

ESARBICA JOURNAL

**JOURNAL OF THE EASTERN
AND SOUTHERN AFRICA
REGIONAL BRANCH OF THE
INTERNATIONAL COUNCIL ON
ARCHIVES**

**Volume 43
2024**

ISSN 2220-6442 (Print), ISSN 2220-6450 (Online)

<https://dx.doi.org/10.4314/esarjo.v43i1.11>

© ESARBICA ISSN 2220-6442 | ESARBICA Journal, Vol. 43, 2024

Implementation of records management provisions of archival legislation in the provincial departments of Limpopo province, South Africa

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Received: 24 July 2024

Revised: 01 October 2024

Accepted: 09 December 2024

Abstract

Archival institutions – especially those considered public – are mandated by archival legislative frameworks to for ensuring that all public records in different government administrative institutions are properly managed, in line with the stipulated laws of the country. This study sought to investigate Implementation of records management provisions of archival legislation in the provincial departments of Limpopo province, South Africa. The study employed a multi-method approach, using a questionnaire and interviews with employees of Limpopo’s provincial departments. The study revealed that although provincial archive institutions provide almost all the necessary services for records management, there is a lack of collaboration between them, which hampers efforts to improve records management services, as required by legislation. The recommendation is that the archival institutions initiate collaborative relations with the provincial departments and other institutions they serve, to help improve records management in those departments.

Keywords: archival institution, legislative role, Limpopo province, records management services, South Africa

Introduction and background to the study

Archival institutions worldwide are charged with the responsibility of preserving archives of the state. Furthermore, they are responsible for providing leadership, guidance and expertise in records management and archiving in public sector institutions. This has earned them the name of national documentary heritage institutions. Archival institutions also exist to champion the efficient, effective and economic creation, maintenance, use and disposal of public records (Calisi, Cianci & Geremia, 2013; Barratt, 2009; Mureebe & Lwanga, 2023; Republic of South Africa 2016; Marshal, 2017). Countries around the world have establish legal frameworks for the management of records. For example, United States of America (USA) developed electronic transaction act (Gabriel 2000) which requires public institutions to document and manage generated through electronic transactions. Canada also developed an act of parliament,

Personal Information Protection and Electronic Documents Act of 2000 to control disclosure of personal information during collection and use (One Trust 2024). Canada also created Personal Information Protection Act, of 2003 to further control disclosure of personal information for protection of people's rights (Canada, 2003). The British Columbia also introduced Personal Information Protection Act of 2003 to ensure proper governance of personal information in the process of collection and use to avoid disclosure (Cameroon & Samadmotem, 2024). Japan on the other side introduced the Protection of Personal Information Act No. 57 of 2003 for the same purposes (Japan 2003).

Furthermore, looking at some countries in the African continent, Kenya also provides data protection mandate stipulations through their national constitution and eventually introduced Data Protection Act of 2019 to ensure that processing of personal data is legally controlled (Kenya n.d). Namibia also created Protection of Information Act, 1982 Act No. 84 of 1982 for the same purpose (Namibia 1982). Botswana created Protection of Personal Data Act No. 33 of 2022 to for protection and maintenance of personal data for individual privacy (Botswana 2022). Zimbabwe created Access to Information and Protection of Privacy Act No 1 of 2020 with intention to control restriction of access to information in public custodies (Zimbabwe 2020).

In Mozambique there is no specific law about protection of information for people's rights, instead legislations addressing information related matters includes the Electronic Transactions Law No. 3 of 2017 (Mozambique 2024). Malawi also introduced Data Protection Act No. 3 of 2024 to provide guideline on the legal way of personal data processing (Malawi 2024). In Zambia the Data Protection Act No. 3 of 2021 was introduced to protect personal data (Zambia 2021). Data Protection Act No. 19 of 2012 was implemented in line with the European Union standards of Southern African Development Community (SADC) by Lesotho government (Lesotho 2012). South Africa also introduced Protection of Personal Information Act No 4 of 2013 to control processing of personal information in a way to protect information of personal nature (Republic of South Africa 2013). South Africa further provided Protection of Information Act No. 48 of 1982 to protect information against disclosure (Republic of South Africa 1982).

Furthermore, Section 9(3) of the Provincial Archives and Records Services of Western Cape Act 3 of 2005 (Republic of South Africa, 2005) states that the provincial archivist may, from time to time, issue directives and instructions for the management and care of public records in the custody of government bodies. Luthuli and Kalusopa (2017:03) confirm that archives regulate policies governing records management. For instance, in this country, the National Archives of South Africa provide legislative and legal frameworks to determine the way records management practices in government bodies are to be discharged (Republic of South Africa, 1996). Netshakhuma (2019) reports that archives ensure the enforcement of legislation, as required for the standardisation of archive and records management programmes.

In South Africa, it is a legislative mandate (Republic of South Africa, 1996) that archivists assume the responsibility of ensuring proper records management in public institutions across the country. In accordance with section 5(2) of the National Archives and Record Service Act (Republic of South Africa, 1996), the services which the national archives and the national archivist provide, include archives and records management training, and professional and technical support to facilitate records management. To that end, the national archivist is tasked with developing the appraisal policy and updating the lists of records that may be destroyed. In addition, as the Archival Platform (2014) site indicates, public archives approve classification

systems and appraise records for disposal or transfer to the archives. Yuba (2013) underscores that archive ensure the regular and operational management of records across government departments.

Ngoepe and Keakopa (2011:154) observe that archival institutions not only provide leadership guidance but also ensure that records are managed properly, to bring about sound records management through the assessment of classification systems, the granting of disposal authorities, and the facilitation of training (Yuba, 2013). Ngulube, Modisane and Mnkeni-Saurombe (2011) shares similar sentiments and provides that, the national archives are responsible for assisting and supporting provincial archive services, as well as setting standards and issuing professional guidelines. As Ngoepe and Keakopa (2011:154) explain, to create a coherent and compatible archival system, national archives are supposed to take a centre stage in guiding the archival and records management services for best results as anticipated by the law. According to the Western Cape Archives and Records Services (WCARS, 2017), throughout the life cycle of a record, from time to time, archivists offer records management courses to records managers, records officials and registry staff, to equip them with the skills needed to undertake proper records management. This is a clear indication that human resources and their skills development are vital for dealing with the complexity of records management (Kalusopa, 2011:200).

Gisesa (2008) indicates that archivists have a duty to educate potential and actual clients, while also providing support to them, by answering questions related to various issues pertaining to records management. Archivists also conduct periodic records management inspections at government institutions, to monitor compliance with acts and policies. For instance, section 5(2)(c) of the National Archives Act (Republic of South Africa, 1996) indicates that the national archivist must conduct records management inspections in support of other records management-related services. Although archivists are mandated to care for records, inspections cannot be done without the consent of heads of departments. Such inspection of records must be conducted throughout the life cycle of each record, and consent must be requested each time an inspection is undertaken, as stipulated in the National Archives Act (Republic of South Africa, 1996).

Problem statement

The problem that prompted this study, is that most archival institutions are struggling to fulfil their legislative mandate in terms of the delivery of records management services. This deficit affects the integrity of the records which are created and managed in different government institutions. It also gives rise to serious frustrations within records-creating institutions, where records with enduring value are sometimes merely dumped in dilapidated buildings, with no further care for their security or authenticity. Records – especially those with enduring value – require special care, as they may eventually be used to build the memory of a country, to trace its heritage, and reflect its history for future generations of citizens and researchers. For instance, archivists ensure that records are managed properly, by undertaking sound record management through the assessment of classification systems, the granting of disposal authorities, and the facilitation of training (Yuba, 2013). As Ngoepe and Keakopa (2011:154) state, to ensure a coherent and compatible archival system, the National Archives Act (Republic of South Africa, 1996) contains specific provisions that affect the archival and records management services delivered by provincial archive services. Therefore, given this background, the present study sought to investigate archival institutions' legislative role in respect of the records management services offered in Limpopo province, South Africa.

The purpose of this study was to investigate implementation of records management provisions of archival legislation in the provincial departments of Limpopo province, South Africa. The objective of the study was to identify records management service rendered by provincial archives to government departments in the Limpopo province of South Africa.

Literature review

Records management and planning are better discharged by following the life cycle of each record. In the first stage of the cycle, the archive is responsible for the assessment and approval of classification systems, which helps to ensure the proper classification of records as part of their creation. This process begins with the records manager, who is responsible for the overall maintenance and management of the classification system, and for ensuring its approval by the archives, before embarking on records management implementation processes (WCARS, 2017). Another role of the archive, with regard to classification systems, is to prescribe the file plan for correspondence systems, the schedule for records other than correspondence systems, the staff file plan, and the registry procedure manual (Marutha 2016: 29).

Furthermore, archives develop and implement records management policy and other publications required for records management (Unisa, 2007:17). In addition, archives are responsible for the appraisal and disposal of records, and for designing templates for classification systems for the public service. According to Unisa (2010:86), appraisal is the activity of assessing records in line with the functions and activities of an organisation, to determine the life span of those records. In accordance with LeMark Training and Development (2020:43), appraisal is performed by records clerks, the records manager and archive officials, who can conduct appraisals together, or at different times during the life cycle of a record.

As noted by LeMark Training and Development (2020:43), appraisal is done internally in an organisation, with a view to determining the period for which a series of records needs to be retained, given the unique business purposes of that entity. This is the task of the records manager, who is assisted by a records clerk. Here, the role of the archivist is to monitor the allocation of retention periods, to ensure consistency and alignment with decisions made by the organisation. Overall, appraisals require teamwork between the records creators, records manager and archivists, to bring a range of expertise to the process of deciding which records need to be kept and which can be destroyed, and after how long.

Thus, a records manager can effectively support the ongoing evidential and informational needs of an organisation, while balancing the user's needs for records against the resources available, in order to make solid judgements about record retention. By contrast, as LeMark Training and Development (2020:53) indicate, the archivist should ensure that authentic and reliable records remain accessible over the long term. Alongside the appraisal and disposal of records, archives provide for the preservation of records through their permanent custody. Millar (2017) notes that the act of acquiring and preserving archives is a service that must be performed in an accountable and structured fashion. This should be done with respect not only for the documentary evidence itself, but also for the individuals and groups who created that evidence.

Individuals or groups who wish to access evidence now, and in the future, also have to be considered (Millar, 2017). The preservation process requires that records be listed and catalogued, to ensure that they are retrievable and accessible, when needed. The United

Kingdom National Archives (2016:08) indicate that cataloguing affords archivists an overview of the contents of a collection. Moreover, it allows for the assessment of any major issues with the condition of the material, or any special storage needs based on the format of a record (United Kingdom National Archives, 2016). Furthermore, cataloguing enables the identification of records that might be particularly significant for research, along with those requiring special access restrictions.

In essence, cataloguing allows archivists to take control of records in their possession and to safeguard those records, since they know what they have and what they are making available to researchers (United Kingdom National Archives, 2016:08). Information on the Archival Platform (2014) site reveals that archivists are also duty-bound to develop publications that shape record management policies. According to the United Kingdom National Archives (2016:19), policies and standards are produced to support the long-term sustainability of the archives, by outlining the principles and practice according to which things should be done.

Netshakhuma (2019) further acknowledges that, in southern Africa, the standardisation of archives and records management is somewhat lacking, since most national archives in the region are neither governed by standards, nor guided by a professional code of ethics. In a context where such standards do exist, they are not always adequately maintained (Netshakhuma, 2019). As Okello-Obura (2011) notes, archives-related legislation is an essential component of the wider legislative base of accountable and effective government. Notably, on the African continent records management legislation is not adequately valued: in Uganda, for instance, it is outdated. Since legislation is not fully implemented, in most contexts, it is not effective in guiding records management.

A similar situation exists in developing countries where legislation does not fully address the issue of record management. For instance, in many states, policy makers and legal experts are not engaged in assisting with the formulation and establishment of records management legislation (Okello-Obura, 2011). In short, as the literature reveals, archivists are required to provide services ranging from the appraisal of records, their disposal, inspections, and the training of records officials, to mention but a few. The importance of records management services is that they lead to effective records management systems and procedures, and the effective flow of information. Moreover, fully functional archive repositories are vital for any country (Ngoepe & Keakopa, 2011:146). Schwartz and Cook (2002:01) note that archivists are an integral part of records management storytelling. In the assessment and approval of record-keeping systems, the appraisal and selection of records to enter the archive, as well as the description and preservation of the archive, archivists continually reshape, reinterpret, and reinvent archive and records management.

Methodology

This multi-method study employed a questionnaire and interviews, to collect data at Limpopo provincial departments located in Polokwane. The study only focused on the head offices of those departments based in the provincial capital city and excluded institutions and district offices attached to each of the departments and municipalities, as well as parastatals. Based on the small number of participants, the study was able to cover all members dealing with records management per department, as well as all archivists attached to the provincial archives of Limpopo. The study covered the entire population of 135 people: nine from the provincial archives who participated in the interviews, and 126 who completed the questionnaire and were employed at various provincial departments. The total population of the study that was

available to participate out of the total population was 86, and the study achieved a 71 per cent response rate for both the questionnaire and interviews. Fincham (2008:02) proposes dividing the number of returned and completed questionnaires and interviews conducted by the total number of the population, and this guided the calculation of the response rate for the present study. If the response rate achieved is adequate, it allows the researcher to draw conclusions from a limited amount of data, and permits the generalisation of the results (Gogtay, 2010:517). Here, the acceptable response rate was expected to be at least 60 per cent, since a lower rate might raise questions about the eminence and legitimacy of the research results (Mellahi & Harris, 2016:426). The standard response rate for questionnaires is 68 per cent. In this case, 77 semi-structured questionnaires (featuring both closed- and open-ended questions) were distributed, and 53 were returned. The response rate for the interviews was 89 per cent: nine interviews were arranged, but only eight were conducted. The interview consisted of open-ended questions. Interviews were conducted in different methods depending on the distance and participants circumstances, some were conducted face to face at candidates' institutions, while some were conducted using telephone and MS Teams call. The interviews were recorded in different ways depending on the candidate's preference, that was recorded with notes taking by pen and electronic recording using cell phone or MS teams. Transcription was thematically done by researcher following objectives of the study. Both interview and questionnaire data were analysed thematically based on the objective of the study after transcription and coding of interview data and calculation of the statistical data from questionnaire using spreadsheet.

Presentation of the findings

In this section data from interview candidates is presented using candidate coded as "participants 1,2,3...) with their words quoted verbatim when answering study questions. The questionnaire data was presented in both figures, tables and coded narratives from candidates for questions that required explanations. For the reader to differentiate, questionnaire candidates were coded as respondents and interview candidates coded as participants. They had to indicate whether they received sufficient records management services from the provincial archives, the frequency with which they received such services, and the nature of the services they received. The purpose of this question was to establish whether departments received sufficient records management services, how many times they received such services in a year, and what services they received from the provincial archives. The findings are shown in figures 1 and 2, and Table 1, respectively.

Implementation of records management provisions in Limpopo province

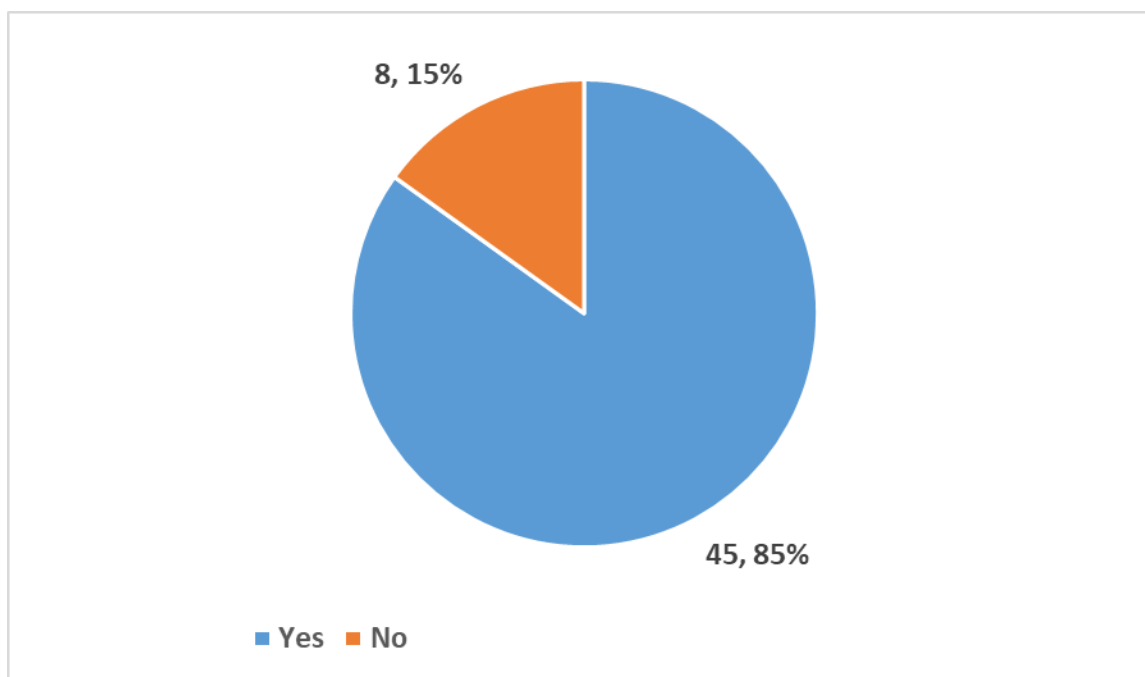


Figure 1: Sufficiency of records management services (N=53)

The findings shown in Figure 1 revealed that 85 per cent (45) of respondents reported receiving sufficient records management services from the provincial archives, while 15% (8) did not. The following verbatim quotes, taken from the respondents' comments, pertain to the sufficiency of the records management services received:

Respondent 7: "We are in constant contact with them for advice on records-related matters, e.g. file plan, disposal and records transfer."

Respondent 8: "Provincial archives provide advice and assistance on issues related to records management."

Respondent 9: "When requested to come and do [an] appraisal of records, they come all the time."

Respondent 10: "Department liaises with archives pertaining to issues of disposal, approval of records, policies and archiv[ing] of records."

Respondent 11: "Provincial archives assist with [the] approval of records, policies, procedure manual[s], and [the] disposal of records, e.g., old application [s for] employment."

On the frequency of records management services, as Figure 2 indicates, 42 per cent (22) of the respondents received records management services annually; 26 per cent (14) more than once every quarter; 15 per cent (8) half-yearly; 9 per cent (5) quarterly; and eight per cent (4) whenever there was a need.

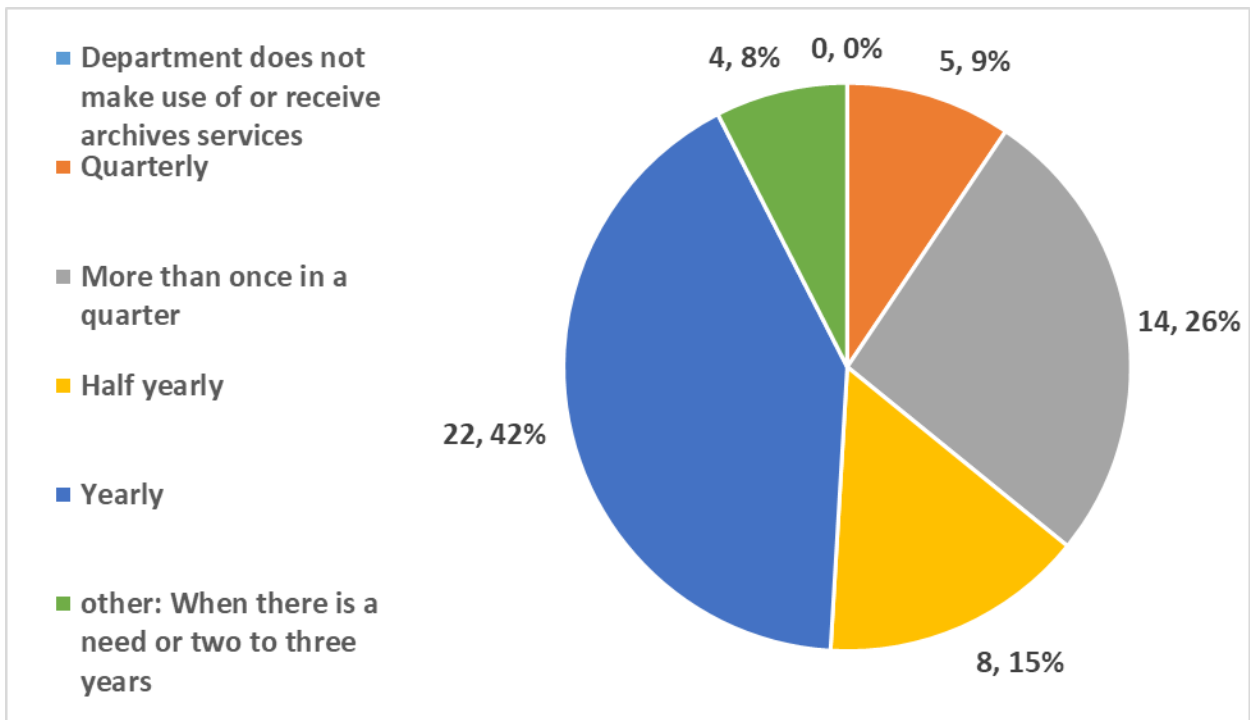


Figure 2: Frequency of records management services received in a year (N=53)

The findings shown in Table 1 reveal that 94 per cent (50) of the respondents reported that the provincial archives granted disposal authority for records to be disposed; 77 per cent (41) indicated that the provincial archives facilitated and monitored the disposal or transfer of records; 75 per cent (40) reported that the provincial archives conducted an appraisal of records; and 70 per cent (37) stated that the provincial archives assessed and approved classification systems (e.g. file plan, registry procedure manual).

Table 1: Records management services which provincial archives provided to departments (N=53)

RECORDS MANAGEMENT SERVICES	Number	Percent ages
Offer records management training	16	30%
Conduct records management inspections	25	47%
Conduct appraisal of records	40	75%
Grant disposal authorities for records	50	94%
Facilitate and monitor the disposal or transfer of records	41	77%
Assess and approve classification systems (e.g. file plan, registry procedure manuals)	37	70%
Provide templates for classification systems	12	23%
Ensure compliance with records management policies and legislation	24	45%
Provide publications that shape records management policies	16	30%
Issue directives and instructions on the management and care of public records	15	28%
Provide guidance and approval for the conversion of records formats	10	19%
Provide guidance and approval of the electronic system	7	13%
Develop and provide policy guidelines for records management	18	34%

As Table 1 shows, 47 per cent (25) of respondents indicated that the provincial archives provided records management training; 45 per cent (24) stated that the provincial archives ensured compliance with records management policies and legislation; 34 per cent (18) indicated that the provincial archives developed and provided policy guidelines for records management; 30 per cent (16) stated that the provincial archives conducted records management inspections; and a further 30 per cent (16) indicated that the provincial archives provided publications that shaped records management policies. Additionally, as Table 1 indicates, 28 per cent (15) of the respondents indicated that the provincial archives issued directives and instructions about the management and care of public records; 23 per cent (12) said the provincial archives provided templates for classification systems; 19 per cent (10) said the provincial archives provided guidance and approval for the conversion of records formats; and 13 per cent (7) indicated that the provincial archives gave guidance in respect of, and approval for, electronic systems.

The interviewees reported as follows regarding the archival services on offer:

- Participant 1: “Limpopo Provincial Archives provides services such as inspection of records, appraisal, classifications, disposal of terminated records, training of records and non-records manager[s] who deal [] with the daily flow of records, [and] monitoring of the government institutions for compliance in terms of records management policies and procedure manuals.”
- Participant 2: “... trainings, disposal, appraisal, and classification system.”
- Participant 3: “...assessment of [the] classification system, [they] conduct [the] appraisal of records, [...] records management training, [and] records management inspections.”
- Participant 4: “... appraisal and disposal of records, records management training, assessing classification system[s] and records management”.
- Participant 5: “Inspection of records on records management practices, assessment of approval of classification systems, appraisal and disposal of records [which have] reached [the end of their] retention period, training on records management best practices, and advisor[ies] on best practices of records management.”
- Participant 6: “Conducting inspections to ensure compliance [with] proper records management, conducting appraisal [of] and disposal [by] government institutions, assessment of classification system[s], providing records management training to government institutions and parastatals.”
- Participant 7: “Appraisal and disposal, inspection, training, assessment and approval of records classification system[s], and [the] identification, transfer and preservation of records.”
- Participant 8: “Appraisal of records to check if they have archival value or which can be disposed [of] when they have reached [the end of] their retention period and collecting records of archival value and preserv[ing] them on its repository”

Discussion of the findings

The provincial archives need to play their legislative role for records management services to support the provincial departments of Limpopo province in South Africa. The findings revealed that most of the respondents claims that departments receive the necessary services from the LPARS on an annual basis and this is not sufficient. At least particular service must be rendered

on a quarterly basis or twice in a year. The services which LPARS delivered, included the granting of disposal authority, the facilitation and monitoring of the disposal or transfer of records, the appraisal of records, the assessment and approval of classification systems, the provision of records management training, and the conducting of records management inspections. Looking at these kinds of services, some of them should be rendered irregularly depending on the needs like appraisal and disposal for example and approval of filing plans and policies. Moreover, the other good thing is that LPARS monitored government institutions for compliance with records management policies and procedure manuals and issued advisories on best practices in respect of records management.

However, officials on the ground must also be provided with training supporting compliance to legislations and policies. For instance, section 5(2) of the National Archives Act (Republic of South Africa, 1996) stipulates that the services provided by archives must include offering training in archival techniques and the management of records, cooperation with organisations interested in archival matters or the management of records, and the provision of professional and technical support in aid of archival activities and the archival community. Policies and legislations address all procedures and functions of records management to which officials need to master through training as the base. For instance, Yuba (2013) points out, the assessment of classification systems, the granting disposal authority, and the facilitation of training, all fall under the purview of the archives. Training may cover activities that include assessing and approving classification systems and ensuring that approved file plans were used. Although it was not sufficient, the provincial archives were found to play a supportive role in ensuring that records are well managed throughout the life cycle, even from the creation stage. For instance, in the last stage of the life cycle of a record, the archival institution in question appraised those records, granted disposal authority, and facilitated the final destruction or transfer thereof to an archival repository.

Conclusions and recommendations

The conclusion reached here, is that the records management services provided by the archives under study, helped to ensure the proper management of records throughout their life cycle. Such services included the granting of disposal authority, the facilitation and monitoring of the disposal or transfer of records, the appraisal of records, the assessment and approval of classification systems, the offering of records management training, and the conducting of records management inspections. The records management services which the archives provided throughout the life cycle of a record entailed monitoring government institutions for compliance in terms of related policies and procedure manuals, and providing advice on best practices to follow, in terms of records management.

Although the records management services provided by the archives were deemed inadequate in ensuring the proper management of records throughout their life cycle, the overall functioning and service delivery of LPARS could be optimised. Even running machinery constantly needs servicing, for optimal functionality. Collaboration between LPARS and the various departments should be strengthened, as that will make records management services even more effective. Figure 3 offers guidelines which archival institutions may adopt, in planning and providing effective, legislatively guided, records management services to assist record-creating institutions.

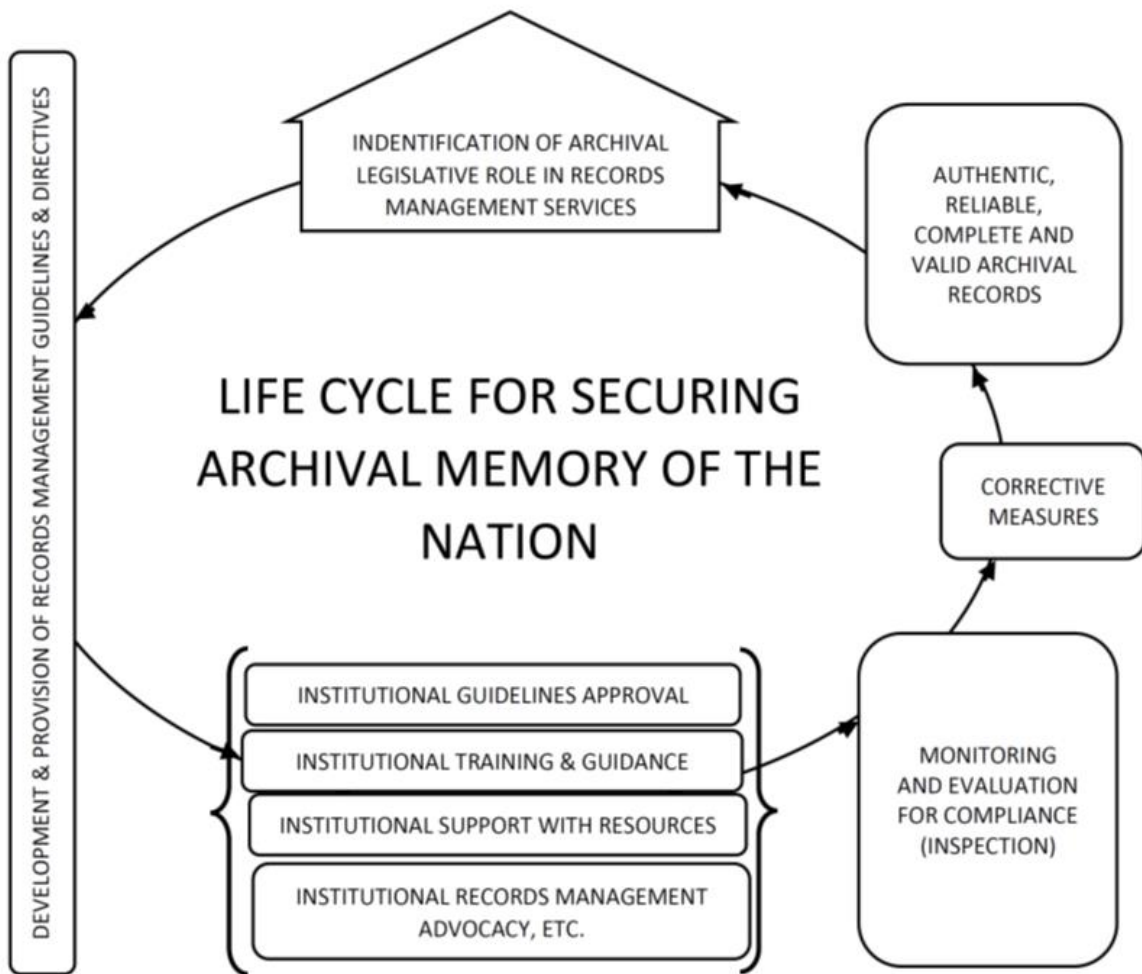


Figure 3: Proposed archival records management service life cycle to secure memory of the nation

As the figure illustrates, moving in an anticlockwise direction, archival institutions must begin by identifying the roles they are required to play in records management, in collaboration with record-creating institutions, to avoid potential clashes, or a duplication of roles and responsibilities. That will allow them to only focus on those roles mandated in terms of legislation and national policies. The responsibilities of archives and record-creating bodies (or administrative institutions which create records) should be identified and separated. Eventually, every archival institution must develop guidelines – in the form of policy and directives – to outline the different roles which each of the two parties must play, in rendering effective records management services. Based on the current legislative mandates and regulations, archival institutions are tasked with approving institutional guidelines such as policies, procedure manuals and filing plans, amongst others. To guide institutions, they must also provide training in line with the guidelines and policies they develop, as this will enable proper implementation and eliminate confusion. Archival institutions must be willing to advocate for records management at different institutions, making this a priority, mindful of budget allocations and the channelling of critical resources. Finally, archival institutions must render monitoring and evaluation services, by inspecting compliance with guidelines and directives, and offer training and support where needed. Archives must be able to impose

corrective measures in cases of negligence, criminality or misconduct. It is hoped that archival institutions will finally be able to reap the benefits of authentic, reliable, complete, accurate and valid archival records being preserved for centuries to come, and for future generations, as part of the heritage of this country. This will ensure ease of access to valuable information for different purposes, including research and history writing and rewriting.

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