

Accountability, transparency and good governance: the National Archives and Records Service of South Africa's role in helping government to better service delivery to the South Africans.

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1. Introduction

In their foreword for the publication *Information and Good governance* (2002:3), Walter Fust and Christoph Graf argue that sound records management is the foundation any government needs to provide services, to fulfill its obligations of accountability towards its citizens and to protect their rights. Records are the main channel through which government can be held accountable to the people. Transparency and accountability in a democratic society are ultimately achieved by giving the public the right of access to information and this can be achieved through sound records management (Lipchak 2002:13). Therefore, sound records management exists within the same regulatory framework that requires accountability, transparency and good governance. On a more prosaic but no less important level, sound records management is essential in order to conduct office business and makes public administration more efficient and effective. It therefore reduces the exposure of government to litigation risks associated with poor recordkeeping. It is one of the pillars of good public management simply because government activities are based on access to information. A government can only act and make decision if it has adequate information at its fingertips. Consequently, sound records management results in good archives, which form an irreplaceable part of the nation's memory and culture (Venter 2004:5).

It is in this context that this paper seeks to draw attention to the fundamental role played by the National Archives and Records Service of South Africa (NARS) in enhancing democracy in terms of its statutory mandate. The paper begins with a discussion of the relationship between sound records management and good governance. It further explores the requirements set for governmental bodies by the National Archives and Records Service of South Africa Act (No. 43 of 1996, as amended), regarding the management of records in the interest of promoting democracy. The paper also touches

on new legislations that have impact on records management in the public sector as well as the common problems in governmental bodies encountered by NARS when managing public records and how to go about solving those problems.

2. Records management and good governance

Good governance according to Lipchak (2002:13) refers to how government undertakes functions and activities in an efficient, transparent and responsive manner in which citizens participate and engage with the government in the pursuit of their mutually social, political and economic objectives. Good governance therefore, refers to the norms and values that a government takes into account as it governs. This suggest that the government governs on behalf of the public that gave it the mandate and should be transparent to enable the public know how it functions. Accountability implies that organisations and individuals should be able to explain their actions to others in a transparent and justifiable manner (Ngulube 2004:2).

As by-product of evidence of the business of governmental bodies, records enshrine the accountability of governmental bodies to the government and citizens, and their proper management is essential to fulfill this imperative (Venter 2004:2). Good governance depends on the accountability of governmental bodies as well as on their ability to function efficiently and effectively. To enable governmental bodies to function properly government has a responsibility to ensure that they create and have access to complete and credible information to enable the decision-making process to be in the best interest of the public. Information is one of the key resources required to run an efficient organisation. It is a recognized fact that without information, there is no guidance for decision making, and accountability; thus without records, decision makers have no corporate memory to fall on hence, two thirds of information is in records (Venter 2004:5).

It is clear that for good governance to be sustained, sound records management needs to be introduced and practised. Records document decisions and activities of governmental

bodies. Records provide evidence of decisions, actions and interactions between government and citizens. Without sound records management, fraud cannot be proven, meaningful audits cannot be carried out, and government actions are not open to review (Health Service Circular 1999:9). In South Africa for example, provincial administrations are plagued by allegations and accusations of mismanagement, corruption, poor service delivery, inaccessible social grants etc. In Eastern Cape, four departments have been placed under joint management team to speed up service delivery. In all these departments, poor recordkeeping has been identified as one of the contributing factors to poor service delivery. The Department of Social Development (Eastern Cape) was plagued by loss of files and documents, unreliable and incomplete checks and control over file movements, all of which resulted in delays, fraud and litigation cases against the department (http://www.sahrc.org/human_rights_week_1721march2003.htm. accessed 3 August 2004). The findings of the Desai Commission in the Western Cape Provincial Administration have also demonstrated that poor recordkeeping affects service delivery. The Auditor General's report (No. 86 of 2001) on financial management shows that because of incomplete patient records, hospitals in Mpumalanga, Gauteng and North West had to write-off unpaid patient fees amounting to million of Rands for the financial years between 1994 and 1999 (<http://www.gov.za/search97cgi/s97.htm>. accessed 4 August 2004).

To be accountable in the sense expected by modern governance is no easy matter. Accountability requires that the systems of reporting and controls in the organisation are appropriate and transparent. At the base of many of these systems lies basic system of recordkeeping. If records were never going to be used again it would not matter how they were stored. Good recordkeeping is essential for accountability because records are the primary means by which governmental bodies explain their decisions and prove what they have done. The requirement for explanation and proof might come in the form of a single query from a member of the public. Success in answering such queries will depend on how well the governmental body has managed its records.

In a nutshell, good recordkeeping ensures that:

- one can work with maximum efficiency without having to waste time hunting for information
- there is an “audit trail” which enables any entry/alteration to be traced
- those coming after you can see what has been done, or not been done, and why, and therefore avoid reinventing the wheel
- any decision can be justified or reconsidered at a later date, it is therefore vital that one always record any important information and put it where it can be found when needed
- suitably dispose of records subject to the national and provincial archives acts.

The absence of practices to organize and dispose records can seriously impair the government’s ability to be accountable, adopt policies, make decisions and deliver services. A body’s ability can be negatively affected if sound records management is not practised.

3. The NARS’ role and responsibilities

Ten years have passed since the beginning of democracy in South Africa. SA’s development as a democracy both shapes and reaches into every aspect of the NARS’ operations. The contribution to democracy by NARS started with the proclamation of the NARS Act in 1996 which transformed the former state archives into the National Archives and Records Service (<http://www.national.archives.gov.za> accessed 10 May 2004). It significantly expands the NARS’ responsibilities for the management and preservation of government records.

NARS has primary responsibility for the management of records of the government. In terms of section 13 of the NARS Act, the National Archivist shall be charged with the proper management and care of public records in the custody of governmental bodies. This core function entails creating the environment in which the NARS promotes efficient, accountable and transparent government through the proper management and care of records that are still in the possession of governmental offices. To this end the NARS takes responsibility for the design and approval of records classification systems,

the identification of records with archival value, training of public servants in records management and finally the inspection of records management practices of governmental bodies (<http://www.national.archives.gov.za> accessed 10 May 2004). The primary intention of translating this function into the activities described above is to ensure that the management of current records of governmental bodies promotes an efficient, accountable and transparent public administration. In a word, NARS lays the foundation for good governance.

According to the SA National Archivist, Dr Dominy (2003:1), NARS is a trustee entrusted by parliament and empowered by government to shape the flow of the waters of information in government and channel the most precious of it into storage dams while it deliberately allow most of it evaporate or drain away after it has served its immediate or transitory needs. This indicates that NARS plays a role in managing public records from conception to death. Thus, a record just like a human being has a life cycle. People are born, live and die. Some go to hell while others go to heaven. Records also go through these stages. Records are created or received by an office in pursuance of its activities. These records need to be managed properly just like people need to be fed. Just like people some records die young and make young ghost. Records die by either being destroyed (What I call hell) or by being transferred to the archives (What I call heaven because at NARS, the records are preserved for posterity just like people living eternal life in heaven) (Ngoepe 2003:19).

3.1 Classification systems

In this era of an information overload it is imperative to intelligently classify information by organizing records into categories/subjects through which users can navigate to find individual records. If this is done staff spends less time looking for information and more time actively acting on the information. The NARS Act requires governmental bodies to utilize and maintain classification systems approved by the National Archivist in terms of section 13 (2) (b) (i). A classification system according to NARS should facilitate that records on a subject are placed together, so that retrieval can be efficient and complete,

and it should facilitate the separation of records that need to be kept for different periods (Kirkwood 2000:6).

A specific classification system must therefore be designed for each governmental body taking its structure and functions into account. Flowing from this, NARS has assisted governmental bodies in designing classification systems and approved a number of those systems so that the systems will facilitate retrieval of records to enable offices to provide efficient services to the public (See Annexure A for the statistics of approved classification systems). The NARS had also shifted its focus to education and training of records managers in the form of a records management course and training sessions (Records Management Annual Report 2002/2003:2). In the course, the records managers are taught the principles of classification systems and the basics of records management so that they can apply that at their offices. They are also informed of the requirements of the National Archives Act and of their responsibilities as records managers.

3.2 Systematic Disposal Authority

A key element in the management of records by NARS is the control of records destruction across governmental bodies. In terms of section 13 (2) (a) of the NARS Act, no records under the control of a governmental body can be destroyed without the authorization of the National Archivist. To meet legislative requirements the National Archivist issues a systematic disposal authority to enable government bodies to dispose of records which no longer have business value, either by permitting their destruction or by requiring their transfer to the National Archives (See Annexure A for the statistics of disposal authorities issued by the NARS and unauthorized disposal of public records investigated by NARS). A disposal authority thus facilitates the disposal of records at the earliest possible stage to avoid unnecessary retention and the problem of storage (Kirkwood 2000:7).

Archivally approved classification systems enable a planned systematic disposal programme to be implemented through which records with enduring value are secured for

archival preservation, while ephemeral records may be eliminated in an accountable manner instead of clogging the system (Kirkwood 2000:20).

3.3 Electronic records

Electronic records are records created electronically and stored by means of computer technology (NARS 2003:vii). These records are subject to the same requirements that apply to the management of other records. In terms of sections 13 (2) (b) (ii) and 13 (2) (b) (iii) of the NARS Act, the National Archivist shall determine the conditions according to which records shall be electronically reproduced and the conditions according to which electronic records systems shall be managed. In that regard, the National Archivist requires that governmental bodies consult NARS if it envisages moving away from purely paper-based transactions to electronic transactions to implement and maintain Integrated Document/Records Management Solutions (Venter 2004:5). The NARS prefers electronic records management application to be certified against the US Department of Defence standard and/or UK Public Records Office standard (<http://www.national.archives.gov.za> accessed 10 May 2004). If not certified, they should at least have proven records management capabilities that are compliant with the standards. These standards contain the functional requirements against which records management applications can be tested to ensure that they meet records management requirements (NARS 2003:7).

4. Legislations impacting on records management

The passage of the Public Finance Management Act (No 1 of 1999), the Promotion of Access to Information Act (No 2 of 2000), the Promotion of Administrative Justice Act (No 3 of 2000) and the Electronic Communication and Transaction Act (No. 25 of 2002) has accentuated the need for sound record-keeping.

4.1 The Public Finance Management Act (No. 1 of 1999)

Section 36 (2) of the Public Finance Management Act provides for the head of a department to be the accounting officer for the department. One of the responsibilities of this officer is “to keep full and proper records of the financial affairs of the department...in accordance with the generally recognized accounting practices”. Section 10(1) (b) of this Act states that the accounting officer “must prepare financial statements for each financial year” which should be submitted to the Auditor-General for auditing and to the relevant Treasury for the preparation of a consolidated financial statement. Without sound records management, and without complete records, senior managers will not be able to present reliable and accurate financial statements to the Auditor-General.

4.2 The Promotion of Access to Information Act (No. 2 of 2000)

The need for effective records management is enhanced by the Promotion of Access to Information Act, intention of which governmental bodies have an obligation to provide information in their records to the public on request and to protect personal privacy at the same time. The motivation for giving effect to the right to access to information is to foster a culture of transparency and accountability and to promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their rights. Should a governmental body not be able to provide the right information at the right time when requested, the citizens’ rights to participate in the decision- making process would be adversely affected. Again sound records management is of critical importance for the application of the provisions of this Act.

4.3 The Promotion of Administrative Justice Act (No. 3 of 2000)

The purpose of the Act is to ensure that administrative action is lawful, reasonable and fair and properly documented. Heads of governmental bodies are under an obligation to ensure that their staff do create records that are authentic and reliable as evidence of the business decisions that were made. Should a governmental body fail to create records, it might not be able to prove that its actions and decisions were fair and lawful.

4.4 The Electronic Communication and Transaction Act (No. 25 of 2002)

The latest in the list of legislative pieces with implications on records management in governmental bodies is Electronic Communications and Transactions Act (No. 25 of 2002). It was passed in order “to provide for the facilitation and regulation of electronic communication and transactions; to provide for the development of a national e-strategy for South Africa. In terms of this Act electronic records are now admissible as evidence in the court of law. However, in assessing the evidential weight of such information, regard must be given to the following:

- the reliability of the manner in which the record was generated.

Governmental bodies are by implication encouraged to implement electronic systems for the purpose of communication and transactions with other public bodies, private bodies, and the citizens. However, it is essential that such systems be credible and should serve the purpose. For example, electronic records management systems should be designed in such a way that elements such as security, integrity and authenticity is of primary concern.

5. Records management trends in governmental bodies

In terms of section 13 (2) (c) of the NARS Act, the National Archivist shall inspect public records in so far as such inspection may be necessary for the performance of his or her functions. Flowing from that, the records management staff often undertake routine and comprehensive inspection visits to the governmental bodies in order to audit records management functions of the bodies and to offer advice in regard to compliance with the NARS Act.

Through contact with governmental bodies it has become apparent that the move from the old dispensation to the new has resulted in a new work force which is unaware of sound records management practices (Records Management Annual Report 2002/2003:2). The most crucial records management problem encountered by NARS when undertaking inspections is that there is no culture of recordkeeping in the public service and there is no top management support for records management in most governmental bodies (Records Management Annual Report 2002/2003:4). The creators of records do not understand the purpose of filing documents. They are not able to read filing systems and to allocate file reference numbers to documents (Records Management Annual Report 2002/2003:4). This hampers the effective functioning of government and stands in the way of accountability, transparency and good governance. These result in information not being readily available at a central point preventing sound management decisions to be made based on authentic, reliable and relevant information. Officials are often forced to take decisions on an ad hoc basis without the benefit of a reliable institutional memory, and as a result decisions may be flawed.

Officials are not using registry but are keeping the records in their own offices. The officials who are keeping records in their own offices are not using the approved file plans but are compiling and using their own personal file plans. Due to the lack of central control over the records and records management awareness amongst the staff there is a possibility that records (more especially e-mails) could be destroyed without a disposal authority being issued for them. Therefore, government can be exposed to needless costly and unsuccessful litigation in which it is unable to prove its case.

6. What has NARS done?

The NARS has identified the following solutions to alleviate the problems:

- Training (e.g. of records managers, registry clerks and users);
- Sensitizing top management structures regarding the importance of sound records management;
- Hands-on involvement in the client offices' records management practices; and

- Encouraging the records managers to keep a constant contact with NARS.

6.1 Joint venture with the Auditor-General

A joint venture between the NARS and the Auditor General has been approved. The agreement was that while the Auditor General audits governmental bodies at the same time certain aspects of records management can be checked and put to the attention of the National Archivist (Internal Records Management Minutes 2004:12). This is because the office of the Auditor General has ready access to information on the financial transactions entered into by governmental bodies to enable it to report to the public on the spending of their tax monies.

6.2 Provincial Records Management Capacity Building Project (PRMCBP)

The primary aim of the project is to develop the capacity to manage records within the provinces. The project aims to develop in provinces a cadre of records management professionals with the capacity to leverage records management functions for their respective provinces. Through various training initiatives and skills programmes, appropriate people will be trained to manage provincial records. Effective records management units will therefore be established in each provincial department. In addition to the human resource capacity, the project will also help in terms of identifying infrastructural developments to be undertaken (<http://www.national.archives.gov.za> accessed 10 May 2004).

7. How can an office achieve proper records management?

7.1 Records Manager

Section 13 (5) of the NARS Act specifically requires the head of a governmental body to designate an official of the body as the records manager of the body. This is a major innovation by the NARS aimed at promoting compliance with the provisions of the Act. The records manager will have the specific responsibility of ensuring that the body complies with all the requirements of the NARS Act, and will serve as a dynamic link between the NARS and the body concerned. The records manager is responsible for promoting the effective, efficient and accountable management of the body's records and ensuring, by inspections and other means, the body's compliance with the Act and all other relevant legislation.

The records manager will also be responsible for compiling a records management policy which compels the officials to file their records according to NARS' requirements. This policy should be endorsed by the head of department.

7.2 Training session

7.3.1 Top management and Users

The first step will be for the records manager to sell the records management program to the senior managers. One of the first steps is to educate them in the area by explaining what records management is and the benefits it provides. Senior managers often feel records management is not cost effective. While records management is not a profit center it does save money through greater productivity.

Senior managers rarely have a problem obtaining information. They usually have secretaries, when they need information, they get it. Heaven and earth may have moved to provide that information, but the CEO is blissfully unaware of that fact. Records managers need to move beyond what Tom Davenport (1998) calls "serious anecdote management" i.e. able to translate qualitative benefits of records management projects into quantitative benefits to the hearts and minds of senior managers. Otherwise, many records management projects will fall into the management fad category.

The senior managers should issue an official statement indicating active support for the records management programmes and requiring staff to support the programmes i.e. records management should be included in the strategic planning of the organisation.

Although upper management support is essential for implementing the programme, the records manager will also need backing and cooperation from the users. Users can and do sabotage management approved programmes when they perceive those programmes as being unworthy of their support. One of the major issues encountered when attempting a successful records management programme is convincing employees that the purpose and function of a records management system will be worthwhile to the employees and to the organisation (Kaye 1993:369).

Usually the most basic cause for any user resistance to records management is fear. People like to keep records to themselves so that they can have control of things. This is what Davenport (1998) calls “Linus Syndrome” i.e. in comic strip “Peanuts”, Linus clings to his security blanket; most users feel the same way about the records they create.

Alleviating these fears is a matter of education and user involvement. Users should be kept informed of any changes. Consultation and identification of needs must take place. As an initial step, the records manager must have each unit within the government department to appoint a records coordinator. The coordinator must be someone who works well with others and has a good rapport with the rest of the department; and should also be receptive to new ideas. The coordinator will be the records manager’s division liaison in the area of records management. In this way, records management programmes can work. Only through consultative means with the users and senior managers will the records manager succeed in records management programmes.

8. Conclusion

It is clear that in order to ensure that records management receives the attention it deserves, it should be a strategic objective in the governmental body’s strategic and

business plans. Undoubtedly, NARS is an essential instrument in enhancing effective and efficient government service delivery. Given the dependency of governmental transparency and accountability upon public records and the role of the NARS in shaping and reserving social memory, NARS makes a significant contribution towards the broader democratization of South Africa. Governmental bodies should therefore recognize their responsibility to the public by implementing and maintaining sound records management practices.

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Annexure A
Statistical Returns for the financial year 2002/2003

1. File plans

1.1 Draft file plan

	<u>Carried over</u>	<u>Submitted</u>	<u>Examined</u>	<u>Approved</u>	<u>Not Dealt with</u>
National	0	42	42	9	0
Provincial	4	107	107	18	4
TOTAL	4	149	149	27	4

1.2 Amendments and additions

	<u>Carried over</u>	<u>Submitted</u>	<u>Examined</u>	<u>Approved</u>	<u>Not Dealt with</u>
National	0	155	155	155	0
Provincial	4	75	77	77	2
TOTAL	4	230	232	232	2

2. Appraisal

2.1 Disposal Authorities

	<u>Carried over</u>	<u>Cancelled</u>	<u>Received</u>	<u>Completed</u>	<u>Not Dealt with</u>
National	24	0	3	22	5
Provincial	36	3	1	2	32
TOTAL	60	3	4	24	37

3. Inspections

<u>Office</u>	<u>Number</u>
National	22
Provincial	3
TOTAL	25

4. Records Management Courses

TOTAL 11