction of Records and Materials which are not needed to store in Storage which was accepted on 28.9.1988 and published on 04.10.1988 in the Official Gazette of the Republic of Turkey.

2 This Regulation is arranged according to the Organization Law Decree of Prime Ministry on acceptance by the change of the law with Article 11 which is numbered 3056 dated 10/10/1984 together with The Decree Law of the Destruction Of Records and Materials which are not needed to Store in Storage, the 6th Article which is also dated 15/3/1988 and numbered 316.

compared to archives open to the public could be considerably exhausting. It may be for this reason or because of the flexibility and insufficiency of archive laws that many private archive documents are not taken into consideration. Since the private archive documents are important parts of cultural heritage of the society, it is so important to study in determining, arranging, preserving and accessing of these archives.

The basic problem revealed in the study is the lack of private archives as following and the subjective applications stemming from the lack of functional and comprehensive legal basis in archival studies in Turkey that has a rooted archives tradition.

These issues can be enumerated in the text as:

- ◇ The policy of collection of private archives
- ◇ The criteria of valuation of private archives
- ◇ The storage of private archives
- ◇ The purchasing of private archives
- ◇ Supervision and control of private archives
- ◇ Opening of private archives to public service
- ◇ Secrecy of private archives

In the article, the decisions on private archives of the archival legislations in Turkey are determined and the applications about private archive types whose examples are given in the article are mentioned. Following these determinations, improving the conditions of private archives in Turkey and the rules that should be obeyed by the private archive owners and the General Directorate of State Archives which is responsible for private archives are developed and proposals for solution are presented in the conclusion and proposals part. Furthermore, the types of private archives in Turkey are introduced.

A great deal of important private archive collections are shared with the public without state supervision and state help. In fact; the developments which are related to private archives containing material with archival value in many ways and belong to some of the important families and the companies, are most of the time heard by chance.

This situation obliges professional archivists to do sufficient research about which archive has what kind of archive material and how the problem can be solved with the public sharing of this material. In consideration of these fixations, both theoretical and practical level, the effect of private archives in Turkey have less functions.

The main problem of the research can be described as, the standardization has not been provided in private archive regulations, the most of the private archives

have not been fixed and have not been kept under control. In relation to those, legal arrangements could not have been transferred into practice. This problem affects the all archival research in Turkey in a negative way

Descriptive method has been used in the context of abovementioned problem. Descriptive method aims to describe the interaction between situation considering the previous relations and conditions with current situations. In this manner, it tries to find answers for the questions such as "What is the current situation on research subject? How can we reach there?" (Kaptan, 1998, p. 59). Firstly, in the study the description of private archives, applications of them and legal legislation have been examined in some countries that develop the concept of private archives. Moreover, some evaluation about our legal legislation have done and as a result, provisions that are required to be in private archives in National Archives Law have been detailed.

Types and Characteristics of Private Archives in Turkey

Private archives, which are generally defined as "*archives of organizations and institutions with non-official source, families and individuals*"; can also be defined as archive types completing and supporting historical, legal and political responsibilities of the public (official) archives. At this point, the main feature that separates private archives from the public archives is that they are not open to public use or the use of the archive / document is under the control of its owner (creator). As it is known, documents belonging to the public³ is transferred to the *State Archives* after the legal process is up or opened to service in their own archives of the institutions according to the relevant laws in our country. On the other hand, in private archives this use and / or transfer process depends on the persons or institutions who are the legal owners of archives. However, the documents included in these archives, especially the ones which have *archival value*⁴ about public, require state supervision and control on the condition that the property rights of a portion of the materials included in the cited archives.

Legal regulations on private archives are seen in the countries having long historical pasts, state traditions and certain bureaucratic - diplomatic infrastructures such as France, Britain, Germany, China and Turkey. This feature also takes place in the laws of national archives or in other laws of the above mentioned countries. In this context, it is possible to reach such conclusion that; archives in general are the institutions which are required to be created / established as a result of state organizations, regimes, interstate relations, institutions and inter institutional relations. On the other hand, private

3 It is implied that the documents which are produced by public institutions or organizations, gained archive document features and opened to service as taken under protection by the Institutions related to these documents or in State Archives.

4 The decision given about the periodical or permanent protection of archive material after being evaluated by an archive expert. An archive material may have administrative, evidential, financial, historical, intellectual, cultural, antique, its own (spiritual), legal and monetary (financial) values.

archives can be defined as assistant organizations in providing the establishment of these relationships and activities in a more detailed way.

Another important point about private archives is that these types of archives are usually seen in countries, which have a state tradition and operating bureaucratic mechanisms for a long time and also determining economic and political events in their histories. In such countries, politicians, ambassadors and government officers at various levels, members of large families and / or the dynasties have created their own rich archives. In our country, there are politically, economically and historically important private archives created by politicians and businessmen, as well. After these evaluations, private archives are divided into according to their contents and documents as following:

- Archives of Notaries
- Archives of Political Parties
- Archives of Non-Governmental Organizations
 - Archives of Business (Occupation) Organizations
 - Bar Associations
 - Chambers
 - Association - Societies
 - Unions
 - Foundation Archives
- Individual / Family Archives
- Media -Press Agencies Archives
- Bank Archives

These types of archives may contain different types of records related to their own affairs, and other records of individuals, institutions, and public agencies, evidential, financial, legal and administrative kinds as well. For this reason, State Archives must be aware of the specific archival materials in these archives. At least, they have to know which persons, organizations or families own the documents related to public or having the quality or value of the above mentioned criteria and evidential character, in other words the documents have to remain in "custody"⁵ of State Archives. As it is the case in many countries, the state must be notified for a private archive that anyone has and for the archival documents it contains. The most important reason of this is to prevent incidents like transfers, removing and destruction of above mentioned documents / archives.

5 This term "custody" means that official protection of the archives / documents regardless of physically where they come from. This does not mean the possession of archival records.

Archives of Public Notaries: Archives of Notaries, which document procedures in order to provide legal security, prevent the conflicts and fulfill other duties, are quite legally important and sufficient private archives. As compared to other private archive types, because of the documents they contain, notary archives represent the most referenced and kept under “custody” type of private archive. As it is known, notary offices are under audit of the Ministry of Justice and Turkey Notaries Union. This situation proves that “custody” process is held by public institutions and business organizations on behalf of the state. Moreover, according to the 198th Article of Notary Public Law, notaries are obliged to protect the *documents, certificates and notebooks* they produced (Noterlik Kanunu, 1972). In Notary Regulation Act’s 6th Article, it is stated that notary offices have working, services and waiting and archive sections. The archive section as one of the basic section is defined as the *place where all notary documents and records, etc. are stored until the end of the period of time determined by laws and regulations* (Noterlik Kanunu... 1976).

Archives of Political Parties: The political parties, which are described as “organizations having juristic personalities working for the purpose of bringing the country to the contemporary civilizations’ level in a state and society order by providing national will by means of working according to their specific views determined in their laws and programs through deputyship and local elections and their propagandas in compatible with the constitution and laws”, are political organizations that have been continuing their activities for about 160 years in Turkey.⁶The documents produced by political parties, which continue their activities in line with the provisions in the Laws and the Constitution, may have some remarkable and valuable features related to our country’s recent political history. In our country, currently, 49 political parties, some of which are represented in Turkish Grand National Assembly, carry out their political activities. In addition, when closed (27), combined (11) and the dissolved (6) parties are included in this number, this number reaches to 92. This number also shows that an accumulation of a significant number of archive documents has emerged during the last 60-year time period.

Radical political changes took place in Turkey after the 2nd World War and a multi-party political system was accepted beginning from 1946. Until then the Republican Public Party (RPP) has accumulated a significant amount of archive documents. At present, the State Archive owns only the documents of the 14 branches (bureaus) of the RPP Central Office. However, these documents are not in “custody” of RPP anymore, they are in custody of State Archives. That is, the documents belonging to the periods in which RPP are mentioned have now *estrays* characteristics.⁷ Furthermore,

6 The first political party established in our country is the Fedailer Cemiyeti in 1859. However, the most commonly known political party regarding political activities is the Committee of Union and Progress (İttihad ve Terakki Cemiyeti) which was established in 1889 and continued its political activities between the years of 1909-1918.

7 This term *estrays* means the document which does not possessed by its legal supervisor and the producer / owner.

this feature is more generalized with the Law 6195 in 1953 and the archive of the RPP was made estray by the Democratic Party⁸. With the 1960 Military Intervention the Democratic Party was treated in a similar way which caused the loss of the greater part of the mentioned archive.

Political party archives are also important since they not only give information about their activities but also give valuable information about the political and socio-economic conditions in the period when they are active. The most obvious examples that can be given for these documents are reports⁹ (Dündar ve Akar, 2007, pp. 161-166). Political parties do various research studies for the preparation of their party programs and their own administrations, as well as for government programs and as a result of these research studies, reports are written and these reports are required to be stored according to the 60th Article of Political Parties Act (Siyasi Partiler... 1983). For this reason, archives of the political parties must be well-arranged and guarded, but since they include evidential, legal, financial and administrative information they have risks of being lost or destructed.

We don't have any data about the current situation of archives because there is not enough research on archives of political parties in our country on the bases of details in the study. The consequences of archives in political parties that are closed are ambiguous. For this reason, it is required to regulate the new National Archives Law.

Archive of Non-Governmental Organizations: NGO's are defined as organizations which deal independently with problems in a society, inform public and give suggestions. These organizations vary into business (occupational) organizations, firms and foundations such as unions, bars, chambers, associations-societies and all of these institutions have their own laws. Among these organizations, unions and associations have more relations with other business organizations and public institutions. Besides, under the title of unions, federations and confederations can be seen.

Unions operating within the framework of Unions Act No. 2821 and dated 7.5.1983 have also become indispensable non-governmental organizations in political and economic life of our country. In our country, unions continue to work as organizations having juristic personalities organized by employees and employers to protect and improve common economic and social rights and interests in working relationships (Sendikalar Kanunu, 1983).When this has been discussed in this context, the archives

8 Transfer of the custody, supervisor and owner of the archives/documents to one who does not have legal right to have them. The law dated 14.12.1953 and numbered 6195 The Law on Return of the Usurpation of CHP. Thanks to this law, movable and immovable properties, money, rights, credits and other valuable properties of the party were transferred to the Treasure. See for law: T.C. Sicill-i Kavanini, c. 34, 1953, ss. 620-21.

9 Among the documents used in the study written by Can Dündar and Ridvan Akar "Ecevit ve Gizli Arşivi", such documents are also available. These reports, particularly in the political life of CHP between the years 1965-1973, are the reports coming from the central (general secretary) and provincial organizations, and often are the documents in which internal party disorders, complaints and suggestions are recommended.

of unions and federations / confederations consist of documents about its members, documents of financial processes and court records. However, the types of documents are not limited to them. As in the political parties, within the framework rights and responsibilities required by law, they may also include documents such as reports diverting in subject and content, plans, press releases, electoral (general assembly, etc..) records, the minutes of meetings. As already required by law, as a standard, unions are obliged to keep books and records.

The associations; are defined as *legal entities created by the people of the community to realize a certain and a common goal which is not prohibited by law except for gain sharing, by means of combining constantly information and works of at least seven natural or juristic persons* (Dernekler Kanunu, 2004). There are also books and records which associations are obliged to keep according to the laws and regulations (Dernekler Yönetmeliği, 2005). There are 81,108 active associations in our country now (Türkiye Genelindeki... 2009). In this context, the most actively operating types of non-governmental organizations in our country are the associations. This number is too high to control and supervise. Here, the most important task is the inspection of books and records of the organizations by official authorities and determination of the documents having archival value. In the archives of associations, the point that should be focused on is the documents belonging to persons and/or institutions who are the members of an association or having non-membership relationships with these associations or the documents on the issues that of associations which led to political, economic, scientific and cultural development and the change of a country during different periods. As examples to these associations; as one of the world's oldest social welfare institutions Kızılay (Hilal-i Ahmer Society-Turkish Red Crescent Society, 1868), *Cemiyet-i İlmîyye-i Osmaniye* (Ottoman Science Academy, 1861) which makes a scientific revolution when the period taken into consideration; *İttihad ve Terakki* (Union and Progress Party, 1889); *Türk Ocağı* (Turkish Fraternity Society, 1912) which especially has an importance in our political history; *Türk Gazeteciler Cemiyeti* (Turkish Journalists Association, 1946) as an important representatives of the Turkish press history; *Çağdaş Yaşamı Destekleme Derneği* (Association for Supporting Contemporary Life, 1993) and the Kemalist Thought Association (1993) with significant activities today can be given.

One of the other common non-governmental organizations continuing their activities in our country are foundations. Foundations work according to the *Foundation Act* numbered 5737. Foundations also mean an ongoing traditional system for many years in our country. As it is considered in this point of view, it is clear that there is an important accumulation of historical, economic, social and cultural documents. In the archives of foundations the most striking documents types are *vakfiyeler* (waqfiyyas), *şer'iyye registers* (juridical registers), *mühimme records* (book records of an imperial assembly) and *tahrir registers* (tax registers), *vaqf accounting books* (accounting books of foundations), *şart tebdili* (alteration of conditions), *mazbutiyet document* (the document

of capturing) and *intifa right* (usufruct documents)¹⁰ (Orbay, 2005, pp. 28-38). Apart from these, the charity activities of foundations, financial records, and income-expense books, correspondences with other foundations, individuals and public institutions are also the documents in the archives of foundations archives. Although there is not yet any legal regulations directed towards private archives in Turkey, in Foundation's Law's article 56 there are following states: "*the state is responsible for determining the documents belonging to the foundations in archives, libraries, museums, natural and juristic persons and storing them in the General Directorate*" and "*making easier to use archives and establishing an archive management system for every kind of scientific studies*" (Vakıflar Kanunu, 2008). As understood here, the *General Directorate of Foundations*, which is attached to the Prime Ministry like and the *General Directorate of State Archives* (GDSA), is more sensitive for the acquisition of the relevant documents than the State Archives and this attitude is reflected in the law. However, how the article 56 is implemented and how many documents have been obtained so far is out of the scope of this study.

There is no study about non-governmental organizations' archives conducted by General Directorate of State Archives. Thus, these archives that have an importance in our culture are left to the mercy of organizations. It is required to regulate the legal legislation in order to prevent these archives and transmit these documents to new generation. Activities are examined in order to digitalize the current archives in parallel with legal legislation and one copy of them should be given to General Directorate of State Archives.

Individual / Family Archives: Individual/family archives are defined as "*the archives created by bringing the documents, which are their memories, together belonging to one or more persons or families*" and "*the archives about the personal or general affairs of the family members*". Personal and family archives, generally, consist of the documents of persons or of members of the family, which are usually collected during their lifetime and contain the documents such as letters, diaries, memoirs, correspondences except for official documents. However, especially in certain periods of time, there are important archives in the hands of individuals and the family members worked in various levels of government offices as politicians, ambassadors, consuls, who are also the legal guardian of these documents. Especially except for the official documents prepared, a series of documents specifically designed for public service are among the documents that should be kept in custody because of their contents. However, the first problem here that comes to the mind is that how these documents belonging to private ownership will be controlled by the State Archives. The simplest answer of this is that signing of a contract between the owner of the document and the State Archives, the determination of the documents which attract public interest and have *secondary*

10 For detailed examples of document types, see: http://www.vgm.gov.tr/01_VakifKayitlariArsivi/001_VakfiyeArsivi/vakfiye.cfm

value as mentioned in the previous section and realizing this with the protection of rights of *personal documents*¹¹ arising from *personal privacy*¹² and property rights.

As it is known, in our country, the 2863 No. the Act of Protection of Cultural and Natural Heritage dated 21.07.1983 came into force for the purpose of “*determining definitions about any moveable or immovable cultural and natural assets that need to be protected, organizing the actions and activities on this issue and identifying the establishment and responsibilities of the organization which will implement the necessary policy decisions*”. Another striking point in the laws is the following statements in the 23rd Article: “... *depicted or written documents on leather, clothes, papyrus, parchments, weighing tools, coins, written or marked sheets, illuminated or manuscripts, miniatures, engravings having artistic value, oil or watercolor paintings, inheritances (reliques), insignia, medals, ...*” and “*because of their importance in our national history, documents and goods with the historical value belonging to the periods of National Struggle and the establishment of the Republic of Turkey, Mustafa Kemal Atatürk's personal goods, documents, books, articles, and similar movables*” are among the natural and cultural assets that should be protected. (Kültür ve ... 1983). The existence of many personal / family archives consisting of the works mentioned within the context of this law can be understood both from the news reflected in both written and visual media and biographical, political history and memory studies based on the documentation.

In Turkey, there are not any legal regulations, special legal regulations or any binding legal structure for individual and family archives. Because of this, it is not known that what type and content of the archive documents (materials) there are in these archives. These documents are announced to the public only with the permissions of legal responsible / owner of the archive or they are given for private research (usually to the researchers well-known by the person or family or popular) in order to help the research. Various biographical studies are also held with the documents received from these archives in the recent past¹³.

Archives of Media- Press Organizations: In Turkey, especially since the early 1990s, along with the public press institutions, private televisions and radio broadcasts began to promote widespread, so the number of written and visual media organizations started to increase. Organizations dealing with Media- Press activities in Turkey are news agencies, newspapers, magazines, television and radios (Basın Yayın... 2009). These agencies have archives which include printed and audio-visual materials about the news

11 All the documents related to one's own who has collected throughout his/her life such as letters, diaries, memories, correspondences, except for official documents.

12 The right to prevent reviewing of the documents relating to personal and private matters contained in the archives by unauthorized people.

13 See: Murat Bardakçı, Talat Paşa'nın Evrak-ı Metrukesi, 2009, Can Dünder, Vehbi Koç: Özel Arşivinden Belgeler ve Anılarıyla 1901-1961 v.1., 2006, Can Dünder, Vehbi Koç: Özel Arşivinden Belgeler ve Anılarıyla 1961-1976 v.2. 2008, İpek Çalışlar, Latife Hanım, 2006, Murat Bardakçı, Şahbaba: Osmanoğulları'nın Son Hükümdarı VI. Mehmed Vahideddin'in Hayatı, Hatıraları ve Özel Mektupları, 2006.

they prepared. Archives of the above mentioned organizations consist of documents and materials such as domestic and foreign news, photos, images and sound recordings. For some legal cases, these materials having the evidential value could be effectively utilized (Türk Ceza Kanunu, 2004). Apart from this, these archives may include unique documents about local socio-cultural, socio-economic and artistic life.

Bank Archives: In our country, banks, which have approximately 150-year history in our country, have one of the important types of private archives. This kind of archives usually includes documents which may have value in financial aspects and primary value materials and currently there are 41 active public and private capital banks in Turkey. As it is known, according to the laws in force on banks and banking and the 42nd Article of Banking Law No. 5411, *“Original copies of the activities, or when it is not possible, the reliable copies of them and the copies of documents printed from the machine and organized in accordance with the date and number are stored within the framework of the procedures by the relevant bank in a period of ten years. These documents can be stored in the forms of microfilm, micro-chips tab or electronic, magnetic or in similar forms. The principles and procedures in the application of this article is determined by the Board (Banking Regulation and Supervision Board-BRSA) (Bankacılık Kanunu, 2005). In addition to this, for realization of controlling activities of those banks, the provision and the preservation of citizens’ rights to information, in the 95th article of the same law states that “Within the framework of principles and procedures determined by the Board, any information requested on consolidated and non-consolidated basis, documents, rulers, reports and financial statements are required to be entrusted as consistent with accounts and records order, timely and accurately to the Board by the organizations which are required by this Law” and “The board has the authority to demand all the information confidential or not, from the banks, their dependent partners, their branches and representatives, from support service organizations and other real and legal entities. The Board also has the authority to review all books, records and documents of these organizations including their tax-related records. The organizations are subject to provide the requested information, to ready records and documents for revision, to open the whole information processing system in accordance with the controlling purposes to the professional staff of Institution who do control for the Institution. They are also subject to provide the security of data and to submit for review and processing of any books, documents and reports that they have to maintain and to provide all the records available on microfiche, microfilm, magnetic tape, floppy disks and similar media. They also have to provide access to these records or to be able to make all these records readable all necessary systems and passwords should also be submitted for review and processing (Bankacılık Kanunu, 2005).*

In this context, the archives of public and private capital banks must have a regular and easily accessible system. As mentioned in the Law in question, especially during inspection activities, the requirement to submit the documents in different Medias brought to the initial obligation that banks should execute all the archives belonging to them according to archival methods and techniques.

Conclusion

Considering the applications about private archives or provisions in their legislations in abroad, we see that private archives are very important in foreign countries and various strategies are implemented for the control of these archives or the opening them to public service. The purpose of these applications is to provide opportunities for fully reflection of state's or community's identities and provide the use of the archives entirely for common benefit of the community. Because the states do not have the luxury of ignoring the treasures of private archives which are considered to be as their special memories, completing their official memories, offering the possibility of detailing and highlighting and sometimes as a missing part of all. Therefore, they may have a sensitive attitude in maintain protection, control, and restoration and transfer the archives to next generations and establish special archive units or departments responsible for the private archives and grow professional staff up.

Private archives, apart from containing important and striking documents about the institution or persons they belong to, also support public archives. However, the creation and the classification of private archives are shaped by the state organizations of countries, their executions, the plans and special interests of individuals and institutions. In this context, there is not a precise a standard in classification of private archives. This situation causes the creation of some private archives that are specific to some states- for example, like notary public archives in Turkey.

In Turkey, the lack of a "*National Archives Law*", which would include keeping private archives under custody, evaluation, editing, purchasing of them from the owners of archives /documents when necessary due to their primary and secondary values and providing these archives with being accessed, affects badly our feature of having a long archival history. Because of this, the identification and inventory of the materials in private archives in our country cannot be kept. In fact, generally, in other countries what is desired to be done with these laws is to know who have what and to keep records about them when they are sold or transferred to other people.

Technological changes in archival materials, in latter periods will propose possible measures about the protection and storage of these materials recorded in these medias for the agenda. The most important reason for this is the frequently changing platforms and file formats today, the saved data is likely to be unattainable in the future. This situation will cause great losses in the archival materials which are always accepted as a nation's / state's memories, especially in cultural realm. Because of this, for the transfer of archival materials to digital information recording mediums in terms of software and hardware, for their storage and for the provision of transformation, serious efforts and planning activities should be carried out.

Proposals for private archives;

a. Obligations of General Directorate of State Archives

- A unit for executing the procedures of private archives should be established in General Directorate of State Archives and the necessary staff should be assigned.
- The archives of people and foundations having important role in the lives of the country and the nation should be searched and found by General Directorate of State Archives.
- These archives should be examined by the experts and the definite decisions on buying, granting and supervision should be made.
- Firstly, the archives, which are decided to transfer to next generations, should be obtained by buying or granting by General Directorate of State Archives. However, the control of the archives that cannot be obtained for various reasons should be provided by the means of supervising, controlling and supporting.
- The archives, which are controlled, should be presented to the service of the researchers in the frame of the determined rules.
- The archives having historical, scientific and national values could be put in the care of General Directorate of State Archives. In this frame, General Directorate of State Archives should concentrate on the studies supporting volunteer protection.
- The lists of the archives belonging to the private persons and foundations should be made and presented to the service in General Directorate of State Archives.
- General Directorate of State Archives should make necessary arrangements on guidance and protection for classification, arrangement, protection and presentation of private archives to the service of the researchers.
- The ones, who transfer their archives to the General Directorate of State Archives, should have rights to get free copies and to reach original records in necessary.
- Copies of the electronic archives should be given to General Directorate of State Archives for transferring to next generations safely.
- The archives of the privatized institutions will be treated in the frame of the current laws if the privatized portion of the institutions is below 50%. If a part above 50% is made into private enterprises, it should be assessed as private archives and the appropriate one among the buying, granting and supervising should be preferred.

b. Obligations of the private archive owners

- Private archive owners are obliged to preserve the archives under appropriate conditions and styles.

- The archives should be classified according to the styles determined by General Directorate of State Archives; their lists should be made and presented to the service both in printed and electronic media. A printed and electronic copy of those lists should be given to General Directorate of State Archives for avoiding the data loss.
 - One should apply to General Directorate of State Archives for restoration of damaged and worn archive documentations.
 - The necessary updating procedures should be made carefully for safe transfer of the electronic documentations to next generations.
 - If a part of the archive or the whole part of the archive needs to be transferred from one place to another, firstly General Directorate of State Archives should be informed. Without any permission, transfer of the archives is forbidden.
 - General Directorate of State Archives should have adequate financial sources in order to fulfill the gap between documents and funds and to buy.
 - The archives which are determined that they do not obey the rules determined by General Directorate of State Archives in spite of all warnings made during the supervising and controlling, could be publicized by paying their values to the owner\owners of the archives.
- c. Procedures about the Sale of Private Archives
- The lists of the archives which will be sold should be sent to General Directorate of State Archives.
 - For the auction sales, General Directorate of State Archives should be informed at least 45 days ago.
 - After the sales, the information of the new buyer and the content of the sold documents should be reported in lists to General Directorate of State Archives.
 - General Directorate of State Archives will have the first priority in sales.
 - General Directorate of State Archives has the authority to obstruct sales of the archives if drawbacks about the lives of state and nation are seen.
- d. Retrieval right and/or freedom of information related to archival materials;
- The archives protected by General Directorate of State Archives should be presented to the service of researchers according to the current laws after their procedures are completed.
 - The archives should be presented to the service of researchers without any limitations except exceptional situations.
 - General Directorate of State Archives has the authority to decide to open the secret and important archive documents about foreign and internal affairs and defense policies will open for access in a different time period from other documents in necessary.

- Classification and access points of materials in the archives should be transferred to the electronic media and presented to the services of researchers as soon as possible.
- Transferring printed materials into electronic media will be useful in preventing them from getting worn. However, searching on copies instead of original documents should be provided in order to prevent the materials, which are not transferred into electronic media, from getting worn during usage.
- Necessary arrangements should be made for giving photocopies of documents to researchers when they need.

In this context, considering the lack of a national archive law and the inadequacy of the existing regulations, it is easily found that the private archives are left at the owners' discretion. Therefore, the first thing to do is to build comprehensive and detailed rules about private archives in a possible national archive law. However, the existence of relevant provisions in the law often might be inadequate in the solution of the problem. The implementation of the provisions of law must be followed from the country's most central location to the smallest settlement areas by the units established for this purpose. We hope that private archives will be taken into consideration as soon as possible with the seriousness and sensitivity as it is highlighted in this study and they will be put into service within the framework of the importance they deserve as the original sources of information that could be useful for community.

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