

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

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Abstract

Legal compliance is one of the essential elements in the effective management of public records. The purpose of this paper is to assess factors limiting legal compliance in managing public records at Business Registration and Licensing Agency (BRELA) in Dar es Salaam, Tanzania. Specifically, the study aimed at finding the extent to which record practitioners at BRELA are aware of the existing records management legal frameworks; and determining factors limiting record practitioners in complying records management legal frameworks. A sample of 66 respondents was purposively recruited from a population of 88 BRELA staff members. Mixed method research design was employed, where by qualitative data were collected through interviews and observation while quantitative data were collected using questionnaires. The study revealed low level of awareness about records management legal frameworks among record practitioners. The results further suggest that BRELA has failed to make national legal frameworks available to records management staff members. Lack of legal compliance is contributed by lack of appropriate resources, low priority given to records management, out-dated legislations, and lack of guidance from President's Office Records and Archives Management Department (PO RAMD). The study recommends BRELA to ensure national records management legal frameworks are available to the record practitioners, to officially invite PO RAMD for inspecting records management practices and provide technical training and advice. Similarly, PO RAMD should regularly audit BRELA's records management practices and provide technical advice to enhance effectiveness.

Keywords: Public records, Records management, Legal frameworks, Legal compliance, BRELA, Tanzania

Introduction

The nexus between effective records management and efficient public service delivery has been a subject of interest among practitioners and researchers. Effective records management practices are necessity in service delivery (Ndenje-Sichalwe, 2010). To achieve a desirable level of records management, there is a need of developing cooperate records keeping culture steered by documented legal frameworks (Maseh & Mutula, 2015). Such legal frameworks include records management policies, legislations, and standards. Legal frameworks for managing records ensure proper creation and use of records in the organization. Public offices need to implement these legal frameworks in their records management to ensure efficiency and effectiveness in their businesses. The presence of legal frameworks enhances good records management program, transparency and openness to customers (Shepherd & Ennion 2007). Legal tools help to control records by providing guidelines and procedures (Maseh & Mutula 2015). For instance, in Tanzania, Records and Archives Management Regulations of 2007 provides procedures for managing records during their life cycle. Records management Acts, policies and regulations ensure transparency, accountability and consistency in implementing different records management practices (Obura, 2011). Through these frameworks, classified records such as top secret, secret, confidential and all information



pertaining to privacy of individuals are protected against unauthorized access while vital records are protected from disasters.

The extents to which governments around the globe comply with legal frameworks in managing public records differs considerably (Joseph 2016). In comparison it is evident that developed countries have succeeded to effectively to comply with legal frameworks in managing records than their counterpart developing countries (Ngoepe & Keakopa, 2011) Countries like Australia and UK have made initiatives to implement ISO 15489 and Freedom of Information (FOI) Act of 2000 by training and raise awareness of the legislations among records practitioners (Shepherd & Ennion, 2007, Joseph & Goldschmidt, 2012, Joseph 2016). Through implementation of FOI Act of 2000 in UK, public offices have adopted the culture of being open and transparent to their stakeholders (Shepherd & Ennion 2007). African countries have also developed legislations to address challenges lagged behind by colonial records management systems. South Africa established National Archives and Records Service of South Africa Act. No. 43 of 2000 and its regulations of 2002, Promotion of Access to Information Act No. 2 of 2000, Communications and Transactions Act No. 25 of 2002 for efficient records management in governmental bodies (National Archives and Records Services of South Africa, 2016). Similarly, Ugandan government established its Records and Archives Act of 2001 for Records and Archives Management, and Local Government Act, 1997 amended in 2001 to ensure accountability by documenting and keeping records (Obura, 2011).

The government of United Republic of Tanzania (URT) puts in place the “Records and Archives Management (RAM) Act No.3 of 2002 to guide the whole process of managing records and archives and ensure effective administration and better management of public records and archives” (Kamatula, 2011:6). The section 9 of RAM Act No.3 of 2002, stipulates responsibilities of heads of public offices and agencies for current records as follows:

“Firstly, creating and managing current records within appropriate filing systems; Secondly, drafting and implementing retention and disposal schedules relating to records specific to each public office, with the assistance of the Director of the Department”

Another Act is the National Security Act No. 3 of 1970. Section five 5 of the Act insists the protection of classified (Top secret, Secret and Confidential) information. RAM Act of 2002 is supported by Records and Archives Management Regulations of 2007 which address practices such as “Keeping, Maintenance, and Access of Records, Acquisition and Preservation of Archives, Maintenance of Archives, Access to Archives, Disposition of Records and Archives, and Exporting of Archives” (Mhina, 2012:42). According to Mhina (2012), the National Records and Archives Management (NRAM) policy of 2011 of Tanzania was developed in 2011 as one of the initiatives to overcome challenges facing records management in the country’s private and public sectors. The NRAM policy of 2011 addresses various policy issues which require legal compliance in managing records from creation to disposition. In the Policy, each policy issue has its own objective and policy statement. Apart from Acts and policy, there are other initiatives made to enhance good records management in Tanzania. These initiatives include the preparation of the Registry Procedure Manual of 2007, and the introduction of Keyword system in public offices (Mohamed, Rashel & Mwangike, 2007). Another guideline available on the same is Desk Instructions for Registry Staff and Records Users of 2009 which guides registry staff and records users on how to work with official records and information. Likewise, Guidelines and Procedures for Managing Personnel Records in Public Offices of 2013 were developed to guide records staff and human

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

Lameck Sospeter Kashaija & Faraja Ndumbaro

resources officers in the management of personnel records. It is also worth to note that although in Tanzania the PO-PSM and PO RAMD have taken measures to develop laws, policies, and guidelines for better management of records, still; there is a lack of some actions and methodologies to ensure people are accountable to such frameworks (IRMT, 2011).

Previous studies (cf. Mwela 2007; Kamatula 2010; Kilasi 2010; Ndenje-Sichalwe 2010; IRMT 2011; Ndemanyisho 2014; Mohamed et al (2017) have revealed poor records management in public offices caused by lack of legal compliance. Such poor records management have resulted into presence of a number of malfunctions in records management in the public offices such as misfiling of records, mixing records from different subjects in one file, delays in file processing and retrieval, and lack of vital records plans (Kamatula 2010). However, all the previous studies have not dealt with the factors that limit public offices' compliance with legal frameworks in managing their records. Previous works have been limited to general records management practices. This paper attempts to investigate factors limiting legal compliance in managing records in the public offices in Tanzania with the case of BRELA. BRELA has been chosen for this study because it is the only agency in Tanzania responsible for business registration and licensing and thus creates a lot of records and needs to manage its records by complying and implementing the existing records management legal frameworks.

Objective of the Study

The main objective of this study was to investigate factors which limit legal compliance in managing public records in BRELA. Specifically, the study addressed the following questions:

RQ1. To what extent are record practitioners at BRELA aware of the existing records management legal frameworks?

RQ2. What are factors limiting legal compliance in managing records at BRELA?

Related literature

Literature shows that developed countries have attained effective management of records compared to developing countries (Ngoepe & Keakopa, 2011). With regards to standards, Xie (2006) highlights that ISO 15489 and Department of Defense (DoD) 5015.2 standards have been implemented in electronic records management in Canada where public offices have designed and implemented Electronic Documents and Records Management Systems (EDRMS) that have been reported to satisfy users' needs. Apart from these standards, Miller (2004) reported that the federal government of Canada had already formulated and implemented Personal Information Protection and Electronic Documents Act of 2000 for protection of individual information. The Act has been reported to prevent disclosure of personal information without prior consent of the individual and developing and implementing guidelines and procedures for personal information destruction. Shepherd and Ennion (2007) found that 10,000 UK public agencies have managed to implement FOI Act of 2000 for effective management of records and archives. This was attained by training staff including record managers in order to raise their awareness and use of legislations including FOI Act (Shepherd & Ennion, 2007). Literature proves that achievement of legal frameworks implementation depends on other factors such as training and awareness. This was attained by developed countries in managing their records.

In Africa context, despite the fact that nations have developed legal frameworks, still they lack effective implementation because there is poor legal compliance in managing records (Nengomasha 2013). Ngoepe and Keakopa (2011) explored that South Africa and Botswana developed legislations such as National Records and Archives Services Act No 43 of 1996; the Constitution of

South Africa of 1996; the Botswana National Archives Act of 1978 amended in 2007. However, public offices did not recognize and comply with these frameworks in their records management (Ngoepe & Keakopa, 2011). Mutula and Mostert (2010); Kyobe, Molai and Salie (2009) complemented that the government of South Africa has initiated the availability of legal frameworks for records management but they were yet to be implemented effectively in management of e-records. According to Asogwa (2013), Nigerian universities were not ready to adopt electronic records management. This observation was associated with the failure to comply with records management legal frameworks. Maseh and Mutula (2015) investigated records management in the Kenyan judiciary system to determine the availability of legal frameworks. The study found that the judiciary did not have a records management policy. It was further noted that the Documentation Service Act no. 19 of 1965, Records Disposal Act Cap 14 of the Laws, and Constitution of Kenya were the only tools used to guide records management. Obura (2011) revealed that records management legal frameworks in Uganda were not relevant to current needs of records and archives management. Nengomasha (2013) asserted that sub-Saharan Africa nations were facing problems in managing records because they did not develop and use records management legislation and policies. Nengomasha (2013) argued that good records management always depends on policies and procedures and making efforts for raising awareness about them. Similarly, studies of Chachage and Ngulube (2006), Mnjama (2007), Ngulube and Tafor (2006), Tsholo and Mnjama (2010), Marutha (2011), Ngoepe (2012) within Eastern and South Africa Regional Branch of International Council of Archives (ESARBICA) have revealed poor records management due to lack of policy and guidelines, and poor enforcement of standards for records and archives management.

Tanzania in particular, The recent reviews of literature on this matter such as Mwela (2007); Ndenje-Sichalwe (2010); Kamatula (2010); Simon (2013); in Ministries Departments and Agencies (MDAs), show that there were lack of legal compliance and implementation because MDAs had inadequate disaster preparedness measures and lacked good procedures for vital records protection, absence of policies and procedures for disaster preparedness and vital records protection plans.

Basing on the above literature review, it is obvious that in Africa and Tanzania in particular legal frameworks are not implemented due to lack of organizational policies, standards, awareness and government enforcement towards legal compliance in managing records.

Research Methodology

This study was carried out at BRELA, Dar es Salaam. The study was based on mixed method research design where by both qualitative and quantitative approaches were used to collect data. BRELA was deemed useful for investigation of the problem as potential entity to ensure all business entities are operating under legal registration. The study population comprised of 88 employees at BRELA. A non-probability purposive sampling method was used to select a sample of 66 respondents. The purposive sampling method was used to all 66 respondents including records officer, records management assistants, action officers, department directors, office secretary and office attendant. Table 1 illustrates study sample distribution:

Table: Summary of study sample size repartition (N=66)

S/No	Respondents	Sample size	Percent of the population
1	Office attendant	1	1.5%
2	Secretary	1	1.5%
3	Records assistants	17	25.8%
4	Records officer	1	1.5%

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

5	Principal human resource officer	1	1.5%
6	Action officers	41	62.1%
7	Department directors	4	6.1%

Source: Field Data, 2019

Data collection was undertaken by using interview, questionnaire and observation methods. The use of multiple collection methods intended to improve the quality of data collected through confirmation and complementary. This is also acknowledged by Aina (2004) who asserts that triangulation is highly recommended because it helps to validate data that are collected from various sources and methods. An interview guide, questionnaires, and an observation checklist were adopted to collect primary data. Face to face interviews were utilized to key informants. These include principal human resource officer, senior record officer, and records management assistant. Questionnaires with both closed and open ended questions were developed and administered to 4 directors, 41 head of units and action officers, 16 records management assistants, 1 secretary, and 1 office attendant. Observation checklist was used to guide observation of the availability of legal frameworks at BRELA, the state of records in registries; storage and security of records. Data collected through observation complemented data collected through interviews and questionnaires.

Quantitative data were analyzed descriptively using statistical product and service solution (SPSS) version 21. Results were presented in form of percent and frequencies using tables. On the other hand, qualitative data were analyzed using thematic coding analysis approach in which related themes and major concepts were identified in relation to research questions. Data validity and reliability were pretesting data collection instruments before data collection. Also, triangulation method was used, where the same questions were used in all tools to complement each other. Ethical principles were adhered to during the research process. These included informed consent to respondents at BRELA, observing the principle of voluntary participation, and assuring respondents high level of confidentiality.

Results

Awareness on Existing Records Management Legal Frameworks at BRELA

The first set of analyses investigated records management legal frameworks available at BRELA. Respondents were asked if BRELA has an institutional records management policy. The overall response to this question was unexpectedly since all 63 (100%) respondents revealed that BRELA did not have such a policy. While this was confirmed during interviews, when researcher asked why BRELA has no institutional records management policy, key informants reported that efforts were being made to make one available. For instance, one interviewee said:

[...] For the time being, BRELA has no records management policy. However, the process of developing the policy has already started” (*BRELA, key informant 3*)

This indicates that although BRELA is currently operating without a policy, there is an understanding of the value of this document in the management of records hence the decision to develop it. Another question asked was whether BRELA has organizational records management guidelines and regulations. Surprisingly, findings show that BRELA has no records management guidelines or regulations. Through interview, the researcher wanted to justify to why guidelines and regulations are not available at BRELA and how they do manage records without guidelines. One interviewee had this to say:

[...] There is no any initiative done to supply legal tools [...] since at the first time of employment our senior officers gave us unwritten procedures to handle records, and



through that we do gain experience [...] (BRELA, key informant 2)

It is evident that records practitioners use experience and directives from senior officers without written guidelines. Nevertheless, respondents were asked if the management has supplied National Records management Policy, Act, regulations, and guidelines were available at BRELA. Responses obtained show that none of these documents were provided. Shading more light on this, one interviewee said:

“Officially, no initiative has done to supply legal frameworks to users, we do not have the National Records management Policy, Act, regulations, and guidelines in our offices. We use our own initiatives to search for them on the internet when they are needed” (BRELA, key informant 2)

The statement above is evidence that though legal frameworks were not supplied by the management, still there was individual initiative to access them in the internet. The absence of these tools was confirmed during observations because the researcher did not find any records management policy, Acts, regulations, and standards at BRELA.

The second set of analyses determined if respondents were aware of national records management frameworks, particularly the National Records and Archives Management Policies, Acts, guidelines, regulations, and international standards. Table 2 summarizes the responses obtained.

Table 2: Awareness on existing Records and Archives Management Legal Frameworks (N=63)

Legal tool awareness	Frequency	Percent
National Records and Archives Management Policy of 2011	15	23.8%
Records and Archives Management Act No.3 of 2002	14	22.2%
National Security Act No.3 of 1970	10	15.9%
Evidence Act of 1967 revised in 2002 and 2006	0	0%
Tanzania Public Service Act of 2002	8	12.7%
Records and Archives Management Regulations of 2007	15	23.8%
ISO 15489:Information and documentation-Records management of 2001 amended 2016	0	0%
Registry procedures manual of 2007	17	27%
Desk instructions for Registry Staff and Records Users of 2009	16	25.4%
Guidelines and Procedures for Managing Personnel records in the Public offices of 2013	0	0%

Source: Field Data, 2019

Results in table 2 indicate that few respondents were aware of the existing national legal frameworks. This is because only 15 (23.8%) respondents were aware of National Records and Archives Management Policy of 2011. The respondents’ lack of awareness of this policy raises questions regarding BRELA record practitioners’ likeliness to follow national procedures in managing records. Having this document would have allowed the practitioners to have access to all 14 issues including its issue No. 1 “Compliance by records creators and users”. This issue requires both records creators and users to adhere to best records management practices. The lack of

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

awareness of the policy means that there is high possibility that record practitioners at BRELA are not aware of these requirements. Further, although there are various Acts which guide records management in Tanzania, table 2 shows that only 14 (22.2%) respondents were aware of the Records and Archives Management Act No.3 of 2002, 10 (15.9%) were aware of the National security Act of 1970, 8 (12.7%) respondents were aware of Tanzania Public Service Act of 2002. What surprised the researcher is that none of respondent was aware of the Evidence Act of 1967 revised 2002 and 2006. In general, a considerable number of respondents are working with records without awareness of frameworks that are supposed to guide them in doing so.

The Tanzanian government developed the Records and Archives Management Regulations of 2007 to implement the Records and Archives Management Act. No 3 of 2002. Part II of regulations requires public offices to keep and maintain records for their purposes; identify and maintain vital records, and manage current records. Therefore, the ability to implement the Act depends on the usage of the Records and Archives Management Regulations of 2007. For that reason, the study attempted to ask respondents' awareness of the regulations. From table 2, it can be seen that only 15 (23.8%) who said they were aware. This state was also noted during interviews where key informants admitted to lack awareness about the Regulations. One interviewee said:

[...] what I know is the Act of 2002. I have never seen any regulations relating to records management [...] (*BRELA key informant 1*)

It was also inquired as to why respondents are not aware while they had high level of education, in response, one puts in this way:

[...] There is no initiative done by management to enforce legal compliance, it is our culture to use experience and direction of our supervisors [...] this makes us blind on the available regulations [...] (*BRELA key informant 2*)

The Records and Archives Management Act No.3 of 2002 is very important in the management of public records. However, even if BRELA had it, it would not have been effectively implemented considering that those who are supposed to implement it are not aware of the Regulations of 2007.

The findings also show that BRELA has not managed to go along with the efforts made by the government to put in place records management guidelines for implementing policies, Acts, and regulations. This is clear in the low awareness respondents have of the available guidelines. Over half of those surveyed were not aware of any legal framework. It is evident in table 2 that only 17 (27%) respondents were aware of registry procedures manual of 2007 and 16 (25.4) were aware of desk instructions for registry staff and records users of 2009. Apart from that, no respondent was aware of the Guidelines and Procedures for Managing Personnel Records in the Public Offices of 2013 and ISO 15489 Information and documentation-Records management of 2001 amended 2016.

The respondents' lack of awareness of Desk Instructions for the Registry Staff and Records Users of 2009 and Guidelines and Procedures for Managing Personnel Records in the Public Offices of 2013 suggests poor records management. These tools provide guidelines for records management. For instance, the Desk Instructions for Registry Staff and Records Users of 2009 stipulates records management responsibilities for both records personnel and action officers. On the other hand, the Records Users of 2009 and Guidelines and Procedures for Managing Personnel Records in the Public Offices of 2013 guides human resource records creation, indexing, maintenance, and use which was not done at BRELA. In addition, apart from asking questions about BRELA's adherence to records management standards, the respondents' lack of awareness of ISO 15489

appears to explain the absence of regulatory frameworks for managing records. Lack of awareness of this standard was also noted during interviews. In the interview, the researcher asked one respondent on whether is aware of any records management standard, the response was: “I know nothing about standards of records management [...] When the researcher asked to why respondent was not aware on standards, the response was “to be honest I don’t think if records management has a standard [...] I have never ever seen it [...] (BRELA key informant 1)

This indicates that lack of availability of legal framework affects awareness among record practitioners.

Factors limiting Legal Compliance in Records Management at BRELA

The study determined factors hindering the implementation of legal frameworks in the management of records at BRELA. The factors identified are presented in Table 3

Table 3: Factors Limiting Legal Compliance in Records management at BRELA (N=63).

Challenges	Freq.	Perc.
Lack of knowledge of the existing records management legal frameworks	56	88.9%
Lack of resources for implementing legal frameworks requirements	50	79.4%
Failure of RAMD to coordinate records management activities at BRELA	36	57.1%
Lack of institutional policies and guidelines, and national records management legal frameworks	32	50.8%
Low priority given to records management	29	46%
Outdated national legislations	12	19%

Source: Field Data 2019

Table 3 shows that majority 56 (88.9%) of respondents identified lack of knowledge of existing records management legal frameworks as a leading factor limiting record practitioners from using the frameworks. Also, 50 (79.4%) respondents mentioned lack of resources for implementing legal frameworks requirements while 36 (57.1%) respondents identified failure of PO RAMD to coordinate records management activities at BRELA. On the same note, 32 (50.8%) respondents pointed out lack of institutional policies and guidelines and national records management legal frameworks as a factor, 29 (46%) mentioned low priority given to records management while 12 (19%) mentioned outdated national legislations. Lack of knowledge on how to use the existing legal frameworks hinders their implementation. This factor has been associated with lack of training to enhance employees’ ability to implement the frameworks. Revealing this during interviews, one respondent had this to say:

“Since 2015 when I started working for BRELA, I have never been trained to use records management legal frameworks. So far, there has been only a single training on records management which unfortunately did not even cover legal frameworks” (BRELA key informant 2)

Apart from influencing their ability to implement the frameworks, employees’ inadequacy of knowledge and awareness on legal frameworks has been found to influence their willingness to use them. Some record practitioners have been found to believe that they can effectively manage the institution’s records without relying on legal frameworks simply because they are well-experienced. For instance one respondent was noted saying:

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

[...] Sometimes, contradictions in managing records occur among junior and senior officers. The seniors discourage the use of existing legal frameworks in managing records because they have no knowledge of them, and rely more on their experiences” (BRELA key informant 2)

The narrative confirms that lack of knowledge on records management legal frameworks has created unwillingness by some staff members to adopt and implement them. The findings have shown that records personnel at BRELA lack knowledge on legislations such as the National Security Act of 1970, Evidence Act of 1967 as amended on 2002 and 2007, and ISO 15489. Although some of respondents were aware of the National Records and Archives Management Policy of 2011, Records and Archives Management Act No. 3 of 2002, and regulations of 2007, they lack knowledge on using them for day to day activities.

Another limiting factor which revealed was lack of resources for supporting effective records management practices as required by legal frameworks. Legal frameworks require public offices to ensure good storage of records by providing adequate and appropriate storage facilities. Although record personnel were aware of what legal frameworks, they failed to comply because of lacking resources. Responses from key informants’ interviews indicate that due to lack of resources, BRELA has failed to train staff, developing vital and disaster plan and providing adequate storage space and facilities. This has led to keep some files on the floor. When researcher asked to why records are stored on the floor, one respondent said that:

“We decided to keep them here temporary because we lack adequate storage though sometime they are requested for the use[...] (BRELA key informant 1)

The inadequacy of resources was confirmed in the shortage of storage facilities and space as observed by the researcher. The researcher noticed that files were piled up on the floor while others were congested on shelves. It is a clear indication of BRELA’s failure to adhere to National Records and Archives Management Policy of 2011 legal requirements of ensuring adequacy of resources such as storage facilities for keeping records. Plate 1 illustrates more the real situation.



Plate 1: Storage of current files at BRELA
Source: Field data, 2019

RAMD is mandated by Records and Archives Management Act No. 3 of 2002 and National Records and Archives Management Policy of 2011 to inspect and coordinate all records management activities in public offices. However, the findings of this study indicate that these responsibilities are not taken care of at BRELA. This was revealed by majority 36 (57.1%) of respondents who pointed out that RAMD's failure to coordinate records management operations at BRELA was a challenge to their implementation of legal frameworks. Confirming this, one interviewee had the following to say:

“If had they [RAMD] managed to inspect records management practices and conduct training on the use of legal frameworks, action officers would have been knowledgeable of legal frameworks. In my 5 years' working experience, I have never seen RAMD visiting BRELA. The question is, if they cannot inspect BRELA located in Dar es Salaam, what more about public offices out of our Dar es Salaam? (*BRELA key informant 1*)

Also insisting on the effect of the failure of RAMD to inspect and coordinate records management practices at BRELA, one interviewee shared the following:

[...] Following the requirement for regular auditing of financial resources use in public offices, accountants are compelled to ensure every coin is accounted for. In contrast, records are not managed as effective as they are supposed to be. This is so because practices are not audited at all by RAMD, authority with mandate” (*BRELA key informant 1*)

Another factor limiting the implementation of legal frameworks at BRELA is the absence of institutional policies and procedures and lack of access to national legal frameworks. It is obvious that in order to implement the national legal frameworks, public offices need to develop their own frameworks first. Regarding the absence of copies of national legal frameworks one interviewee stated that:

“we use our own initiatives like internet searches to find the National Records and Archives Management Policy of 2011, and Records and Archives Management Act No. 3 of 2002. All of them are not available in our office” (*BRELA key informant 2*)

Respondents have also shown that BRELA's top management has not made its records management unit one of its priority areas. Respondents attributed the insufficiency of resources for managing records and the inability to train record practitioners to this factor. On this, one interviewee expressed the following:

[...] we always receive invitations for many short courses on records management from various academic institutions but due to lack of financial support we do not attend. It appears that our management does not consider training an important thing [...] (*BRELA key informant 2*)

The findings also show that existing legal frameworks' inability to accommodate current records management needs affects their implementation at BRELA. According to respondents, some of the frameworks available are outdated and pay more attention to paper records management. For instance RAM Act No. 3 of 2002 was singled out for lacking amendments to accommodate needs of current records management practices. On this, one interviewee was noted saying:

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

Lameck Sospeter Kashaija & Faraja Ndumbaro

[...] some legislations are outdated. For instance, since the Records and Archives Management Act No. 3 enacted in 2002 no amendment has been done [...] (*BRELA key informant 1*)

Discussion

Awareness on Existing Records Management Legal Frameworks

BRELA has not managed to supply legal framework, it was personal efforts to find them on internet. Overall, the absence of these tools signaled unsatisfactory level of records management at BRELA. According to ISO 15489 Information and documentation-Records management of 2002 amended 2016, public offices are required to develop policies and state responsibilities of record practitioners to ensure that records are effectively managed. Considering that BRELA creates and manage records in the absence of all these documents, one cannot help but wonder what the state of their records management is. In addition, the findings show that BRELA does not have guidelines like records retention and disposal schedules. The absence of these tools at BRELA shows their failure to comply with requirements of the Records and Archives Management Act No. 3 of 2002. Section 9 (b) and (c) of the Act which requires public offices to draft and implement organizational records retention and disposal schedules to ensure procedural records appraisal. This seems to be a general problem for public offices, particularly in Africa. Similar findings were reported by Nengomasha (2013) who noted that in sub-Saharan Africa nations, public offices are facing problems in managing records due to lack of legislations and policies to guide them. The results are also consistent with those from studies by Mwela (2007), Kamatula (2010), Ndenje-Sichalwe (2010), and Ndemanyisho (2014) who found that Tanzanian MDAs lack records management policies and clear guidelines to guide record practitioners.

In all, low awareness of records management regulatory frameworks at BRELA shows that record practitioners do not just lack access to tools to guide them but also a benchmark for measuring their records management performance. An implication of this is the possibility that records management legal frameworks are not put in practices which results to poor records management. Lack of legal tools hinders awareness and implementation of legal frameworks. This is because it is not easy to understand or to implement what you don't have. Here, BRELA has to address this challenge to make effective implementation of legal tools. These findings broadly concur well with the work of other studies in this area. For instance, Maseh and Mutula (2015) found that some records management officers in the Kenyan Judiciary were not aware of existing legal frameworks such as the Documentation Service Act No. 19 of 1965, and the Records Disposal Act Cap 14 of the Laws and Constitution. Likewise, Simon (2013) revealed that at NIDA, record practitioners lacked awareness of legislations for maintaining individual privacy.

Factors Limiting Legal Compliance in Records Management at BRELA

Legal compliance is affected by the absence of legal frameworks at the study area. These results have shown that there were no Acts, policies, regulations, guidelines, or standards at BRELA. There has been no training arranged for record practitioners to enable them to understand the frameworks. These results reflect those of Ngoepe and Keakopa (2011) who noted that, despite the fact that both South Africa and Botswana had legislations, were not recognized and followed in public offices. Shortage of resources affects the availability of storage facilities to meet legal requirement in managing records, other factors such as policy development and training are more

likely suffering along. It is obvious that legal compliance depends to other factors such as facilities and resources. These factors are limited at BRELA hence lack of legal compliance. These finding agree with findings made by Mnjama (2007) that many countries have failed to manage records as mandated by legal frameworks due to lack of trained staff, financial resources and inadequate storage facilities. The effect of insufficient management support goes beyond training. Also, where records management is not a priority; the fund which is set aside for records practices is not sufficient. As a result, the budget for training; and purchase of various resources and supplies is not adequate. Allocation of budget in managing records affects resources and other facilities which enhance legal compliance. This challenge rose from low priority give to records management unit. There are inadequate budget to meet legal requirements. These will affect the implementation of records management legal frameworks. Similarly, Ngoepe and Keakopa (2011) observed that the governments of Botswana and South Africa do not give high priority to their records management sectors hence the poor compliance with legislations by records offices. Concluding a study involving TRA, Ndemanjishi (2014) stated that low priority given to records management resulted to the poor management of records

Respondents claimed that PO RAMD had not managed to inspect records management practices at BRELA. These could enhance records management at BRELA since PO RAMD could have provided training and technical advice on implementing legal frameworks. This result confirmed that PO RAMD has failed to implement mandate given by Records and Archives Management Act of 2002, hence poor implementation of records management legal frameworks in public offices. Public offices are characterized by low awareness of records management especially on implement legal requirements; RAMD had to bridge this gap through monitoring and evaluating records management systems at BRELA. This has not been attained at BRELA, hence poor implementation of legal frameworks. This was also reported by Kamatula (2010) that RAMD had never inspected the University of Dar es Salaam's records management practices or offered any sort of advice on the same. Similarly, Maseko (2011) noted that the failure of Swaziland National Archives to use its mandate to set and enforce legislations and standards has led to poor records management

Outdated legislations created limited its implementations. Following, these results, the researcher decided to review the Records and Archives Management Act No.3 of 2002. The Act stipulates weak penalties under sections 21 and 22 for violation of Records management laws. The sections recommend penalties of 12 months imprisonment or a fine of five hundred thousand Tanzania shillings (Tshs 500,000/=) for any removal, destruction, mutilation, and illegal exportation of records. These penalties do not match with the current value of records. Currently, records value is high to compare with the stipulated penalty. This is because the penalty provided in 2002 cannot work in 2020 by comparing with value for money. Therefore Records and Archives Management Act No.3 of 2002 is outdated, it requires review to update it. Similarly, Ngoepe and Keakopa (2011) concluded that the National Archives Records Services Act of 2001 in South Africa is weak to mandate NARS because it was amended at the last time in 2001. In addition, the RAM Act of 2002 lacks clear guidelines for managing electronic records. Therefore, record practitioners working with e-records cannot implement the Act. The same was reported by Ndenje-Sichalwe (2010). Likewise, Asogwa (2013) attributed Nigerian universities' lack of readiness to manage electronic records to weaknesses of some legislation. On the same, Obura (2011) reported that records management legal frameworks in Uganda were not relevant to current available needs.

Conclusions and Recommendations

This study has gone some way towards enhancing our understanding on what are factors to put in consideration for effective implementation of records management legal frameworks. This work has

Factors Limiting Legal Compliance in Managing Public Records: A Case of Business Registration and Licensing Agency (BRELA), Tanzania.

Lameck Sospeter Kashaija & Faraja Ndumbaro

proved that, these factors have direct relationship with implementation of records management legal frameworks. BRELA does not have the required institutional and national legal frameworks to guide records management practices. Equally understandable is the fact that the record practitioners are not complying with the mandated legal frameworks in their management of records. The success of legal compliance could be achieved from training of record practitioners, adequate budget, high priority in records management unit and support of top management and PO RAMD. These were not achieved at BRELA hence lack of legal frameworks compliance which results into poor records management. Our work has led us to conclude that, public offices have to recognise factors associated by implementation of records management legal frameworks. These include, supplying national legislations to record practitioners, developing the required institutional legal frameworks legal tool, training on how to use legal tools, rising awareness on both institutional and national legal tools, high priority to records management unit by providing adequate resource to legal requirement. This work recommends the followings; BRELA's top management should develop policy, guidelines and procedures for records management. These should be communicated to all employees and so that they get implemented in all records management practices. BRELA should ensure national records management legal frameworks are available and all staff members are aware of them. BRELA should communicate to PO RAMD as special request for inspecting records management practices at BRELA so as to provide technical training and advice as a means of raising awareness for effective records management practices at BRELA.

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