

Please note that, although every effort has been made to ensure this translation is accurate and consistent, it is for informational purposes only. In case of any dispute or inconsistencies, the Dutch version is authentic.

Decision of the Netherlands Authority for Consumers and Markets of April 2, 2013, ACM/DJZ/2013/200837, establishing records management rules (2013 ACM Records Management Regulation)

[published in the Dutch Government Gazette No 9715 on April 8, 2013]

The Netherlands Authority for Consumers and Markets,

Considering Section 42, paragraph 8 of the Establishment Act of the Netherlands Authority for Consumers and Markets, and Sections 14 and 41 of the Public Records Act 1995;

Decides:

Article 1

In this decision, the following definitions shall be used:

- a. *ACM*: the Netherlands Authority for Consumers and Markets, as referred to in Section 2, paragraph 1 of the Establishment Act of the Netherlands Authority for Consumers and Markets;
- b. *ACM-organization*: the organization with the staff as referred to in Section 5, paragraph 1 of the Establishment Act of the Authority for Consumers and Markets;
- c. *Minister*: the Minister of Economic Affairs.
- d. *Handbook*: *the Procedural handbook on postal and records matters*.

Article 2

1. This decision shall apply to the records of the ACM-organization, and to all files of ACM, unless statutorily stipulated otherwise.
2. ACM shall be caretaker of the files of ACM.
3. ACM's care ends as a result of transfer, disposal or destruction of the files of ACM.
4. If ACM exercises powers on behalf of the Minister, the duty of care for the files of ACM that are compiled as part of said exercise shall lie with the Minister.

Article 3

1. The Director of the Policy and Communications Department (BBC):
 - a. Shall be responsible for the management of the records of all meetings for which this department is the secretariat, and
 - b. Shall oversee the condition of these files, as well as the performance and quality of this record management.
2. The Director of the Consumer Department (DC):
 - a. Shall be responsible for the management of the records of consumer information desk ConsuWijzer and of the business information desk (*Bedrijvenloket*), and
 - b. Shall oversee the condition of these files, as well as the performance and quality of this record management.
3. The Director of the Telecommunications, Transport and Postal Services Department (DTVP):
 - a. Shall be responsible for the management of the records of number applications, telecommunication services registrations, and 'Trusted Third Parties' applications, and
 - b. Shall oversee the condition of these files, as well as the performance and quality of this record management.
4. The Director of the Corporate Services Department (DBV):
 - a. Shall be responsible for the management of all other records of ACM, and
 - b. Shall oversee the condition of these files, as well as the performance and quality of this record management.

Article 4

The Directors mentioned in Article 3 shall be responsible for the performance of the records management in accordance with Articles 5 and 6 of this decision and with the handbook.

Article 5

With regard to incoming documents and copies of outgoing and internally addressed documents that are received, drawn up as part of or used for the performance of the duties of ACM, employees of the ACM-organization shall be responsible for providing these as soon as possible and in good, organized and accessible condition to the digital information services team (*team digitale informatievoorziening*) in the Corporate Services Department.

Article 6

Incoming, outgoing and internally addressed documents that are drawn up as part of or used for the performance of the duties of ACM shall be registered, immediately after receipt thereof or before dispatch thereof, under a unique reference code, and shall be processed and

filed and in such a way (non-changeable) that they can be retrieved within their context, and that they continue to be retrievable.

Article 7

The 2010 OPTA Regulation on Management of Documents and Records (Dutch Government Gazette 2010, no 14958) shall be repealed.

Article 8

This decision shall enter into force the day after the date of publication of the Dutch Government Gazette in which it is published, and shall apply retroactively from April 1, 2013.

Article 9

This decision shall be cited as: 2013 ACM Records Management Regulation.

This decision shall be published in the Dutch Government Gazette with its annex.

The Hague, April 2, 2013

The Netherlands Authority for Consumers and Markets,

*C.A. Fonteijn
Chairman of the Board*

*F.J.H. Don
Member of the Board*

*J.G. Vegter
Member of the Board*