

FOSTERING ACCOUNTABILITY AND JUSTICE: OPPORTUNITIES FOR RECORDS MANAGERS IN CHANGING SOCIETIES

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Abstract

We are living in constantly changing societies. For instance, the way we handle information has been changed by information and communication technologies. Our business transactions are becoming increasingly affected by globalisation. There is evident transformation in organisational cultures. Over the past ten years, there have been regime changes in the Democratic Republic of Congo, Kenya and South Africa, to mention a few examples. In recent times, there have been some mergers that have affected companies and universities particularly in South Africa. The examples given in the preceding texts demonstrate that change is coming from a number of fronts. Change brings uncertainty, but records make decision making during uncertainty possible. Changes that are not informed by reliable information are likely to be unsustainable, unjustifiable and lacking transparency. Transformation would be difficult if there are no records or precedents on which to base one's actions.

Records act as evidence of some of the activities of societies. Record keepers are key to ensuring accountable and manageable recordkeeping systems. Records maintained by such systems have a possibility of fostering accountability during times of change. Records that support justifiable transformation should be accurate, adequate, authentic, complete, comprehensive, usable, complaint, reliable and systematic as advocated by the University of Pittsburgh's Recordkeeping Functional Requirements (1996).

Introduction and context

We are living in constantly changing societies. For instance, the way we handle information has been changed by information and communication technologies. Our business transactions are becoming increasingly affected by globalisation. There is evident transformation in organisational cultures. Over the past ten years, there have been regime changes in the Democratic Republic of Congo, Kenya and South Africa, to mention a few examples. In recent times, there have been some mergers that have affected companies and universities particularly in South Africa. The examples given in the preceding texts demonstrate that change is coming from a number of fronts. Change brings uncertainty, but records make decision making during uncertainty possible. Changes that are not informed by reliable information are likely to be unsustainable, unjustifiable and lacking transparency. Transformation would be difficult if there are no records or precedents on which to base one's actions.

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adequate, authentic, complete, comprehensive, usable, complaint, reliable and systematic as advocated by the University of Pittsburgh's Recordkeeping Functional Requirements (1996). Records should be managed in order to have these attributes. Unreliable, irretrievable and incomplete records cannot support reform and justice.

Recorded information is the major symbol of hope in rapidly changing societies. That is the case because according to Millar (1997:7) and Palmer (2000:62), well-managed records confirm the work of employees, their pensions and their rights, provide evidence when reviewing policies, prove citizen's rights and protect organisational interests and those of its staff and clients. In that regard, the Australian Council on Archives (1996) pointed out that documentary evidence is fundamental to the accountability of the organisations to their internal and external stakeholders:

Records show whether the organisation or individuals in it have met defined legal, organisational, social or moral obligations in specific cases. In all accountability forums, records are consulted as proof of activity by senior managers, auditors, concerned citizens or by anyone inquiring into a decision, a process or the performance of an organisation or an individual.

In that light, it is essential that organisations should have a systematic approach to managing records from their point of creation to their ultimate disposal. There are a number of challenges to the ability of organisations to maintain information in a manner that effectively serves their own business needs, those of government and of the citizen, and to dispose of the information efficiently when it is no longer required. Accountability hinges upon having a systematic approach to managing information that meets the needs of all stakeholders. Accountability implies that organisations and individuals should be able to explain their actions to others in a transparent and justifiable manner. In that regard, documentary evidence or records are an important component of the justice equation and indeed accountability. Put differently, lack of proper records management may compromise service delivery, accountability, good governance and justice.

The World Bank seems to have contributed to the currency of the term "accountability" in the developing world. The public sector reform programmes sponsored by the World Bank put a lot of emphasis on service delivery, accountability and transparency. I am sure that it is clear from the introductory remarks, that reform does not only affect governments, but society as a whole. Therefore, poor records management does not only hinder the implementation of government reform, but it is also hampers the development of humankind. Access to reliable information is fundamental to reforming or changing any sphere of society. Poorly managed records undermine accountability and the whole society's ability to be innovative.

Challenges

The challenges to managing records that foster accountability that this paper is going to focus on are: professionalisation of records managers, application of a code of ethics and standards, managing electronic records, accessing information contained in records, retention scheduling and preservation. I must emphasize from

the outset that the list is not exhaustive. The aim is to give an overview of the nature of the challenges and opportunities that we face as bearers of the torch of justice and accountability.

Lack of professionalisation of records management

Records management is not professionalized in most organisations. People who look after records in many organisations in Africa lack the skills required for managing records throughout their entire life cycle. In most cases, they do not have the competencies of placing information management within a broader national and international context. Consequently, they are oblivious of the fact that society is made up of layers sometimes referred to as subsystems. Systems thinking would help organisations to manage records that support service delivery and accountability throughout the whole enterprise.

Systems thinking-based records managers are likely to easily overcome individual differences caused by ethnicity, race, gender, personal beliefs, fear of change and unwillingness to give up power and past practices, and foster an ethos that promotes the creation and maintenance of records that support the organisation's function. In other words, the activity of an agency has value in relation to the whole system or what Allee (2002) refers to as the network. The interconnectedness of the system or network means that the removal or malfunction of one node affects the whole system. In that context the success of society in relation to recordkeeping depends on everyone having a systems approach. Isolated cases of good records management practices in certain organisations cannot foster service delivery and accountability. Accountability could be achieved if all recordkeepers see themselves as being part of the whole and their actions are based on the ethos of supporting innovation and justice in the whole society. It is only then that we can start talking about keeping records that foster accountability in all spheres of society.

Professional and knowledgeable staff are likely to view their contribution to society in a systems milieu. In Africa, sadly many people who look after records lack skills and training. They do not even have any association with professional bodies in the field of information management on the continent because such organisations are conspicuous by their absence. Professional bodies that promote records management networks in Africa are sparse. For recordkeepers to be accountable, they should have knowledge that would act as a benchmark for their actions, and professional associations that might provide guidance on best practices and standards.

Ethical issues in the management of records

Ethics, in the classical sense, refers to the rules and standards governing the conduct of an individual towards others. In the modern sense, ethics could be viewed as a concern with everything that one's actions affect. Ethical dilemmas occur when values are in conflict. Like physicians and law - makers, records managers are put into unique positions of responsibility. For instance, they are charged with the tasks of appraising, selecting, acquiring, arranging, preserving and communicating records. So it is important for them to understand the responsibilities

they bear, to know how their actions can affect their organisation, themselves and society, and to appreciate both the good and the harm they can do. In that respect, records professionals are responsible to the users and themselves. Secondly, as citizens, they are obligated to use their unique knowledge for the good of society. Thirdly, as part of humankind, they should “preserve and protect human dignity” (Smith 1993: 4). The records managers behave ethically when they fulfil their function to society and themselves, and the function of records. Ethical practices dictate that recordkeepers should, among other things, protect the integrity of records, make records accessible, adhere to standards of recordkeeping, keep complete records, appraise and schedule records, properly store records and preserve them.

To the best of my knowledge the South African Society of Archivists is the only professional body in southern Africa that has attempted to draft and implement a code of ethics for records management environments. The use of the Code by records managers remains to be assessed. Although, the International Council on Archives has a code of ethics for archivists, its implementation by the East and Southern Africa Regional Branch of the International Council on Archives (ESARBICA) has remained a pipe dream.¹ By and large, there is need for records managers to address the question of ethics in their daily activities so that they raise the level of their professional practice (Ngulube 2000:162).

Role of standards in managing records that foster accountability

The concept of standards is not new. According to Batik (1989:3) the code of Hammurabi, which was developed over four thousand years ago, includes instructions for the manufacture of a brick, with specifications for “the clay, straw and water content”. *The Concise Oxford English Dictionary* defines a standard as a thing or quality or specification by which something may be tested or measured (Persall 2002:1399). Standards are important because they:

- Provide the basis for consistency and efficiency in organisations; and
- Provide a benchmark against which performance could be assessed

In a sense, standards lead to standardisation of processes for the benefit of all their users. Thus, Val Verman (cited in Cox 1992) defines standardisation as the:

Process of formulating and applying rules for an orderly approach to a specific activity for the benefit and with the cooperation of all concerned, and in particular for the promotion of optimum overall economy taking due account of the functional conditions and safety requirements. It determines not only the basis for the present but also for the future development and it should keep pace with progress.

The use of standards ensures that procedures and products will meet certain requirements, and that these procedures and products will remain consistent over time.

While adherence to some standards is mandatory, in other cases compliance is voluntary. Voluntary standards demonstrate the best practice, which can be aspired to across a range of activities. This puts the onus on the practitioners and the end users to be aware of, and to insist on conformance with all standards governing a

programme or service. Standards vary from exacting technical standards (specifications), through to broadly defined conventions (rules) to most generalised guidelines (models) (Avram, McCallum & Price 1982:197-189). Technical standards are specific, rigid and restrictive because they are, “an explicit definition that can be communicated, which is not subject to unilateral change without notice and which, if properly followed, will yield consistent results” (Crawford 1986:6-7).

Standards for the management of records are an exception rather than a norm in most organisations. It was evident from some discussions with archivists from the ESARBICA region that standards were not part of archival practice in southern and eastern Africa (see Ngulube 2001a).

If we are to be fully confident about managing recorded information we need to know that our practices and procedures conform to established standards such as ISO 9000. In that regard, recordkeepers should develop and use standards for the creation, classification, scheduling, maintenance, accessibility and preservation of recorded information. The standards should be reviewed and updated periodically. Furthermore, the standards should be comparable to international initiatives. Recordskeeping practices that adhere to standards and international norms are likely to generate and manage records that foster accountability.

Managing electronic records: running before learning how to walk

Many records managers in Africa do not have a clear understanding of the nature of electronic records, and the electronic information which should be captured as records in order to document the business processes (Ngulube 2004:148). In addition to that electronic records are not preserved into the future. Furthermore, organisations have a fragmented approach to managing electronic records. Electronic records management is not done enterprise wide. In fact, there are cases whereby electronic records that do not fall under any formal corporate management and control are generated by organizations (see Crown 2001). Agencies are largely concerned with immediate term processibility of records rather than long-term access. Plans for migrating records to ensure continued access and authenticity in the face of changing hardware and software platforms are inadequate. Consequently, valuable records are lost every day due to systems failure and obsolete hardware and software. Without previous evidence, society is forced to keep on reinventing the wheel. That hampers progress and accountability.

Guidelines for transferring electronic records are generally nonexistent in many organisations In Africa (Ngulube 2004). Organisations should have standard tools for managing electronic records to ensure the integrity of information and to meet the requirement of the law and business needs. In turn that would enhance service delivery and foster accountability.

The other major problem faced by many organisations is lack of adequate training in the management of e-records. Some trainers in Africa lack expertise and are ill equipped for the task of training people in the art of e-records management. On the other hand, organisations do not have clear policies when it comes to training staff on the management of e-records. Many organisations have adopted the “leap frog”

or running without learning how to walk approach in bridging their knowledge gaps in relation to managing e-records. Staff who do not have any rudimentary knowledge on the use of computers and how the computers process and store data are sent for training with the hope that they would understand the complex issues behind managing e-records without any assumed or embedded knowledge. How can they be expected to run without first learning how to walk? How can they move efficiently if they are like blindfolded actors? Records staff should first be trained in the use of computers in defining, creating and storing e-records so that their training would have relevance and context. There is also a need for records managers to form partnerships with IT specialists. That would give them the opportunity to be exposed to IT related issues as well as influence the direction of IT developments in relation to managing e-records into the future.

Accessibility to records is key to fostering accountability

Access to records and archives are generally regarded as keys to democratic governance and accountability. The bottom line is: there can be no accountability without access. According to Ketelaar (1992:5) access to recorded information gives society the possibility to exercise its rights and to control its governments in relation to its successes and failures.

Access to records is largely influenced by legislation and administrative limitations. The limitations include, infrastructure for records services and the management of records from their creation to disposal. Research has shown that records were in a chaotic state, and records keeping systems have collapsed in many countries in Africa (see Mazikana 1992; Ngulube 2003). That makes records inaccessible. In addition to poor records management systems, Africa has reportedly been dogged by backlogs of accumulated records and congested records offices (Khamis 1999:54; Wamukoya 1999:11). Records stores are generally full to capacity and records are dumped without any order or rudimentary tools for retrieving them so that they would be easily accessible to users.

Legal policies that govern the definition of records, the right to information, intellectual property, and the right to privacy, the protection of state and private interests largely regulate access to recorded information. Many policies that govern access to records in organisations are either de facto or de jure. De facto policies are unwritten rules that guide organisations in their day-to-day activities. On the other hand, de jure policies are written laws, rules and regulations. Many organisations in South Africa do not have written policies other than the framework given by the Promotion to Access to Information Act of 2000, as amended and the National Archives Act 1996, as amended in the case of the public sector. There is a need to have access policies at both micro and macro levels. Access policies are key to giving adequate access to records. Access policies should indicate the types of information that may be restricted and how restrictions will be applied, and describe the finding aids and reference services (Jo Pugh 1992:60).

Formulating and having policies in the books does not guarantee access to recorded information. Studies have shown that records are completely inaccessible in many countries despite the existence of legislative frameworks and policies (Mazikana

1999:74). Efficient access to the information which users require can mainly be secured when the records are appropriately inventoried, arranged and classified. Authority to obtain information is meaningless without means of locating it.

In that regard, finding aids are one of the keys to retrieving the information held in records. Mazikana (1999:74) observed that the biggest barrier and obstacle to accessing information contained in records and archives in Africa was not the existence of difficult access conditions and regulations limiting and preventing access, but simply the poor state in which many records were kept, the absence of systems for their proper management, improper storage and lack of finding aids to access them. The lack of finding aids ultimately affects access to information. Their absence is one of the indicators that access to records is limited or not possible (Ngulube 2002:576).

Records information schedules

Records information schedules are the backbone of a viable and accountable information service. They authorize the legal retention and disposal of records in a recordskeeping system. Records irrespective of format cannot be kept forever because:

- The cost of storage and maintenance over time can be very expensive; and
- Retrieving documents and records becomes slower and cumbersome as the volume of records grows.

The tools that authorize an organisation to dispose of records are referred to as retention schedules, disposal schedules or information schedules depending on the source that one uses. Information schedules give the rationale for retention decisions, protect against litigations, foster accountability, eliminate the costs of storing records that do not support the immediate needs of the business process and faster and easier retrieval of records. Records information schedule are keys to achieving three “E”s of records management, which have been characterized as efficiency, effectiveness and economy. Of course, the three “E”s underpin accountability, transparency and the quest for justice.

Determining which “records need to be captured” and “how long the records need to be kept” in records management systems (AS 4390.1-1996, clause 8.1) are largely by-products of records appraisal. Appraisal of records is key to formulating retention and disposal schedules. There are many appraisal methodologies that are at the disposal of records managers. They include the value-based approaches, functional analysis or macro-appraisal and hybridization models (Ngulube 2001b:256). Value-based methodologies are concerned with the use of records in relation to their primary, (that is, administrative, legal and fiscal values) and secondary (that is, evidential and informational purpose), values. On the other hand, functional analysis involves appraising processes, the context of the records and how the records support the functions of an organisation (Harris 2000:41). Last but not least, the hybridization model advocates the use of documents management strategies such as microfilming alongside with electronic or paper formats to avoid the wanton destruction of records as result of a shortage of resources (Ngulube 2001b:264). It is beyond the scope of this paper to recommend the most appropriate appraisal methodology.

However, appraising processes as foreseen by functionalists seems to be gaining a lot of ground. When it comes to macro-appraisal, tools for analysing and appraising records include environmental analysis, systems analysis, functional analysis, process analysis, structural analysis and records surveys (Shepherd & Yeo 2003:31). The onus lies on records managers to use the techniques most suited to their environment. Ultimately, the aim should be to meet the needs of the stakeholder in relation to business, accountability and cultural purposes.

Preservation: records managers have a duty not to fail society

Records managers should preserve records throughout their life cycle. It should be borne in mind that all physical media is fragile and that there is a need to safeguard them at all times. It is as Jenkinson (1938) argued that, records managers should physical defend records and archives. I am sure that he was not imploring records managers to physically fight invading armed forces. He probably meant that records should be protected because of their physical nature. In that light, records should be protected against environmental factors such as temperature, humidity, light, pollutants, silverfish, moulds, termites and rodents (sometimes referred to as biological factors).

Disaster control and security management are all part and parcel of a sound preservation plan. Handling and care of records are the most inexpensive preservation processes. Reformatting strategies such as microfilming, photocopying and digitisation should be an integral part of preservation management. In that regard, society depends on the knowledge of recordkeepers to manage records for accountability and posterity. Records that are not preserved into the future can neither foster accountability nor promote the cause of justice. Society uses current, semi-current and non-current records to confirm their entitlements. Records managers would fail society if they do not preserve the records throughout their life cycle.

Conclusion

Organisations keep records of their activities to fulfil the demands of corporate accountability and business needs. Records need to be systematically captured, managed and preserved so that they maintain their integrity and authenticity, retaining their value as evidence of an organisation's activities. In that regard, records management should be considered a key to delivering effective services and taking accountable actions. Policies and frameworks to support the records management functions should be established. Continuing professional development for staff should be the hallmark of records management programmes in all organisations. Records should be allocated schedules for retention and disposal. Records should be organised in such a way that facilitates their use. Records managers should preserve and maintain records throughout their life cycle. Records managers should also be conversant with policies and legal frameworks that affect their records management work. Above all, records that are ethically managed have a possibility of protecting society's rights and its quest for justice as well as fostering accountability.

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Endnotes

1. Currently, its membership stands at 14 including, Angola, Botswana, Kenya, Lesotho, Namibia, Malawi, Mozambique, South Africa, Swaziland, Tanzania, Zanzibar, Zambia, Seychelles and Zimbabwe.
2. This paper is a reworked version of a paper presented at the Access Information Management Services Conference on Information Management in a Democracy: Supporting Access, Security and Accountability Through Sound Records Management Practices, 18-21 May 2003, South Africa, Kruger National Park.