PUBLIC SECTOR REFORMS: TRANSPARENCY AND ACCOUNTABILITY IN THE DIGITAL ENVIRONMENT

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Abstract

The international development community sees transparency and accountability as fundamental to achieving development goals. Records should play a key role in achieving these goals, but at present, data and statistics receive far more attention than do records, which barely feature on the international agenda despite their fundamental contribution to national development. The key role that records play in documenting development decisions and actions tends not to be recognised or highly valued by governments and international development agencies. This paper suggests that this is a make-or-break time for the records profession in Africa: either the fundamentally important contribution that the profession can make to all aspects of development, including accountability and transparency, will be recognised and properly resourced, or it will remain a low priority area with less and less relevance to development and in turn fewer resources being invested. Although digital records are rapidly becoming the predominant media of government communication, the structures and systems needed to protect and preserve them have not been fully developed anywhere in the region. There is a very high risk that national development will be undermined if the records issue is not properly addressed and that much of the public records now being created will never come into archival custody. The bottom line is that if the records profession wants to fulfil its function to protect and preserve evidence for citizens and society, it needs to change to meet the present realities. Focusing on how records and archives can complement data and statistics to benefit citizens and support accountability and transparency could offer the way for the national archives in the ESARBICA region to play their essential role in national and international development.

This paper is dedicated to the African archivist, Prof Nathan Mnjama, and is based on the ESARBICA conference organised around a crucial theme: Public sector reforms: transparency and accountability. ESARBICA as a region will need to decide how to position itself in relation to this theme and what specific actions the association wants to take. My objective is not to consider what those actions should be, as this must come from within the region. Rather, it is to set the theme in relation to trends in international development as background for the discussions.

At present, data and statistics receive far more attention internationally as do records, which barely feature on the international agenda, despite their fundamental contribution to transparency and accountability. Understanding how this situation has come about and its consequences for citizens should help to change it. I see this as a make-or-break time for the records profession in Africa: Will it play a significant role in the development of the public sector of your countries, or will its role be marginalised? Will it be recognised and properly resourced or will it be seen as a low priority area of government?

In a paper presented at the biennial ESARBICA meeting in Nairobi, my colleague James Lowry talked about the records profession's contribution to openness and transparency. He noted, however, that there was a lack of understanding by governments and international development agencies of the value of records as evidence and of the structures needed to manage them in digital form. In recent years, even as there has been an alarming loss of digital records across the region, the development community has become less, not more, interested in the issue.

I believe that well-kept records contribute fundamentally to all aspects of national development. They provide the audit trail for official financial transactions, the basis for land ownership, and the documentary evidence for pay and personnel management, income tax collection and corruption control. They are the foundation for the rule of law and play a key role in documenting accountability and transparency. Why then are they not viewed as a fundamentally essential national resource? Why, when managing digital records presents major new management challenges that are beyond the resources of the national archives of the region, is there no significant investment in building capacity and infrastructure for managing them? Why, when the World Bank's 2016 World Development Report noted that it is 'fair to say that long-term preservation of digital records and information in most countries in the world is at serious risk'[1] has no international action been taken to tackle the problem?

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[1] *World Development Report 2016*: 'Digital Dividends: One Step Forward, Two Steps Backward: Does E-Government Make Governments in Developing Countries More Transparent and Accountable?' Victoria Lemieux, World Bank Group, p 13,

I have been puzzling over this lack of attention to the management of official records ever since I first arrived in your region many years ago. I worked as a member of staff in the Kenya Archives in the 1970s and became aware of the significance of official records. In 1980, I moved to London, where I looked for ways to empower records professionals in Africa. At University College London, I revised and upgraded the international records course, and later, in 1989, I founded the International Records Management Trust to support the records profession in serving citizens. We spent two and a half decades designing and delivering research, development and educational projects.

Over the years, I have walked the corridors of the World Bank literally hundreds of times, knocking on doors, trying to explain to economists why government records are essential sources of evidence of policies, decisions, activities and transactions. I travelled to Norway, Sweden, Switzerland, Canada and Australia to talk to the staff of national development agencies, and I have worked with the Commonwealth Secretariat, the Canadian International Development Research Centre, the Eastern and Southern African Management Institute, UNESCO and the Open Government Partnership, always following leads to sympathetic people, but never really achieving the necessary breakthrough. Ultimately, of course, I realised that it is not my breakthrough to make. It is yours. Nonetheless, I would like to share with you my perception of how the significance of records came to be overlooked.

At the time of independence, colonial governments understood the power of records very well, sometimes destroying them or hiding them rather than handing them over to the new governments, as was the case of the records relating to Mau in Kenya. Nevertheless, generally, there were systems, policies and procedures in place for keeping them. The colonial administrations left behind small national archives, which quickly became overwhelmed by the records of the rapidly growing independent governments.

With pressing development needs and political realities to address, the new governments generally were not really concerned about the long-term protection of records as archives. The national archives of the Eastern and Southern African region never had a real chance to develop the range of structures needed to support records management across large bureaucracies; they never had significant government investment in the training, staff and facilities they needed. The International Council on Archives never had the resources or the means to mobilise

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http://pubdocs.worldbank.org/pubdocs/publicdoc/2016/1/287051452529902818/WDR16-BP-One-Step-Forward-Lemieux.pdf

a major international response. Its small office in Paris was stretched by a wide range of activities.

When the creation of digital records started to grow in quantity, few people – in the records profession, in government or in international agencies – realised how quickly digital information would become the predominant medium of government communications or how easily digital information could be lost. As governments and citizens rapidly came to rely on digital records, there was little understanding of the skills and structures needed to manage them, or even of which government agency should be responsible. Often, responsibility for the records was split between several government agencies, for instance the one is responsible for ICT development, the one for access to information and the one for culture.

The records and archives schools in the region have introduced courses in digital records management, and the national archives in the region are working towards solutions. However, there is an urgent need for accelerated action to keep pace with the rapid developments in technology. Fortunately, a strong international professional records community has been steadily working on and sharing standards, requirements and management tools. Unfortunately, this work is little known or understood outside the records profession.

Governments and donors have come to believe that information produced in computerised systems holds the key to development and will offer the basis for planning, monitoring and measuring national and international development goals. They are largely unaware that IT systems create records but lack the full functionality needed to manage and preserve them. Therefore, IT systems have been developed without the framework of policies and practices needed to protect, preserve and make digital evidence available.

Digital records are fragile. Their integrity depends upon a quickly changing array of hardware and software. Digital media deteriorate, software changes and hardware becomes obsolete. The records may be stored on personal drives, un-networked computers, or mobile devices, making them unlikely to survive as reliable evidence without intervention. They can be altered, deleted, fragmented or corrupted, either through malicious interference or through inadequate management. Their meaning may be lost when the metadata describing their context, content, structure and management through time is not captured, is imprecise or becomes separated from the records when technology changes. Digital records can be difficult to retrieve after a few years, months or even days. The risk is that if they might not be managed professionally, their value as evidence and their historical significance can be compromised or they can be lost completely.

Governments and international organisations often see digitisation as a quick way of ending dependence on paper records. Digitisation initiatives are widespread across Africa and are becoming increasingly popular. However, many fail to incorporate requirements for legal admissibility, reliability and usability; for instance, requirements for capturing metadata, image resolution and classification structure. This can make digitised records very difficult to retrieve and use, and if the paper records are destroyed, the records can be lost entirely.

As public sector transparency, accountability and openness have emerged as predominant international development themes, open data have been viewed as the way forward. Opening data can unlock information that would otherwise remain closed, making it possible to move them beyond official secret acts and 20- or 30-year closure rules so that the information can be of immediate use. The idea is that the data can be freely used, re-used and distributed, subject to the requirements to attribute and to share so that citizens can participate more fully in state affairs, monitor how government money is spent and hold public officials accountable for their actions. It also can result in new business opportunities. The focus is on non-personal data that do not contain information about specific individuals and on data to which national security restrictions do not apply.

Initially, the goal was simply to open as much data as possible, but now there is a growing emphasis on good quality data, supported by standardised metadata, similar to the requirement for good quality digital records.[2] However, the data are not being systematically protected and preserved and often there is no link between the national archives and the open data community. Although much official data, even today, are extracted from government records, the contribution that records management can make to strengthening data goes largely unrecognised.

Data and statistics are closely related; together they provide the basis for measuring the Sustainable Development Goals, launched last year by the United Nations. The aim is to end poverty, protect the planet, ensure quality health care, achieve gender equality and combat climate change by 2030. As with data, the aim of collecting statistics is not to identify specific individual cases, but to understand and document trends and patterns.

The United Nations wants National Statistics Offices to become data hubs and hopes to strengthen them. At present, however, statistics tend to be gathered and used without structures for managing their integrity or their survival through time;

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[2] See 'Data on the Web Best Practices', W3C Recommendation 31 January 2017
https://www.w3.org/TR/2017/REC-dwbp-20170131/.

rarely is there a relationship between the National Statistics Office and the National Archives. Many national statistical systems lack the capacity to generate the high-quality information needed for the Sustainable Development Goal indicators. Indeed, there are countries where there has been no national census for ten or 20 years, so that census data tend to be incomplete, limited, out of date, inaccurate, irretrievable or simply have not survived. As Morten Jerven, whose study of economic development statistics in Africa, *Poor Numbers*, has noted, 'International development actors are making judgements based on erroneous statistics. Governments are not able to make informed decisions because the existing data are weak, or the data they need do not exist.'[3] For the present, governments are taking a blended approach to compiling official statistics, mapping together different data sources, including crowd sourced mapping, GIS data, social media and mobile phone data to overcome these difficulties. However, there are significant challenges to amalgamating these data sources.

Access to information is the other major prong to the international strategy for transparency and accountability. It is expected to support citizens' rights, effective services, anticorruption measures and improved investor confidence. Theoretically, when citizens have access to information, they are well informed and are empowered to participate in governance and democracy. They are able to hold their governments accountable by seeking and receiving information on how national resources are used and managed. As Henry Maina, the Director of ARTICLE 19 Eastern Africa, wrote after the passage of Kenya's Access to Information law in 2016: 'The passage of this Bill heralds a new era for transparency in the country, as citizens will now be enabled to access and use information to hold their government accountable and promote legitimate good governance in the country.'[4]

However, the Kenya law was passed without strengthening structures for protecting and accessing records, especially those in digital form. The simple truth is that if records cannot be accessed easily, if they are lost or corrupted through time, access to information laws will have very little impact. It is encouraging that a recent UNESCO publication, *Access to Information: Lessons from Latin America*[5], noted 'Access to information laws cannot function properly unless government records are organised and available in professionally managed archives, which requires

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[3] Jerven, M. 2013. *Poor numbers: How we are misled by African development statistics and what to do about it*. Cornell University Press, Ithaca and London, p xi.

[4] 'Kenya: New Dawn for Transparency as Access to Information Law is passed', Article 19 Press Release, September 2016.

[5] Access to Information: Lessons from Latin America, Recommendations and Best Practices: Points of Agreement, p15, UNESCO, 2017.

substantial financial and human resources; these public records should ideally be available digitally as well as physically.' Unfortunately, of the 10 countries in Eastern and Southern Africa that have passed access to information laws, none have put in place fully adequate structures to manage digital records.

Thus, although there are great hopes for using digital information to more effectively support transparency, accountability and national development, much more thought is needed about how this information is to be managed. As programmes aimed at opening data, meeting the Sustainable Development Goals and strengthening access to information are being rolled out worldwide, it is important to ask questions about the quality of the information available and about how it is being protected and preserved over time. It is important, too, to ask about the relationship between data, statistics and records and about how they can be managed holistically.

It will be essential to position the records profession in the context of this equation. The words 'data' and 'records' now tend to be used almost interchangeably. What we have called records now are often referred to as data. For instance, hospital patients' records are often referred to as disease data, and birth and death records are referred to as birth and death data. Records created to document the day-to-day activities of the state are referred to as administrative data. Moreover, records are being created in databases outside the control of record keeping systems. In many cases, no one is certain who is responsible for protecting and preserving this digital information. When, for instance, is it necessary to capture the provenance or the context of the information as an audit trail? Who decides? Who is responsible for ensuring that this is done? How long does the information need to survive? What policies, practices and procedures are in place to ensure that it will survive and be accessible for as long as it is needed?

In considering the way forward, it would be helpful to look at the approach of the International Federation of Library Associations and Institutions (IFLA), which, on behalf of librarians worldwide, has been proactive and strategic. Over the last several years, IFLA has mounted an active and successful global campaign to have the UN include access to information in the Sustainable Development Goals and has advocated getting libraries into national development plans. Early in 2017, IFLA launched a capacity-building and awareness programme designed to promote and support libraries' role in the United Nations' 2030 Agenda. There are now active IFLA programmes in six regions of the world, with participants from more than 73 countries carrying out awareness-raising and advocacy activities.[6] There has

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[6] The International Advocacy Programme: https://www.ifla.org/node/11149.

been no similar global initiative for the records and archives profession, although the International Council on Archives has launched an Africa strategy that could provide an important opportunity for the records and archives community to rethink its approach to digital information.

In conclusion, achieving the high expectations for using digital information to support development will depend on how the information is managed and on whether the different players' contributions can be harmonised. The global development community is focusing on data and statistics, and if the records profession ignores this trend, it is likely to be marginalised. There is no doubt that open data and statistics offer valuable approaches to making information available to citizens and observing trends and patterns. There is also no doubt that access to information can help citizens interact with their governments and claim their rights. However, only the records profession has developed the means of preserving digital information and its integrity over time. Moreover, data and statistics do not specifically document and protect individual rights and entitlements or government liability. Only records do this.

The bottom line is that if the records profession wants to fulfil its function to protect and preserve evidence for citizens and society, particularly in a strongly competitive donor-driven development environment, it must change. If it can focus on the crucial issue of how records complement data and statistics to benefit citizens, I believe that the answer will be clear: records and archives management is not outdated but has an essential role to play in national and international development.