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A REGULATORY FRAMEWORK FOR THE MANAGEMENT OF RECORDS: ASSESSMENTS IN KENYA, UGANDA AND TANZANIA

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Abstract

This article introduces the Regulatory Framework for the Management of Records, a high level statement of the elements that need to be in place at the national level if governments are to manage records adequately in the hybrid paper / digital environment and in support of FOI regimes. The authors use the framework to analyse the Kenyan, Ugandan and Tanzanian findings of an International Records Management Trust research project, in which both authors were involved.

Key Words

Regulatory framework, government records, Kenya, Uganda, Tanzania

Introduction

From 2009 to 2011, the International Records Management Trust conducted a research project called *Aligning records management with ICT / e-government and freedom of information in East Africa* (International Records Management Trust 2011), with funding from the International Development Research Centre. The research was concerned with the integration of records management components into ICT / e-government and Freedom of Information (FOI) initiatives, which are priorities for the governments in East Africa. The research focused on the governments of the member states of the East African Community; Kenya, Uganda, Tanzania, Rwanda and Burundi. This article presents the findings of the study that relate to the keeping of government records in Kenya, Uganda and Tanzania.

The authors wish to acknowledge the work of the national research teams in gathering the data on which our analysis is based. The Kenyan research team was lead by the Director of the Kenya National Archives and Documentation Service, Mr John Mreeria, and comprised members of his staff, including, Mrs Agneta Akhaabi, Mrs Mary Kuchio, Mr Francis Mwangi, and Mr Richard Wato. The Ugandan research team was lead by Dr David Luyombya of Makerere University, and comprised Mrs Lilian Ariso, Mrs Joyce Bukirwa, Mr Mr David Mukembo, Mrs Joy Nantongo, Mr Sylvester Sennabulya, and Mr Herbert Ssebuaya. The Tanzanian research team was lead by Mr Peter Mazikana and Mr Peter Mlyansi, with the kind assistance of Mr Charles Magaya, Director of the National Archives of Tanzania, and members of his staff, including Mr Matthew Kilasi, Mr Firimin Msiangi, and Mr Yonafika Shaidi. The Rwandan research team comprised Mr Emmanuel Karuranga and Mr Elias Kizari. The Burundian research team comprised Mr Jean-Paul Ndayisabi and Mr Jean-Bosco Ntungirimana. The authors also wish to acknowledge Dr Anne Thurston, who was the director of the project, Mr John McDonald, who provided

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A regulatory framework for the management of records

One of the products of our research was the *Regulatory Framework for the Management of Records*. It sets out the basic elements that must be in place at the national level if public sector records are to be managed adequately in the context of computerised working environments and FOI regimes.

ICT/ e-government
Planning for ICT/ e-government systems ensures that the records needed for the proper functioning of the system are complete, accurate and accessible
Planning for ICT/ e-government systems addresses functionality for the management of records from creation to disposition
The national archives is included in consultations on ICT/ e-government initiatives
Freedom of Information
A FOI law has been enacted
The FOI legislation is aligned with existing legislation, particularly the national records and archives legislation and other legislation relating to the release of information
The FOI legislation specifically over-rides the 30 year rule
The FOI law stipulates mandatory response times
A plan for FOI implementation has been adopted by the Government
The plan for FOI implementation considers the completeness, accuracy and accessibility of government records in all formats
The plan for FOI implementation makes all government staff aware of their responsibilities for managing records
Records Management
Legislation
The records and archives legislation establishes a single authority on the management of government records, from creation to disposition
The records and archives legislation positions the national national archives centrally within government so that it can fulfil its crosscutting function
Policy
A government-wide records management policy has been adopted to define responsibilities for records management and relationships with ICT/ e-government and FOI bodies
Standards
The national archives has adopted a records management standard (ie ISO 15489)
A standard for records management functionality in ICT systems has been adopted
A standard for archival management and digital preservation has been adopted
Procedures
The national archives has issued or approved procedures for every phase of the management of records, from creation to disposition
A national retention and disposal schedule exists and is applied to all hard copy and digital records
The national archives is mandated to enforce compliance with the retention and disposal schedule
Staffing
A cadre of records management staff exists
A scheme of service exists for staff responsible for managing records in digital or paper form, from creation to disposition. The scheme of service spans government and ranges from clerical to management positions.
Infrastructure and Facilities
The national archives is allocated sufficient funds to fulfil its mandate
MDAs have sufficient space and equipment to manage active records securely, in digital and paper formats
Purpose built records centres have been provided for the storage of semi-active records

Purpose built archival repositories have been provided for the storage of semi-active records
A digital repository has been created to preserve digital records over time
<i>Capacity Building</i>
Training in records management is available to staff at all levels and includes practical training in digital records
University programmes offer in-depth education for records management with practical training in digital records management

Assessments in Kenya, Uganda and Tanzania

The following is an analysis of the research findings in the East African region against the *Regulatory Framework for the Management of Records*.

Legislation

Tanzania and Uganda are supported by legislation that establishes a single authority on the management of government records. However, only the national archives in Tanzania, amongst the three countries, is well positioned in the government to carry out its legislated role. Its position in the Office of the President gives it the profile and visibility required to enable it to have an influence over the management of records across the government. It also has statutory responsibility for supporting the management of public sector records in all formats in ministries, departments and agencies (MDAs) across the government, from creation to permanent preservation or destruction, and for maintaining oversight and co-ordinating the government records management programme.

Other archives are less well positioned, or lack an explicit mandate for records management or records disposition. In Kenya, the National Archives has been given the authority, but its lack of digital capacity has resulted in other ministries being assigned responsibility for the management of current records, leaving the Archives with responsibility solely for archival records. Splitting the records and archives function can lead to a lack of clarity on policy and procedures, particularly in the digital environment where the old distinction between creation, capture, access and disposition is disappearing in favour of continuous control through integrated management and system requirements. The location of National Archives in ministries with responsibilities for cultural programmes, as in Kenya, diminishes the potential impact that National Archives can have in influencing or overseeing records management across government and reduces the possibility that it will be close to the development planning process. Except in Tanzania, the National Archives are not well positioned in the government. The consequent lack of leadership and authority is having a significant negative impact on the ability to establish the other components of the regulatory environment.

Policy

Some of the governments in East Africa have policies in place on the management of current records, but these typically address paper records only. None address the management of digital records and there was no evidence that records management provisions had been applied to digital records. The expertise, location, profile and strength of the Archives are factors in this. These issues underline the inter-relationship between the components of the regulatory framework. If one or several of the components, such as policy or authority, are weak, this will undermine the effectiveness of the other components of the framework. Of equal importance, it was established that policies addressing the management of ICT or e-government initiatives had yet to incorporate provisions reflecting the importance of records management. Those managing such initiatives have no point of reference to guide them in ensuring that records management

considerations can be respected. Overall, the policy element of the framework for the management of current records in all three countries is weak.

Standards

The National Archives of the three governments have yet to formally adopt the ISO standard on records management and standard functional requirements for the management of records in ICT systems. One of the reasons for the latter lies in the level of expertise available to review existing functional requirements for their possible adaptation.

The management of archival digital records is a major issue for National Archives around the world. It is also an issue for any organisation concerned about maintaining the integrity and continued accessibility of records in the long-term. The situation is no different in the East Africa region where archives and MDAs have yet to establish standards for the archival management and digital preservation of valuable digital records. However, while digital preservation standards such as the Open Archival Information System standard and specifications for trusted digital repositories have emerged, these have yet to be considered for testing and adaptation in Kenya, Uganda and Tanzania.

Although all of the governments are involved to a greater or lesser extent in digitisation projects, and although digitisation has become a high profile priority for some of the governments, none have adopted international standards for managing digital surrogates and for the retention and disposition of source paper records. Moreover, the integrity of many digitisation projects is being placed at risk because the source paper records are poorly organised.

Procedures

Procedures for the life cycle management of records have been developed in all of the governments but all are directed to the management of paper records and their application has been problematic. Some governments have developed classification schemes for use by MDAs as well as file control systems, including file titling rules, location indexes, file censuses, file movement procedures and access controls. In some cases, notably in Tanzania, procedures for the transfer of semi-active records to records centres and archival records to the National Archives have been developed and implemented. However, they are for paper only. Only Tanzania had developed procedures for the life cycle management of records that were being actively used by records specialists in MDAs. This was largely because the National Archives was strong, its position in government was effective, and records specialists with records management expertise were in post.

Challenges such as lack of space, poor records storage conditions, complacency amongst the MDAs' staffs, lack of senior management support and the availability of expertise have hindered progress, but in some governments procedures are in place for paper records. The absence of procedures for the life cycle management of digital records, however, is becoming a serious issue. It is an issue that is being felt across the region and if not resolved will undermine ICT, e-government and FOI initiatives and place them at considerable risk.

In the area of retention and disposition, a few governments have formal retention and disposition schedules in place, but these normally cover paper records only and are outdated. Only the Tanzania government had offered advice, in the form of a circular, on the retention and disposition of government information in digital form. The circular noted that the retention and disposal of digital records should follow the retention and disposal schedules for paper records

and that the system for digital records management should indicate which records are supposed to be transferred to the National Archives for permanent preservation and when records with no permanent value are to be destroyed. While the statements are useful, it is not clear how the National Archives is to support them as there is no provision for a national digital preservation plan or for a national digital repository.

Finally, none of the National Archives in the three countries has the mandate to enforce compliance with the schedules. The National Archives in Kenya and Uganda have the mandate to undertake audits and reviews but are not able to enforce compliance. Again, the focus of the audits and reviews tends to be on paper records and not on the management of digital records.

Staffing

Although the governments of Kenya, Uganda and Tanzania support a cadre of records management staff, these are mostly resident in the National Archives rather than government-wide. The Tanzania government supports a network of Departmental Records Officers based on a cadre of trained records management specialists working in accordance with a defined scheme of service. In the Kenya and Tanzania National Archives, the staff has strong professional qualifications with many members having graduate and post-graduate degrees or certificates. However, few of these have professional qualifications and experience that enable them to address the management of digital records.

University education programmes have yet to incorporate courses or modules that focus on practical digital records management training. Commercial vendors offer some workshops, but these are often sales focussed. The situation is exacerbated by the level of expertise in the National Archives, which would otherwise facilitate the development of education and training programmes that address digital records management. This is further exacerbated by the lack of attention MDAs give to records management, which stunts demand for courses, despite the pressing need for practical training in this area.

Infrastructure and Facilities

In Tanzania, steps have been taken to establish a digital records management programme but, as in other countries, the facilities for the storage of digital records, including trusted digital repositories, have yet to be built. Within MDAs, the facilities for managing records according to international standards and good practice are lacking; they are almost non-existent for digital records. Digital records are stored on various recording media in computer rooms or, as reported in many cases, in rooms with poor environmental controls, with little documentation and with little or no regard for their continued accessibility in the face of changing technology.

Records centres for semi-active records have been established in some governments, but these are for paper records only. Most of the National Archives do not have purpose-built facilities for the management of paper records, and space issues are becoming a major challenge. Although the issue of storage facilities for digital records is beginning to be recognised, the focus in most countries has been on establishing basic facilities for the storage of paper records, and no country in the region has established a secure, trusted digital repository.

Capacity Building

Kenya, Uganda and Tanzania have established education and training programmes for records and archives management, and the Tanzania government has developed a professional

certification course in records management at the Tanzanian Public Service College. The National Archives in Kenya and Tanzania have designed and delivered workshops on records management for civil servants. However, nearly all of these are dedicated to the management of paper records. Digital records have yet to be covered in depth because of the lack of available expertise to facilitate course development. As a result, the workshops and other training sessions delivered by National Archives and delivered to records specialists in MDAs tend to be directed to paper records management only or, if they refer to digital records, they are largely theoretical.

University programmes exist for records and archives management in Kenya, Uganda and Tanzania, but few of the courses in these programmes provide practical training in the management of digital records. There was no evidence that education and training programmes supporting other disciplines contained modules that addressed records management and, more specifically, the management of digital records. The result is an absence of adequate expertise in MDAs to ensure that digital records management is supported in ICT, e-government and FOI initiatives.

Summary of findings

The following table provides a summary of the findings against the *Regulatory Framework for the Management of Records*. A ✘ means the element is not in place. A ✔ means that the element is in place.

Good Practice Statement	Kenya	Uganda	Tanzania
ICT/ e-Government			
Planning for ICT/ e-Government systems ensures that the records needed for the proper functioning of the system are complete, accurate and accessible.	✘	✘	✘
Planning for ICT/ e-Government systems addresses functionality for the management of records from creation to disposition.	✘	✘	✘
The national records and archives authority is included in consultations on ICT/ e-Government initiatives.	✘	✘	✘
Freedom of Information			
An FOI law has been enacted.	✘	✔	✘
The FOI legislation is aligned with existing legislation, particularly the national records and archives legislation and other legislation relating to the release of information.	✘	✘	✘
The FOI legislation specifically over-rides the 30 year access law if there is one.	✘	✘	✘
The FOI law stipulates mandatory response times.	✘	✘	✘
A plan for FOI implementation has been adopted by the Government.	✘	✘	✘
The plan for FOI implementation considers the completeness, accuracy and accessibility of government records in all formats.	✘	✘	✘
The plan for FOI implementation makes all government staff aware of their responsibilities for managing records.	✘	✘	✘
Records Management			
Legislation			

Good Practice Statement	Kenya	Uganda	Tanzania
The records and archives legislation establishes a single authority on the management of government records, from creation to disposition.	✘	✘	✓
The records and archives legislation positions the national records and archives authority centrally within government so that it can fulfil its crosscutting function.	✘	✘	✓
<i>Policy</i>			
A government-wide records management policy has been adopted to define responsibilities for records management and relationships with ICT/ e-Government and FOI bodies.	✘	✘	✘
<i>Standards</i>			
The national records and archives authority has adopted a records management standard (ie ISO 15489).	✘	✘	✘
A standard for records management functionality in ICT systems has been adopted.	✘	✘	✘
A standard for archival management and digital preservation has been adopted.	✘	✘	✘
<i>Procedures</i>			
The national records and archives authority has issued or approved procedures for every phase of the management of records, from creation to disposition.	✘	✘	✘
A national retention and disposal schedule exists and is applied to all hard copy and digital records.	✘	✘	✘
The national records and archives authority is mandated to enforce compliance with the retention and disposal schedule.	✘	✘	✘
<i>Staffing</i>			
A cadre of records management staff exists.	✓	✓	✓
A scheme of service exists for staff responsible for managing records in digital or paper form, from creation to disposition. The scheme of service spans government and ranges from clerical to management positions.	✓	✘	✘
<i>Infrastructure and facilities</i>			
The national records and archives authority is allocated sufficient funds to fulfil its mandate	✘	✘	✘
MDAs have sufficient space and equipment to manage active records securely, in digital and paper formats.	✘	✘	✘
Purpose built records centres have been provided for the storage of semi-active records.	✘	✘	✘
Purpose built archival repositories have been provided for the storage of inactive records.	✘	✘	✘
A digital repository has been created to preserve digital records over time.	✘	✘	✘
<i>Capacity Building</i>			

Good Practice Statement	Kenya	Uganda	Tanzania
Training in records management is available to staff at all levels and includes practical training in digital records management.	✘	✘	✘
University programmes offer in-depth education for records management with practical training in digital records management.	✘	✘	✘

Conclusion

Taken as a whole, the findings suggest that government records, and ICT/ e-government and FOI initiatives, are at considerable risk in Kenya, Uganda and Tanzania. Although certain countries, such as Tanzania, have taken major strides in building the required regulatory frameworks, others still have much to do. The *Regulatory Framework for the Management of Records* sets out the basic elements that must be in place at the national level in order for records to be managed well in the context of hybrid digital working environments and FOI regimes. It can be used as a measure of national performance in the area of records management, as we have used it in Kenya, Uganda and Tanzania. It can also be used to inform strategies for development, by highlighting components that could be strengthened. It is our hope that National Archivists will use the *Framework* to benchmark their own national situations and plan initiatives that strengthen the records management frameworks in their own countries and governments.

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